

LIBER 12223 PG 806

LIBER 11149 PG 361

175753

THE HILLS OF LONE PINE CONDUIT PHASE 5

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

91 207913

October 12, 1989

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 West Michigan Avenue, Jackson, Michigan, THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, and Booth Communications of Birmingham, a Michigan corporation of 645 S. Eton, Birmingham, MI 48012, 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 Township of Bloomfield, County of Oakland, 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 ten (10) feet in width unless otherwise indicated and the route is described as follows:

The exact location of said easements shall be shown on a drawing to be recorded 90 days after construction.

B#92 REG/DEEDS PAID
 0001 DEC.10 '91 02:38PM
 7491 MISC 15.00

B#92 REG/DEEDS PAID
 0001 NOV.15 '89 10:53AM
 1683 MISC 9.00

B#92 REG/DEEDS PAID
 0001 DEC.10 '91 02:38PM
 7491 RMT FEE 2.00

17
DETROIT

15.00
2.00
2007/11/1

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:

Prepared by: Omer V. Racine/vkc
The Detroit Edison Company
30400 Telegraph Road, Suite 277
Birmingham, MI 48010

Address: _____

O.K. - RR

This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

RECORDED RIGHT OF WAY NO 42462

100-100000-100000
100-100000-100000
100-100000-100000
100-100000-100000
100-100000-100000

100-100000-100000
100-100000-100000
100-100000-100000
100-100000-100000
100-100000-100000

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
60400 TELEGRAPH ROAD, 277 OAKDALE
BIRMINGHAM, MICHIGAN 48010

LIBER 12223 PC 807

Witnesses:

Texel Land C
A Michigan Corporation
1200 Line Pine Road
Bloomfield Hills, MI 48013

LIBER 11149 PC 362

Brian D. Finn

Brian D. Finn

Cathy Szul

Cathy Szul

Robert VanderKloot
Robert VanderKloot, President

State of Michigan)
) SS:
County of Oakland)

Personally came before me this 12th day of October, 1989,
Robert VanderKloot, President of the above named corporation, to me known to
be the person who executed the foregoing instrument and to me known to be
such President, of said corporation, and acknowledged that he executed the
foregoing instrument as such officer as his free act and deed of said
corporation by its authority.

My Commission Expires: 10-17-92

Cathy Szul

Notary Public,
County, Michigan

CATHY SZUL
Notary Public, Wayne County, MI
My Commission Expires Oct. 17, 1992

ACTING IN OAKLAND COUNTY.

RECORDED RIGHT OF WAY NO. 42462

1952

3 4 5

1952

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 277 OAKDH
BIRMINGHAM, MICHIGAN 48010

Appendix "A"

Units 104 through 119 inclusive, and Unit 121, The Hills of Lone Pine Condominium, (Phase 5), according to the Master Deed thereof, recorded in liber 8990, pages 597 through 637 inclusive, Oakland County Records, and amended by First Amendment to the Master Deed recorded in liber 9522, pages 628 through 635 inclusive, amended by Second Amendment recorded in liber 9905, pages 154 through 157 inclusive, amended by Third Amendment recorded in liber 10212, pages 403 through 424 inclusive, amended by Fourth Amendment recorded in liber 10254, pages 364 through 367 inclusive, amended by Fifth Amendment recorded in liber 10733, pages 617 and 618, amended by Sixth Amendment recorded in liber 10769, pages 111 through 118 inclusive, amended by Seventh Amendment recorded in liber 10888, pages 271 through 295 inclusive, Oakland County Records, and designated as Oakland County Condominium Subdivision Plan No. 409, together with rights in general common elements and limited common elements, as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

And being more particularly described as follows:

