

Detroit Edison

The Lagoons of West Bloomfield Condo Phase 3A
**Real Estate and Rights of Way
Joint Underground Residential Distribution
Right of Way Agreement**

LIBER 12223PC826

LIBER 11574PC011
90 156928

August 13, 1990

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 and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, CONTINENTAL CABLEVISION OF OAKLAND COUNTY, INC., a Michigan corporation of 21900 Melrose, Suite 10, Southfield, Michigan 48024 hereinafter referred to collectively as "UTILITY", 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 West Bloomfield, County of Oakland, State of Michigan**, and more particularly described on the attached Appendix "A"; with the full right to the UTILITY 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) ft in width unless otherwise indicated and the route is described as follows: The proposed route of said right of way is shown on the attached drawing Appendix "B".

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

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

1. The right of way will be graded to within four inches of final grade before the UTILITY'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 UTILITY'S equipment are to be placed within the right of way herein granted. No excavation is to be permitted with said right of way without approval of UTILITY.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. UTILITY 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 UTILITY'S maintenance of their equipment.
4. If the lines or facilities of UTILITY are damaged by the acts of owners, their agents, employees or contractors, repairs shall be made by the granting 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:
B#92 REG/DEEDS PAID
0001 SEP.28'90 11:13AM
2431 MISC 13.00

See Next Page

O.K. LM
B#92 REG/DEEDS PAID
0001 DEC.10'91 02:39PM
7491 MISC 19.00

Address: B#92 REG/DEEDS PAID
0001 DEC.10'91 02:39PM

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

O.K. - TS

Return on Back

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

JECO
GRANT

RECORDED RIGHT OF WAY NO. 42528
13/11/90
2.00 PM

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

Witness:

Helen K. Levine

Helen K. Levine

Donna M. Chartier

Donna M. Chartier

LIBER 12223PG827

LIBER 11574PG012

Lagoons Joint Venture
A Michigan Co-Partnership
33481 West Fourteen Mile
Suite 100
Farmington Hills, MI 48331

By: Its Co-Partner
Irvine Lagoons, Inc.
A Michigan Corporation

Paul D. Levine
Paul D. Levine, President

State of Michigan)
) SS:
County of Oakland)

On this 15th day of August, 1990, **Paul D. Levine**, President of the above named corporation, Co-Partner of the above named Co-Partnership, 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, and that said corporation executed the foregoing instrument as Co-Partner of said Co-Partnership by its authority.

My Commission Expires: 10/24/93

Helen K. Levine

Helen K. Levine
Notary Public, Oakland
County, Michigan

Witness:

Helen K. Levine

Helen K. Levine

Donna M. Chartier

Donna M. Chartier

By: Its Co-Partner
Jacobson Lagoons, Associates Limited
Partnership
A Michigan Limited Partnership

By: Its General Partner
Jacobson Properties, Inc.
A Michigan Corporation

Stanley A. Jacobson
Stanley A. Jacobson, President

RECORDED RIGHT OF WAY NO. 42528

State of Michigan)
) SS:
County of Oakland)

On this 15th day of August, 1990, **Stanley A. Jacobson**, President, Jacobson Properties, Inc., General Partner, Jacobson Lagoons Associates Limited Partnership, Co-Partner of the above named Co-Partnership, to me known to be the person who executed the foregoing instrument, and to me known to be such Co-Partner of said Co-Partnership, and acknowledged that he executed the foregoing instrument as such Co-Partner as the free act and deed of said Co-Partnership.

