

Detroit Edison
Real Estate and Rights of Way
Underground
Right of Way Agreement

FILE # **116531816**

October 16, 1990

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 construct, reconstruct, modify, add to, operate and maintain underground line facilities consisting of poles, conduits, wires, cables, manholes, transformers and accessories required to provide electric services in, under, upon, over and across property located in the City of Farmington Hills, County of Oakland, State of Michigan, further described as follows:

See attached Appendix "A"

As shown on the attached drawing 90A-64286 which is made a part hereof.

The right of way is Ten (10) ft. in width.

The rights hereby granted include the right of access to and from the right of way and the right to trim, cut down or otherwise control trees, brush or roots of any kind either within the right of way or on property adjoining the right of way which in the opinion of the EDISON interferes with the construction or operation of the line facilities. It is expressly understood and agreed that EDISON shall, at no time, trim or cut down any trees unless, in the EDISON'S opinion, it is absolutely necessary to do so. EDISON shall restore premises to its original condition or as near as can be in the event of damages caused by its employees, contractors, vehicles and equipment entering premises for the purposes set forth herein.

No buildings or structures are to be placed within said right of way herein granted without the written consent of EDISON.

This grant is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto. See Rider attached hereto and made a part hereof. *MLK*

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

Witnesses:

Grantors:

2#32 REG/FEES PAID
0001 NOV 30 1990 10:59AM
4824 MISO 22.00

1100

See Next Page

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

Address:

OK - LM

1 of 4
Return on Bond
10-16-90

RECORDED
11040

Witness:

LR# 1653P817

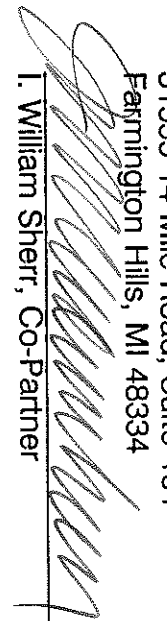
14 Orchard Plaza

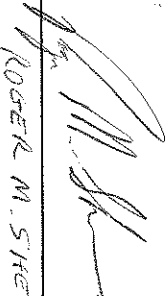
A Michigan Co-Partnership

31555 14 Mile Road, Suite 101

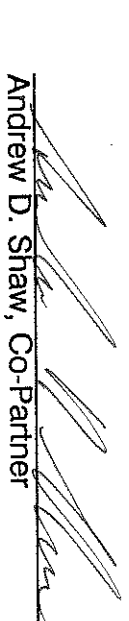
Farmington Hills, MI 48334

I William Sherr, Co-Partner




ROSE M. SHERR

I Andrew D. Shaw, Co-Partner




Amy K. Smith

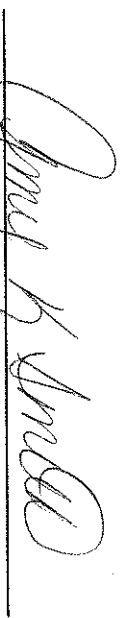
State of Michigan)

County of Westland) SS:

RECORDED RIGHT OF WAY NO. 41040

Personally came before me this 17th day of October, 1990, I WILLIAM SHERR, Co-Partner, and ANDREW D. SHAW, Co-Partner of the above named Co-Partnership, to me known to be the persons who executed the foregoing instrument, and to me known to be such Co-Partners of said Co-Partnership, and acknowledged that they executed the foregoing instrument as such Co-Partnership and free act and deed of said Co-Partnership, by its authority.

My Commission Expires: 12-5-93



AMY K. SMITH
Notary Public Wayne County, MI
Acting In Oakland County
My Commission Expires 12-5-93

Notary Public,
County, Michigan

Appendix "A"

A part of "Farmington Heights" being a subdivision of part of the West 1/2 of the Northwest 1/4 of Section 2, T1N., R9E., City of Farmington Hills, Oakland County, Michigan; more particularly described as commencing at the intersection of the centerline of vacated Fordson Avenue, as platted (40.00 foot total right-of-way) with the Easterly right-of-way line of Orchard Lake Road, as platted (65.00 foot 1/2 right-of-way) for a point beginning: thence North 00° 03'00" East, 164.50 feet, along the Easterly line of said Orchard Lake Road; thence North 89° 56'00" East, 125.00 feet; thence North 00° 03'00" East, 59.38 feet, to the Southerly right-of-way line of Fourteen Mile Road, (60.00 foot 1/2 right-of-way); thence North 89° 41'25" East, 200.00 feet, along the Southerly line of said Fourteen Mile Road; thence South 00° 03'00" West, 89.72 feet; thence North 89° 56'00" East, 177.50 feet to the Westerly right-of-way line of Greening Road, (30.00 foot 1/2 right-of-way); thence South 00° 03'00" West, 270.00 feet, along the Westerly right-of-way line of said Greening Road; thence South 89° 56'00" West, 377.50 feet; thence North 00° 03'00" East, 135.00 feet, to the centerline of said vacated Fordson Avenue; thence South 89° 56'00" West, 125.00 feet, along the centerline of said vacated Fordson Avenue, to the point of beginning. All of the above containing 140,347 square feet or 3.3329 acres. All of the above being subject to all easements, restrictions and right-of-ways of record.

