

11/2

Real Estate and Rights of Way

# Underground Residential Distribution Right of Way Agreement

## Detroit Edison

✓ April 4, 1991

LIBER 1468 PAGE 0520

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan hereinafter referred to as "EDISON", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide electric service in, under, upon, over and across the property located in the                      Township of Genoa, County of Livingston State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to EDISON of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be 12 feet in width unless otherwise indicated and the route is described as follows:

Easements as described on Boss Engineering Drawing 89225 and dated 4-24-89 which is attached hereto and made a part hereof, over and across and under the following described land:

(See reverse side for Legal Description)

RECORDED  
APR 23 3 22 PM '91  
NANCY HAMILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
48043

In order to provide for the proper maintenance and protection of EDISON, the undersigned covenant and agree that:

1. The right of way will be graded to within four inches of final grade before EDISON lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around EDISON'S above ground equipment.
2. No buildings or structures other than EDISON equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of EDISON.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. EDISON shall not be responsible to owners for damages to or removal of trees or plant life planted in front of said door or within the right of way causing an interference with maintenance of EDISON equipment.
4. If EDISON lines or facilities are damaged by the acts of owners, their agents, employes or contractors, repairs shall be made by EDISON at the cost and expense of owners. Owners are defined as those persons owning the property at the time the damage occurred.

RECORDED  
RIGHT OF WAY NO. 41675

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

Witnesses:

✓ Kathleen Patterson  
Kathleen Patterson

✓ Kathleen Patterson  
Kathleen Patterson

Grantors:

✓ Rory J. McDonald  
Rory J. McDonald, Vice President  
OAK POINTE DEVELOPMENT COMPANY -  
a Michigan Corporation

Prepared by: James M. Davenport  
316 E. Grand River  
Howell, Mi. 48843

Address: 5341 Brighton Rd.  
Brighton Michigan 48116

over

Acknowledgement-Partnership

STATE OF MICHIGAN

County of Livingston )SS

On this 4<sup>th</sup> day of April, 19 91, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Rory J. McDonald  
(a) general/managing partner(s), on behalf of Oak Pointe Development a partnership.

Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

LIBER 1468 PAGE 0521

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Livingston )SS

On this 4<sup>th</sup> day of April, 19 91, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Rory J. McDonald  
whose title(s) is /are Vice President  
of Oak Pointe Development Co., a Michigan corporation, on behalf of the corporation.

Nathaniel Nelson  
Notary Public, Livingston County, Michigan

My commission expires 8/11/93

12' Miss E 55'

A P P E N D I X "A"

Property Description:

Part of the SE 1/4 of Section 28, T2N-R5E, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the E 1/4 Corner of Section 28; thence S 87°08'24" W, along the East-West 1/4 line of said Section, 167.00 feet; thence S 02°52'27" E, 254.86 feet; thence S 88°25'12" W, 214.79 feet; thence S 24°36'45" W, 236.87 feet; thence S 51°53'27" W, 159.69 feet; thence S 54°04'18" W, 166.50 feet; thence S 85°22'15" W, 377.66 feet to the Point of Beginning of the parcel to be described; thence S 04°32'04" E, 734.66 feet to the Northerly Right-Of-Way of Oak Pointe Drive; thence continuing along said Right-Of-Way N 46°15'26" W, 118.24 feet; thence Northwesterly along said Right-Of-Way 38.74 feet on an arc left, having a central angle of 08°26'24", a radius of 263.00 feet, and a long chord that bears N 50°28'38" W, 38.71 feet; thence continuing along said Right-Of-Way N 54°41'50" W, 296.31 feet; thence Northwesterly along said Right-Of-Way 103.57 feet, on an arc right, having a central angle of 30°07'20", a radius of 197.00 feet, and a long chord that bears N 39°38'10" W, 102.38 feet; thence continuing along said Right-Of-Way, N 24°34'30" W, 119.43 feet; thence Northwesterly along said Right-Of-Way, 65.82 feet, on an arc left, which has central angle of 14°20'21", radius of 263.00 feet, and a long chord that bears N 31°44'41" W, 65.65 feet; thence continuing along said Right-Of-Way; N 38°54'51" W, 86.25 feet; thence N 51°05'09" E, 308.50 feet; thence S 55°23'58" E, 111.45 feet; thence N 85°22'15" E, 171.50 feet to the Point of Beginning, containing 5.46 acres more or less.