My Commission Expires: 10/24/93

Helen K. Levine

Helen K. Levine
Notary Public, Oakland
County, Michigan

8103A

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
39400 TELEGRAPH ROAD, 277 OAKH
BIRMINGHAM, MICHIGAN 48010

Witness:


LIBER 12223 PG 828

LIBER 11574 PG 013

W. G. W., Inc.
A Michigan Corporation
27655 Middlebelt Road, Ste. 130
Farmington Hills, MI 48334



Asher N. Tilchin



Marvin M. Wain, President



Lauren Morrish

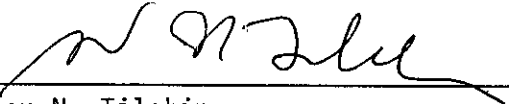


Louis Gold, Secretary

State of Michigan)
) SS:
County of Oakland)

On this 13th day of AUGUST, 1990, before me appeared **Marvin M. Wain**, President and **Louis Gold**, Secretary of **W.G.W., Inc.**, A Michigan Corporation, and that said instrument was signed on behalf of said Corporation by authority of its Board of Directors and the said **Marvin M. Wain** and **Louis Gold**, acknowledged the said instrument to be the free act and deed of the corporation.

My Commission Expires: 12/22/92



Asher N. Tilchin
Notary Public, Oakland
County, Michigan

Appendix "A"

Land in the Township of West Bloomfield, Oakland County, Michigan, described as follows:

A Part of the N.E. 1/4 of section 20, T2N, R9E, West Bloomfield, Township of Oakland County, Michigan, being described as commencing at the center post of section 20; thence N. 00° 33' 45" W. 1517.58 ft., along the North-South 1/4 line of section 20 to the point of beginning; thence continuing along said line and the centerline of Halstead Road N. 00° 33' 45" W., 864.96 ft., to a point in the centerline of Pontiac Trail; thence along said line along a curve to the right 99.22 ft., said curve having a radius of 390.65 ft., central angle of 14° 33' 06" and long chord bearing of S. 85° 57' 11" E. 98.95 ft., and S. 78° 40' 38" E. 560.62 ft., and S. 80° 21' 11" E. 10.04 ft., along said centerline; thence S. 00° 52' 48" E. 740.07 ft., thence S. 89° 27' 45" W. 661.21 ft., to the point of beginning, and containing 12.225 acres.

(Part of Sidwell No. 18-20-127-002)

The above Legal description is NKA
Country Shire Estates, condos
units 1 thru 13 Occ# 702
Ent 18-20-204-000
ENT. 9000702

RECORDED RIGHT OF WAY NO. 42528

NOTARY PUBLIC
STATE OF MICHIGAN
COMMISSION EXPIRES 12/22/92
18-20-204-000

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

D.m 90A 64191

Applicant Name: <u>Jim McDonald</u>		Date: <u>8-10-96</u>	DE No: <u>DE 90-13T</u>
Division: <u>OAKLAND</u>	Year: <u>8-10-90</u>		

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: LAGOONS OF WEST BLOOMFIELD PHASE 3A County: OAK

City/Township/Village: WEST BLOOMFIELD Precinct No: 20

Type of Development

- Proposed Subdivision Apartment Complex Condominium
- Subdivision Mobile Home Park Other

2. Name of Owner: LAGOON JOINT VENTURE Phone No: 661-5100

Address: 33481 W 14 MI RD SUITE 100 FARM HILL MICH 48018

Owner's Representative: JEFF TAPPEE Phone No: 661-5100

Date Service is Wanted: 10-15-9

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

5. Joint easements required — Michigan Bell Telephone Yes No

— Consumers Power Yes No

6. Name of Other Users If Not Michigan Bell Telephone or Consumers Power: CONTINENTAL CABLEVISION

7. Other Utility Engineer Names: STEVE RUDZINSKI Phone No: 541-4051

Address: 10160 W 9 MI RD

OAK PARK, MI 48237

8. Additional Information or Comments:

Note: Tranching letter attached will be submitted later

Service Planner: John V. Slongerski Signed (Service Planning Supervisor): [Signature]

