

Real Estate and Rights of Way

**Detroit Edison**

# Joint Underground Residential Distribution Right of Way Agreement

March 25, 1991

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to MICHIGAN BELL TELEPHONE COMPANY, A Michigan Corporation of 444 Michigan, Detroit, Mi. and THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN CONSOLIDATED GAS COMPANY, A Michigan Corporation of One Woodward Avenue, Detroit, MI and COLUMBIA CABLE OF MICHIGAN a Michigan Co-Partnership of P. O. Box 998, Ann Arbor, MI 48106, hereinafter referred to collectively as "GRANTEE", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide gas, electric and communication services with the usual services, connections and accessories in, under, upon, over and across the property located in the City of Ann Arbor, County of Washtenaw, State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the GRANTEE 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:

All in accordance with Detroit Edison Drawing AS-7074, dated 3-14-91 and attached hereto and made a part hereof, over and across and under the following described land:

(See reverse side for Legal Description - Appendix "A")

**RECORDED**  
WASHTENAW COUNTY MI  
APR 24 9 04 AM '91  
PEGGY H. HAINES  
COUNTY CLERK/REGISTER

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

1. The right of way will be graded to within four inches of final grade before the GRANTEE'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around GRANTEE'S above ground equipment.
2. No buildings or structures other than GRANTEE'S 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 GRANTEE.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. GRANTEE 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 GRANTEE'S maintenance of their equipment.
4. If the lines or facilities of GRANTEE are damaged by the acts of owners, their agents, employees or contractors, repairs shall be made by the utility company so damaged at the cost and expense of owners. Owners are defined as those persons owning the property at the time the damage occurred.

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:

Grantors:

S. Jill Hall  
S. Jill Hall

Anthony V. Grammatico  
ANTHONY V. GRAMMATICO

MASTER KEY NORTHERN INC - a Michigan Corporation  
J.B. GRAMMATICO, PRESIDENT

2580 W. Ellsworth Rd.  
Address: Ann Arbor, Mi. 48108

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

RECORDED RIGHT OF WAY NO. 41690

STATE OF MICHIGAN

page 2 of 2

County of Washtenaw )SS

On this 25th day of March, 19 91, the foregoing instrument was acknowledged before me, a notary public in and for said county, by J.B. Grammatico

whose title(s) is /are President

of MASTER KEY NORTHERN INC., a Michigan corporation, on behalf of the corporation.

Jill Hall  
Notary Public, Washtenaw County, Michigan

My commission expires 7-18-93

A P P E N D I X "A"

LEGAL DESCRIPTION

Commencing at the West 1/4 Corner of Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N88°50'00"E 1071.53 feet along the E-W 1/4 line of said Section 2 and the north line of Darlington, a subdivision recorded in Liber 5 of Plats, page 5, Washtenaw County Records to the northwest corner lot 220 of said subdivision and to the PLACE OF BEGINNING; thence continuing N88°50'00"E 140.18 feet along said E-W 1/4 line and said north line to the northeast corner of Lot 221 of said subdivision; thence S00°00'27"W 159.67 feet along the east line of said Lot 221; thence N88°43'31"E 201.79 feet along the north line, and its westerly prolongation, of Lot 225 of Darlington Number One, a subdivision recorded in Liber 6 of Plats, page 39, Washtenaw County Records; thence S03°58'21"W 57.72 feet along the east line of said Lot 225 and the west line of Parkwood Avenue as shown on said Plat; thence S89°51'22"W 136.45 feet; thence S00°01'03"E 126.67 feet along the east line of Lot 222 of said Darlington subdivision; thence S89°50'39"W 61.25 feet; thence N79°40'43"W 60.04 feet; thence S00°02'14"E 16.87 feet; thence N79°39'52"W 82.44 feet; thence N00°00'41"W 328.42 feet along the west line of said Lot 220 to the Place of Beginning, being a part of Lots 220 and 221 of said Darlington subdivision, and a part of Lots 222 and 225 of said Darlington Number One subdivision, containing 1.51 acres of land more or less, and being subject to easements and restrictions of record, if any.

RETURN TO:  
RICHARD LONGWISH  
THE DETROIT EDISON COMPANY  
425 S. MAIN STREET, ROOM 332  
ANN ARBOR, MI 48104

Pittsfield

Detroit  
Edison

DATE: MAY 6, 1991

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 OLDE HICKORY  
PLACE CONDO  
Located In: CITY OF ANN ARBOR  
County: WASHTENAW

Attached is the executed agreement dated MAR 25, 1991 for the above named project.

Easements for this project were requested by SANDRA  
PREDIUM  
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.