RETURN TO:

RICHARD LONGWISH  
THE DETROIT EDISON COMPANY  
425 S. MAIN STREET, ROOM 332  
ANN ARBOR MI 48106

Detroit  
Edison

DATE: 5-21-91

TO: Corporate Real Estate Services  
2310 W.C.B.

FROM: James M. Davenport *JMD*  
Real Estate & Rights-of-Way  
Howell Office  
Ann Arbor Division

SUBJECT: Agreement/Easement/Restrictions for underground  
residential distribution for GREENLEAF  
CONDOMINIUMS  
Located In: GENOA TOWNSHIP  
County: LIVINGSTON

Attached is the executed agreement dated 4/4/91  
for the above named project.

Easements for this project were requested by JOHN  
BURGESS  
Service Planning Department, Ann Arbor Division.

The agreement was negotiated by James M. Davenport of the  
Real Estate and Rights-of-Way Department, Ann Arbor  
Division.

Please make the attached papers a part of the recorded  
Right-of-Way file.

Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JMD:pg:wp

Attachment(s)

RECORDED RIGHT OF WAY NO. 4675

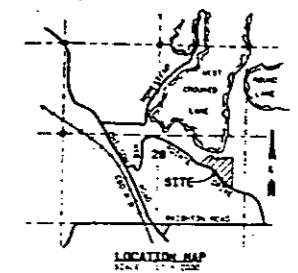
Serving Customers

*We're all a part of it.*

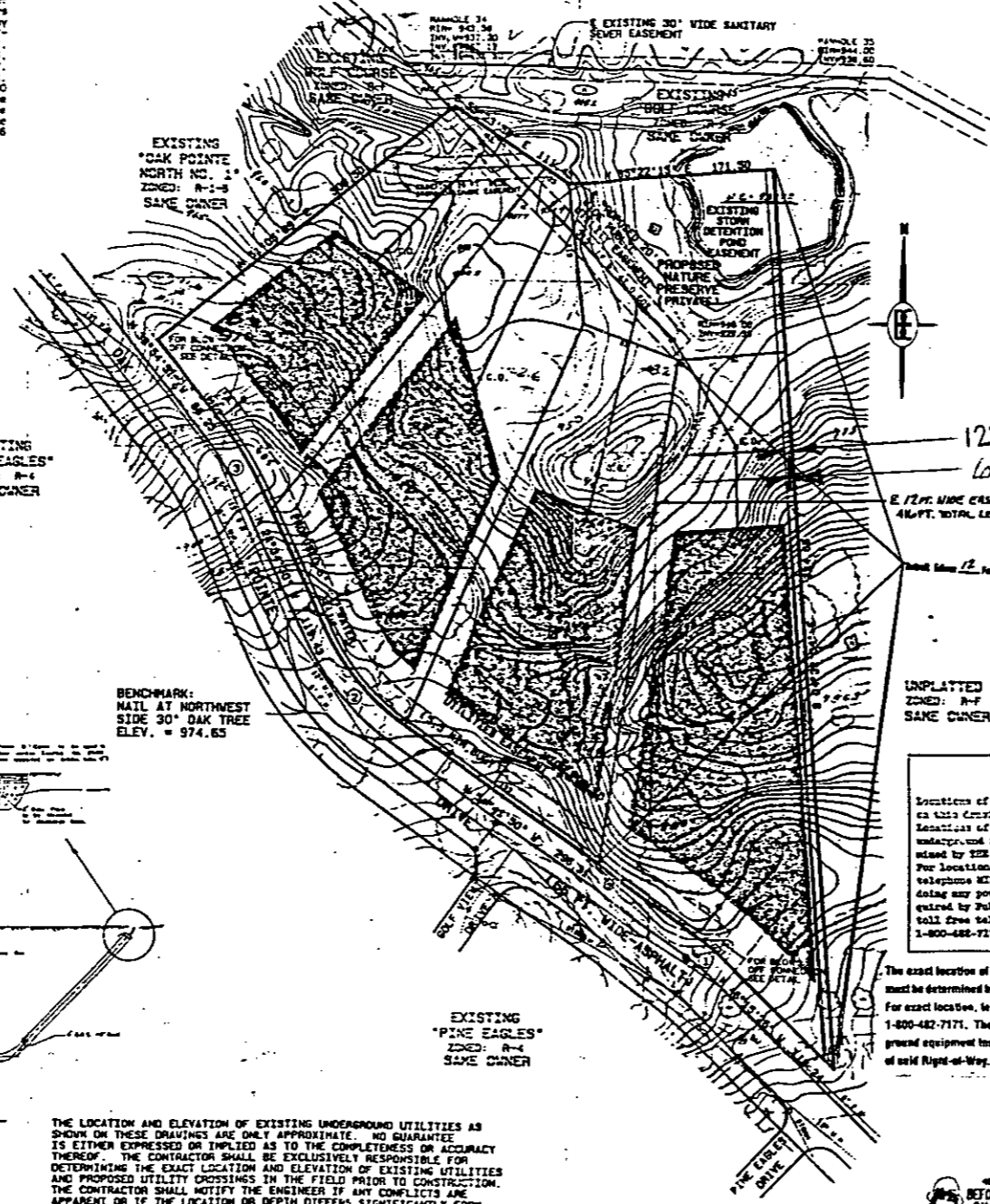
# SITE PLAN

## FOR OAK POINTE SITE CONDOMINIUMS

LIBER 1468 PAGE 0522



**Property Description:**  
Part of the SE 1/4 of Section 28, T24N-R5E, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the E 1/4 corner of Section 28; thence S 87°08'24" W, along the East-West 1/4 line of said Section, 