Land in the Northeast 1/4 of Section 20 and the Northwest 1/4 of Section 21, T2N, R10E, Bloomfield Township, Oakland County, Michigan described as commencing at the East 1/4 corner of Section 20, thence along the East-West 1/4 line South 89°42'30" East, 506.44 ft., thence leaving said line North 23°03'50" East, 510.00 ft., thence North 09°15'50" West, 380.84 ft., thence South 61°17'00" West, 445.00 ft., thence North 89°42'30" West, 230.00 ft., thence North 26°16'30" West, 223.61 ft. to the point of beginning. Thence North 06°47'30" East, 127.79 ft., thence North 88°00'41" West, 268.17 ft., thence North 19°30'09" West, 17.65 ft., thence North 02°04'12" East, 134.00 ft., thence South 81°45'48" East, 104.00 ft., thence South 22°50'48" East, 90.64 ft., thence 61.63 ft. along a curve to the right, radius 47.00 ft., chord bearing South 53°30'24" East, 57.31 ft., thence North 51°57'53" East, 175.12 ft., thence North 10°00'33" West, 45.42 ft., thence North 30°55'48" West, 216.21 ft., thence North 09°17'53" East, 93.35 ft., thence North 84°21'39" West, 135.47 ft., thence s. 00°54'51" East, 157.52 ft., thence South 88°19'12" West, 180.08 ft., thence North 02°04'12" East, 131.00 ft., thence North 17°24'51" West, 196.00 ft., thence North 18°58'04" East, 188.16 ft., thence 157.89 ft. along a curve to the left, radius 3230.00 ft., chord bearing South 72°25'57" East, 157.88 ft., thence South 73°49'59" East, 403.33 ft., thence 286.51 ft. along a curve to the right, radius 750.00 ft., chord bearing South 62°53'21" East, 284.77 ft., thence South 38°03'18" West, 120.00 ft., thence South 12°11'34" West, 166.20 ft., thence South 07°44'52" East, 108.11 ft., thence South 22°10'52" West, 49.21 ft., thence South 84°40'28" West, 165.76 ft., thence South 16°29'12" West, 160.06 ft., thence South 77°56'10" West, 231.07 ft. to the Point of Beginning containing 9.43 acres and subject to easements and restrictions of record.

Sidwell No. 19-20-226-114 ^{Unit 104} through 129 and 130

(17)

- 115 - 105
- 116 - 106
- 117 - 107
- 118 - 108
- 119 - 109
- 120 - 110
- 121 - 111
- 122 - 112
- 123 - 113
- 124 - 114
- 125 - 115
- 126 - 116
- 127 - 117
- 128 - 118
- 129 - 119
- 130 - 121

9000409

RECORDED RIGHT OF WAY NO. 42462

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 277 OAKDALE
BIRMINGHAM, MICHIGAN 48010

To (Supervisor, RE & R/W) <i>J. McDonald</i>	For RE & R/W Dept Use	Date Received <i>10-2-89</i>	DE/Bell/C P No. <i>03 89-33T</i>
Division <i>DAKLAND</i>	Date <i>9-25-89</i>	Application No.	

We have included the following necessary material and information:

Material:

- A. Proposed Subdivision
 - 1. copy of complete final proposed plat - All pages
- or
- B. Other than proposed subdivision (condo., apts. mobile home park — other)
 - 1. Property description.
 - 2. Site plan.
 - 3. title information (deed, title commitment, contract with title commitment, or title search).

Note: Do not submit application for URD easements until all above material has been acquired.

Information

1. Project Name <i>HILLS OF LOWE PINE PHASE II</i>	County <i>DAKLAND</i>
City/Township/Village <i>BLOOMFIELD TOWNSHIP</i>	Section No. <i>20, 21</i>
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Apartment Complex <input checked="" type="checkbox"/> Condominium <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other	
2. Name of Owner <i>TEXEL LAND CO., INC.</i>	Phone No. <i>540-3000</i>
Address <i>1200 LOWE PINE RD, BLOOMFIELD HILLS, MI 48013</i>	
Owner's Representative <i>JAMES VANDERKLOOT</i>	Phone No. <i>540-3000</i>
Date Service is Wanted <i>11-30-89</i>	

4. Entire Project will be developed at one time Yes No

5. Joint easements required — Michigan Bell Telephone Yes No
 — Consumers Power Yes No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power
BOTH COMMUNICATIONS MEM # 1085

b. Other Utility Engineer Names
DAVID FERSMAN

Phone Numbers
54-6110

Addresses
P.O. Box 647 BIRMINGHAM, MI 48012

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner
ROY WARK

Signed (Service Planning Supervisor)
[Signature] 9-25-89

Phone No.
645-4142

Address

RECORDED RIGHT OF WAY NO. 42462