Phone No: 645-4148 Address: 240 OAK

CALCULATED RISE OF WAY NO. 48528

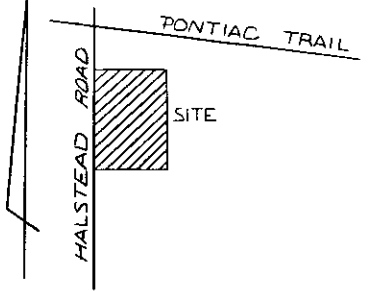
AF 75 RAD=380.65'
 CHD 125'
 CHD 69°04'20"E 140.97'

LIBER 12223 PC 831



LOCATION SKETCH
 MAP SEC. NOS. 1-247-390

LIBER 12223 PC 832



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
H-3917-1	50 KVA	661-1152
H-3917-2	50 KVA	661-1152

TRANSFORMER SPECS. 1-17-261
 PEDESTAL AMOUNT 1 SPEC.
 TEMPORARY CABLE MARKERS AMOUNT 7 SPEC.
 SECONDARY CONNECTION BOX AMOUNT SPEC.

CODE

- ⊕ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ⊞ DFT (DEAD FRONT TYPE)
- ⊞ UDT (NON-SWITCHING—LIVE FRONT TYPE)
- ⊞ UDT (SWITCHING—LIVE FRONT TYPE)
- ⬆ DIRECTION OF TRANSFORMER DOOR OPENING
- SECONDARY PEDESTAL
- SECONDARY CONNECTION BOX
- ⊙ CABLE POLE
- ⊞ PRIMARY SWITCH CABINET
- BURIED PRIMARY CABLE—ALL VOLTAGES
- BURIED SECONDARY CABLE
- BURIED SECONDARY SERVICE CABLE
- DETROIT EDISON TRENCH ONLY
- TELEPHONE TRENCH ONLY
- SEWER
- WATER
- GAS
- PROPOSED CONDUIT
- SEP CONN CABINET

CABLE SUMMARY

INSTALLED	ITEM #	DESCRIPTION	ESTIMATED
449'	#2ALPEC x 1 132 KV	713-3066 =	550'
57'	AP2-350M & 1-40 600 V.	713-0537 =	65'
234'	AP2-20 & 1-#1 600 V.	713-0614 =	450'
424'	36 1/2"	713-0536 =	430'

TRENCH SUMMARY

JOINT USE E+T+TV+G= 490'

D.E. ONLY E+T+TV= 137'

TEL ONLY

GAS ONLY = 63'

OTHERS

TOTAL = 690'

SITE SUPT. _____ PHONE NO. _____

EASEMENT LOCATIONS

- Easements are located where the following symbols are shown. All easements are single width, even where more than one symbol is shown.
- Buried Primary Cable
 - Buried Secondary Cable
 - Buried Secondary Service Cable
 - Telephone Trench Only
 - Gas
 - Proposed Conduit

NOTICE

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

GENERAL NOTES

TRENCHING TO BE DONE BY D.E.Co.

TRENCH AND CABLE LENGTHS ARE APPROXIMATE.

SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS.

SEE PAGE 32-11 S.I.M. DETAIL " " FOR ENTRANCE POINT DETAILS (APTS. ONLY)

SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUB'DS ONLY)

D.E. SERVICE PLANNER: JOHN SLOMCIENSKI ~ 645-4148

TEL. CO.: BOB BEAVERAGE ~ 456-0809

GAS CO.: BILL VERNAGUS ~ 549-5000

OTHERS: CATV ~ S. RUDZINSKI ~ 541-4051

PERMITS REQUIRED

EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

CITY OF _____ COUNTY _____ NOTIFICATION TO _____

STATE YES NO

START DATE 9-6-90

D REVISION			C REVISION			B REVISION			A REVISION AS INSTALLED			REFERENCE	NAME	DATE	JOB TITLE						
									D.O. 4-6-90	W.O. 36784 J 512	START 9-14-90	FINISH 9-18-90	LABOR F. OSBORNE	NOTES 10-24-90	HARLAN	2-2-91	89A-64571	R. MARTIN	6-21-90	PHASE III	
																	BBA-64524	J. SLOMCIENSKI	8-8-90	LAGOONS OF WEST BLOOMFIELD	
																	O.H.D.O. #A-63267	G. BOROWSKI	8-8-90	PART OF THE S SECTION	
																	URD ~	F. GRANSTADT	8-8-90	T. N., R. E	