Sidwell No: 23-02-101 (004-005-006-007-008-009-020-054-059-060) was - de 2

Lot 1-7 B1K14
12-30 - B1K14 26032
31-40 B1K14
Farmington Heights
also pt 8 was 14

2 of 4 B1K14 10-16-90

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM MS 77 12-53

TO Recc ; Center

TE 12-17-90 TIME _____

Please set up R/W file for:

14 - Orchard Plaza

Being a part of West 1/2 of Northwest 1/4 of Section 2, City of Farmington Hills
Oakland County, Michigan

COPIES TO: _____

SIGNED

Omer V. Racine

Omer V. Racine

REPORT _____

277 Oakland Division Headquarters

DATE RETURNED _____

TIME _____

SIGNED _____

07017

RIDER ATTACHED TO AND MADE PART OF UNDERGROUND RIGHT OF WAY AGREEMENT GRANTED TO THE DETROIT EDISON COMPANY AND 14-ORCHARD PLAZA, a Michigan co-partnership.

1. The easement granted herein shall be nonexclusive. Grantor hereby reserves the right to locate other utilities in the aforesaid easement area in such manner as will not impair or interfere with Grantee's exercise of the rights conveyed herein. Grantor hereby further reserves the right to utilize the surface area in such manner as will not impair or interfere with Grantee's exercise of the rights conveyed herein.

2. Any maintenance, repair and replacement of said underground line facilities by Grantee shall be performed as expeditiously as possible so as to minimize interference with the use of Grantor's property including the flow of pedestrian and vehicular traffic, and Grantee shall restore such easement area to a condition as good as or better than it was prior to such installation, maintenance, repair and replacement.

3. Grantor hereby reserves the right from time to time to relocate, at its expense, such underground line facilities subject to the approval of the Grantee, which approval shall not be unreasonably withheld. If such underground line facilities are relocated, Grantor will grant to Grantee a new easement and Grantee will release the existing easement.

RECORDED RIGHT OF WAY NO. 41040

14-ORCHARD PLAZA, a Michigan co-partnership

[Signature]
By: _____

I. William Sherr, Managing General Partner

APPROVED		DATE
Bldg & P	<i>[Signature]</i>	
Div. Op.		
Ins.		10-24-90
Legal		
Pwp. Sys.		
Tax		

[Signature]
By: _____
Andrew D. Shaw

Applicant Name J. McDONALD	Date 9-21-90	Account No. 012 90-82
Address OAKLAND	Date 9-17-90	Account 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 14- ORCHARD PLAZA	County OAKLAND
City/Township/Village FARMINGTON HILLS	Subdivision No. 2

Type of Development

<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park	<input checked="" type="checkbox"/> Other

2. Name of Owner SHERR DEVELOPMENT CORPORATION	Service No. 626-9099
--	--------------------------------

Address
31555 W. FOURTEEN MI 48334

Owner's Representative 1. WILLIAM SHERR	Service No. 626-9099
---	--------------------------------

Date Service is Wanted
10-15-90

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 Utilities if Not Michigan Bell Telephone or Consumers Power

7. Other Utility Engineer Names

Addresses

8. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner DAFOLEY / R-W	Signatures (Service Planning Supervisor) <i>[Signature]</i>
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Phone No.	Address 240 ODHQ
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RECEIVED DETROIT EDISON SEP 20 1990