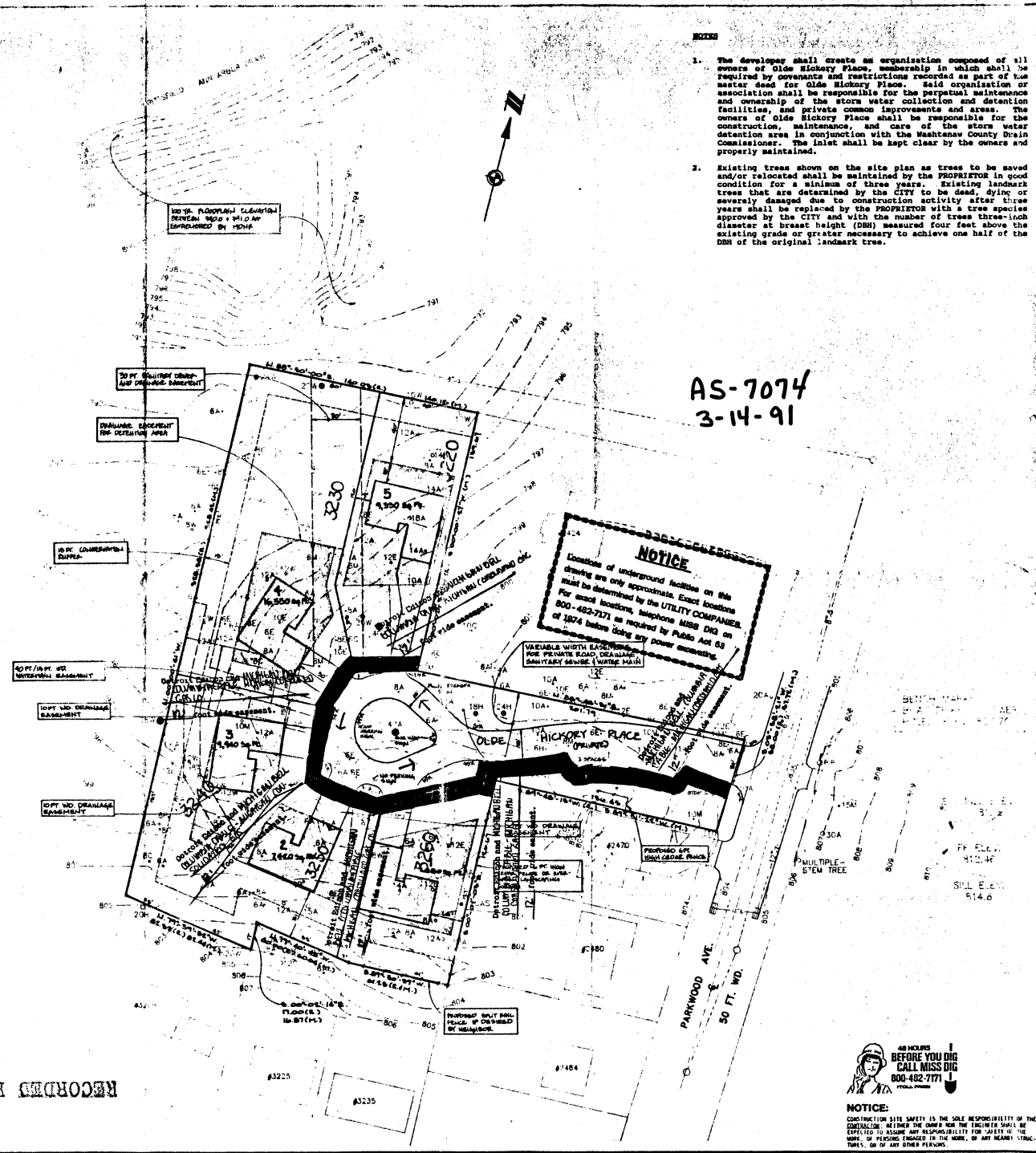
Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JMD:pg:wp

Attachment(s)

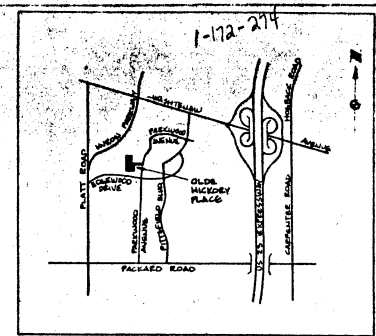
RECORDED RIGHT OF WAY NO. 41690

RECORDED RIGHT OF WAY NO 4969



- NOTES**
- The developer shall create an organization composed of all owners of Old Hickory Place, membership in which shall be required by covenants and restrictions recorded as part of the master deed for Old Hickory Place. Said organization or association shall be responsible for the perpetual maintenance and ownership of the storm sewer collection and detention facilities, and private common improvements and areas. The owners of Old Hickory Place shall be responsible for the construction, maintenance, and care of the storm water detention area in conjunction with the Washtenaw County Drain Commissioner. The inlet shall be kept clear by the owners and properly maintained.
  - Existing trees shown on the site plan as trees to be saved and/or relocated shall be maintained by the PROPRIETOR in good condition for a minimum of three years. Existing landmark trees that are determined by the CITY to be dead, dying or severely damaged due to construction activity after three years shall be replaced by the PROPRIETOR with a tree species approved by the CITY and with the number of trees three-inch diameter at breast height (DBH) measured four feet above the existing grade or greater necessary to achieve one half of the DBH of the original landmark tree.