ARC=141.75 RAD=390.65
 Δ=20°47'25"
 CHD=S.89°04'20"E 140.97'

LIBER 12223PG829

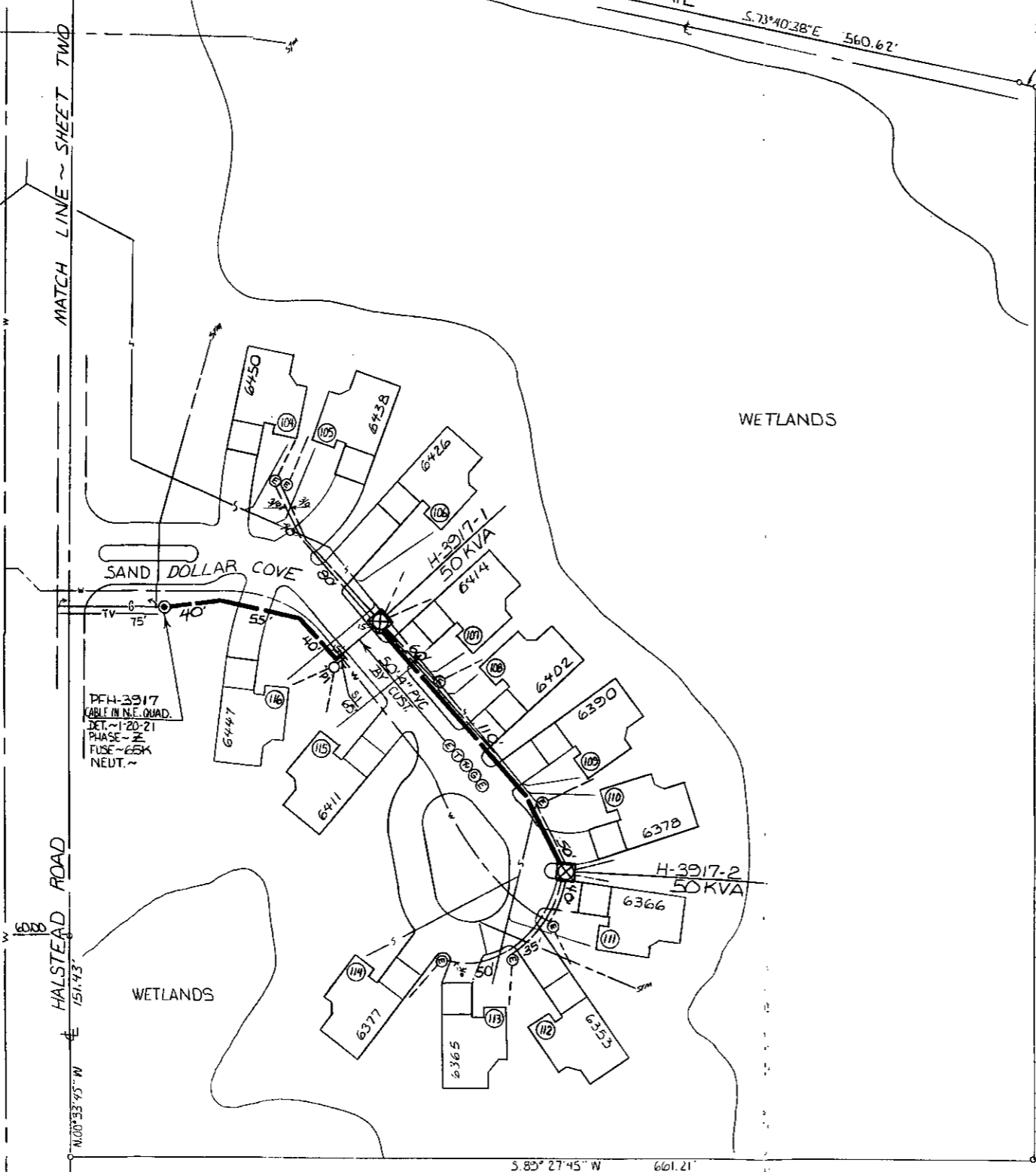
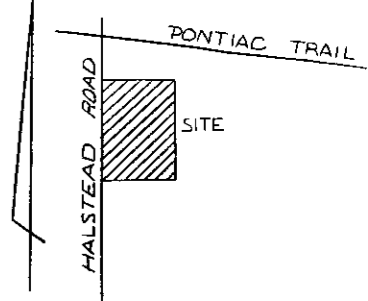
LIBER 11574PG014