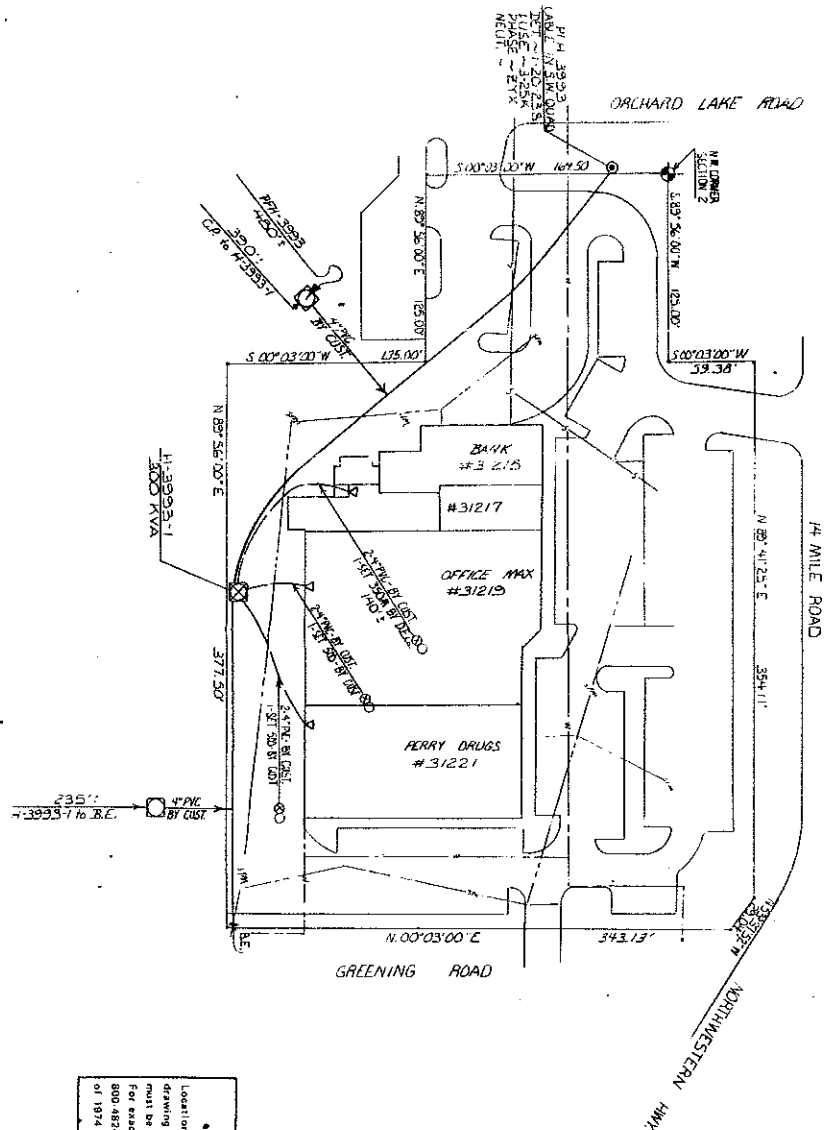
LIBER 11653 P 819



EASEMENT LOCATIONS

Locate as shown when the following symbols are shown. If omitted an easement will not be shown on the final plan.

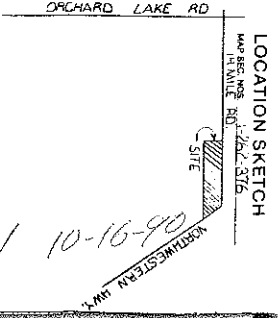
- Buried Primary Cable
- Buried Secondary Cable
- Buried Secondary Service Cable
- Telephone Trench Only
- Gas
- Proposed Conduit



TRANSFORMER DATA

UTL. NO.	SIZE	ED. STK. NO.
H-3333-1	300 KVA	661-0607

TRANSFORMER BESS: 1-17-270
 FEDERAL AMOUNT: \$100.00
 TEMPORARY CABLE MARKERS AMOUNT: \$100.00
 SECONDARY CONNECTION BOX AMOUNT: \$100.00



NOTE:
 Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact location, telephone MISS OIG on 800-482-2177 as required by Public Act 53 of 1974 before doing any power excavating.

NOTE:
 P.A.D. BY CUST

START DATE 10-15-90

INSTALLED CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	14/32" BURNED SECONDARY SERVICE CABLE	1	FT.
2	14/32" BURNED SECONDARY SERVICE CABLE	1	FT.
3	14/32" BURNED SECONDARY SERVICE CABLE	1	FT.
4	14/32" BURNED SECONDARY SERVICE CABLE	1	FT.
5	14/32" BURNED SECONDARY SERVICE CABLE	1	FT.
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49	14/32" BURNED SECONDARY SERVICE CABLE	1	FT.
50	14/32" BURNED SECONDARY SERVICE CABLE	1	FT.

TRENCH SUMMARY

JOINT USE
 DE ONLY
 TELE ONLY
 GAS ONLY
 OTHERS

CUSTOMER

TOTAL
 SITE SUPPLY
 PHONE NO.

GENERAL NOTES

TRENCHING TO BE DONE BY CUSTOMER

TRENCH AND CABLE LENGTHS ARE APPROXIMATE

SEE SECTION 91 OF THE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS

SEE SECTION 3211 OF THE DETAIL "FOR ENHANCED POINT DETAILS WITH OWNERS SEE SECTION 40 OF THE CONSTRUCTION STANDARDS FOR ALIGNMENT OF CABLES

SEE SERVICE PLANNER: DAVID FOLEY - 645-4109

TEL. CO. 800-482-2177

OTHERS

EASEMENTS INDICATED BY OUR CHECKED AND IN WHITE UNLESS OTHERWISE NOTED

PERMITS REQUIRED

NO.	REVISION	DATE	BY	FOR
1	ISSUED	10-15-90	DAVID FOLEY	FOR PERMITTING
2	REVISED	10-15-90	DAVID FOLEY	FOR PERMITTING
3	REVISED	10-15-90	DAVID FOLEY	FOR PERMITTING
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