167.00 feet; thence S 02°52'27" E, 254.86 feet; thence S 88°25'12" W, 214.79 feet; thence S 24°36'45" W, 236.87 feet; thence S 51°53'27" W, 159.69 feet; thence S 54°04'18" W, 166.30 feet; thence S 85°22'15" W, 377.86 feet to the Point of Beginning of the parcel to be described; thence S 04°22'04" E, 734.66 feet to the Northernly Right-Of-Way of Oak Pointe Drive; thence continuing along said Right-Of-Way N 46°15'26" W, 118.24 feet; thence Northwesterly along said Right-Of-Way 38.74 feet on an arc left, having a central angle of 08°06'24", a radius of 263.00 feet, and a long chord that bears N 50°28'34" W, 38.71 feet; thence continuing along said Right-Of-Way N 54°41'50" W, 296.31 feet; thence Northwesterly along said Right-Of-Way 103.57 feet, on an arc right, having a central angle of 30°07'20", a radius of 197.00 feet, and a long chord that bears N 35°28'10" W, 102.38 feet; thence continuing along said Right-Of-Way, N 24°34'57" W, 119.43 feet; thence Northwesterly along said Right-Of-Way, 65.82 feet, on an arc left, which has central angle of 14°26'21", radius of 263.00 feet, and a long chord that bears N 31°44'41" W, 65.85 feet; thence continuing along said Right-Of-Way, N 30°34'51" W, 86.25 feet; thence N 51°05'05" E, 308.30 feet; thence S 33°23'58" E, 111.45 feet; thence N 65°22'15" E, 171.50 feet to the Point of Beginning, containing 3.46 acres more or less.