LIBER 12223PG830

LIBER 11574PG015

LOCATION SKETCH
 MAP SEC. NOS. 1-247-390



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
H-3917-1	50 KVA	661-1152
H-3917-2	50 KVA	661-1152

TRANSFORMER SPECS. 1-17-261
 PEDESTAL AMOUNT 1 SPEC.
 TEMPORARY CABLE MARKERS AMOUNT 7 SPEC.
 SECONDARY CONNECTION BOX AMOUNT SPEC.

— CODE —

- ⊙ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ⊠ DFT (DEAD FRONT TYPE)
- ⊡ UDT (NON-SWITCHING—LIVE FRONT TYPE)
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- CABLE POLE
- ⊞ PRIMARY SWITCH CABINET
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- BURIED SECONDARY CABLE
- BURIED SECONDARY SERVICE CABLE
- ⊞ DETROIT EDISON TRENCH ONLY
- ⊞ TELEPHONE TRENCH ONLY
- SEWER
- WATER
- GAS
- PROPOSED CONDUIT
- SEP CONN CABINET

NOTE:
 METER SHALL BE LOCATED IN SHADED AREA CLOSEST TO D.E.CO. SOURCE.
 DWELLING

CABLE SUMMARY

INSTALLED	ESTIMATED
ITEM # 22XLPEC x 1 132 KV	713-306 = 73
ITEM # AP2350M & 1-40 600 V.	713-0537 = 65
ITEM # AP220 & 1-41 600 V.	713-0614 = 45
	713-0536 = 43

TRENCH SUMMARY

JOINT USE E+T+TV+G = 680' ±
 D.E. ONLY
 TEL ONLY
 GAS ONLY
 OTHERS TV+G = 75'
 TOTAL 680' ±
 SITE SUPT. PHONE NO.

NOTICE
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 D.E. SERVICE PLANNER: JOHN SLOMCZENSKI-645-4148
 TEL. CO.: BOB BEAVERAGE ~ 456-0809
 GAS CO.: BILL VERVAGUS ~ 549-5000
 OTHERS: CATV ~ S. RUDZINSKI ~ 541-4051

EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

CITY OF _____ COUNTY _____ NOTIFICATION TO STATE YES NO

START DATE 8-15-90

D	REVISION	C	REVISION	B	REVISION	A	REVISION	REFERENCE	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY SERVICE PLANNING
								89A-64571 SHEET 2 of 3 89A-64521 SHEET 1 of 3 C.H.D.O. #A-63267 URD~	R. MARTIN	6-21-90	PHASE III LAGOONS OF WEST BLOOMFIELD PART OF THE S SECTION T. N., R. E	SCALE 1" = 50'
									J. SLOMCZENSKI	8-8-90		NUMBER OF UNITS 13
									G. BOROWSKI	8-8-90		WORK ORDER NUMBER 367B4J512
									F. GAGAN-STADTNER	8-8-90		DISTRIBUTION CIRCUIT 8136 HANCK 13.2 KV
												DEPT. ORDER NUMBER 89A-64571
												SHEET 3 OF 3 SHEETS

*90A-64191