AS-7074  
3-14-91



**LEGAL DESCRIPTION**  
Commencing at the West 1/4 corner of Section 2, T25, R25, City of Ann Arbor, Washtenaw County, Michigan; thence 188°50'00" 1871.52 feet along the S 1/4 line of said Section 2 and the north line of Darlington, a subdivision recorded in Liber 8 of Plat, page 2, Washtenaw County Records to the southeast corner of Lot 222 of said subdivision and to the PLACE OF BEGINNING; thence containing 128.47 feet along said S 1/4 line and Lot 221; thence 188°42'31" 291.79 feet along the north line, and its westerly prolongation in Liber 6 of Plat, page 29, Washtenaw County Records; thence 187°57'12" 121.22 feet along the east line of Lot 221 and the west line of Parkwood Avenue as shown on said Plat; thence 187°12'37" 126.67 feet along the west line of said Lot 221 and the west line of said Darlington subdivision; thence 188°00'41" 61.35 feet; thence 188°00'41" 61.35 feet; thence 188°00'41" 134.87 feet; thence 188°00'41" 222.42 feet along the west line of said Lot 222 and 221 of said Darlington subdivision, and a part of Lot 222 and 221 of said Darlington subdivision, and a part of Lot 222 and 221 of said Darlington subdivision, containing 1.1 acres of land more or less, and being subject to assessments and restrictions of record, if any.

**SITE DATA**

	SEC	CITY	MEASUREMENT
AREA	68,776 s.f.		
NUMBER OF LOTS	8 lots		
DENSITY	3.3 units/ac.		
LOT AREA	Average lot area: 18,186 s.f. Smallest lot area: 7,420 s.f.	7,200 s.f.	
LOT WIDTH	40 ft. min.	60 ft. min.	
SETBACKS	Front: 25 ft. Side: 8 ft. Rear: 30 ft.	25 ft. 8 ft. 30 ft.	

- NOTES**
- Developer is: Master Ray Northern, Inc. 2820 Eisenhower Road Ann Arbor, MI 48108 483-8530
  - Planner/Engineer is: Atwell-Hicks, Inc. P.O. Box 2981 1241 S. Maple Road Ann Arbor, MI 48103 994-4000
  - This site is to be developed under the site condominium act.
  - Site construction is expected to begin in the Spring of 1991 and be completed the following Spring.
  - The storm detention area will be located in a proposed easement on lot 4. The lot owner will be responsible for normal storm maintenance. The condominium association will be responsible for storm drainage maintenance. This will be covered in the master deed and by-law.
  - The minimum house size will be 1,200 square feet. The estimated price will be \$225,000. The approximate height of houses is to be 14 ft. (12 stories).
  - The private road access easement is to be a common element. The condominium association will be responsible for its maintenance and it will be recorded.
  - Refuse to be put along each drive at the turn around where it will be collected by city pick-up.
  - There will be no use of chemical pesticides on the site.

**LEGEND**

EXISTING	SYMBOL	PROPOSED	SYMBOL
STORM	---	STORM	---
SANITARY	---	SANITARY	---
OVERHEAD ELECTRIC	---	OVERHEAD ELECTRIC	---
UNDERGROUND ELECTRIC	---	UNDERGROUND ELECTRIC	---
OVERHEAD TELEPHONE	---	OVERHEAD TELEPHONE	---
UNDERGROUND TELEPHONE	---	UNDERGROUND TELEPHONE	---
WATER	---	WATER	---
SEWER	---	SEWER	---
LANDMARK TREE	---	LANDMARK TREE	---

**REVISIONS**

DATE	DESCRIPTION
DEC. 17, 1990 <td></td>	

**SCALE**  
1" = 30 FEET

**FILE NO.**  
136-321-1

**ATWELL-HICKS, INC.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
313-994-4000 • FAX NO. 313-994-1599  
ANN ARBOR, MICHIGAN

CITY OF ANN ARBOR  
SECTION 1  
TOWN OF SOUTH PINE  
WASHTENAW COUNTY, MICHIGAN

CLIENT: MASTER RAY NORTHERN, INC.  
OLD HICKORY PLACE  
SITE CONDOMINIUM  
LAYOUT PLAN

DATE: DEC. 17, 1990  
SCALE: 1" = 30 FEET  
FILE NO.: 136-321-1

LIBER 2487 PAGE 982 Page 3 of 3

11.00  
2.00

NUMB 302 DEED 8333 0333003 4492 8:51AM 4/24/91 11.00

SSRF 8333 0333003 4492 8:51AM 4/24/91 2.00

REPORT  
STATS  
STEP 1

RECORDED

WASHTENAW COUNTY MI

APR 24 9 04 AM '91

PEGGY M. HAINES  
COUNTY CLERK/REGISTER

RETURN TO:  
RICHARD LONGWISH  
THE DETROIT EDISON COMPANY  
425 S. MAIN STREET, ROOM 332  
ANN ARBOR, MI 48104