**NOTES:**

1. MINIMUM LOT WIDTH = 80 FT. (E BLDG. SETBACK LINE)
2. MINIMUM LOT SIZE = 14,000 SQ. FT.
3. AVERAGE LOT SIZE = 53,501 SQ. FT.
4. PROPOSED SEWAGE SYSTEM = UNDERGROUND SANITARY SEWER (PUBLIC)
5. PROPOSED WATER SUPPLY = UNDERGROUND CENTRAL WATER (PRIVATE)
6. PROPOSED STORM DRAINAGE = NATURAL TO EXISTING STORM DETENTION POND AND TO EXISTING CATCH BASINS AND UNDERGROUND CONDUIT (PRIVATE) AT OAK POINT DRIVE
7. PROPOSED ELECTRICAL SUPPLY = UNDERGROUND DETROIT EDISON
8. ALL SANITARY LEADS SHALL BE 6"
9. WATER SERVICE SHALL BE 1"

**LEGEND:**

- EXISTING CONTOURS (1 FT. INTERVALS)
- EXISTING CATCH BASIN (STORM SEWER)
- EXISTING FIRE HYDRANT WATER BOX
- PROPOSED BUILDING SETBACK LINE
- PROPOSED BUILDING ENVELOPE
- EDGE OF WOODED AREA
- CLEAN OUT
- PROPOSED MANHOLE
- EXISTING MANHOLE
- PROPOSED SANITARY
- PROPOSED WATER MAIN
- CURB BOX

**NOTICE**

Locations of underground facilities on this drawing are not guaranteed; locations of electrical and/or steam underground facilities must be determined by THE MICHIGAN SERVICE COMPANY. For locations of underground lines, telephone MISS DIG 48 hours before doing any power excavating as required by Public Act 55 of 1974. The toll free telephone number is 1-800-482-7171.

The exact location of underground equipment must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said Right-of-Way.

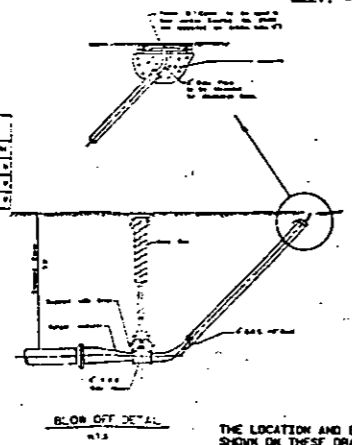
| PROPOSED LOT AREAS: |         | PROPOSED LOT ELEVATIONS: |       |
|---------------------|---------|--------------------------|-------|
| LOT NO.             | SQ. FT. | LOT NO.                  | ELEV. |
| 1                   | 40,843  | 1                        | 972.0 |
| 2                   | 31,658  | 2                        | 976.0 |
| 3                   | 50,930  | 3                        | 978.0 |
| 4                   | 70,571  | 4                        | 987.0 |

**SOIL CHARACTERISTICS:**

|     |                                    |
|-----|------------------------------------|
| F1F | FOX-BOYER COMPLEX 25 TO 40% SLOPES |
| F1B | FOX-BOYER COMPLEX 2 TO 6% SLOPES   |
| FoB | FOX-SANDY LOAM 2 TO 6% SLOPES      |

**CURVE DATA**

| CURVE | RADIUS | CENTRAL ANGLE | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|--------|---------------|------------|--------------|---------------|
| 1     | 263.00 | 8°06'24"      | 38.74      | 38.71        | N 50°28'34" W |
| 2     | 197.00 | 30°07'20"     | 102.38     | 102.38       | N 35°28'10" W |
| 3     | 263.00 | 14°26'21"     | 65.82      | 65.85        | N 31°44'41" W |



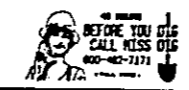
THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

**APPENDIX "B"**

**DEVELOPER:**  
OAK POINTE DEVELOPMENT COMPANY  
3341 BRIGHTON ROAD  
BRIGHTON, MICHIGAN 48116  
(313) 229-2400

**ROSS ENGINEERING**  
ENGINEERS & SURVEYORS

OAK POINTE DEVELOPMENT COMPANY  
"GREENLEAF" SITE CONDOMINIUMS



RECORDED-RIGHT OF WAY NO. 41975