

c. No shrubs or foliage shall be permitted on Owners land within five (5') feet of front door of transformers or switching cabinet enclosures.

d. Sanitary sewers shall be installed prior to installation of electric and communication lines. Sewer, water and gas lines may cross easements granted for electric and communication lines, but shall not be installed parallel within said easements.

e. Owners shall make no excavations nor erect any structures within the easements identified on the "as installed" drawing. No excavations for fences shall be allowed within the limits of the utility easements provided for electric and communication lines unless prior written approval is secured from the utilities.

f. Owners to provide for clearing the easements of trees, large stumps, and obstructions sufficiently to allow trenching equipment to operate. Owners to pay to utility concerned the extra trenching costs involved if trenching is required while ground is frozen.

g. EDISON and BELL shall have the right of access at all times upon premises for the purposes of constructing, repairing and maintaining their electric and communication lines and facilities.

h. Any of the undersigned who are vendors on land contracts wherein a portion of the lands described herein are being sold shall not be liable to BELL or EDISON unless and until the interest of the vendees, under any such contracts, have been forfeited and damage to utility lines and equipment occurs after such forfeiture.

The provisions of this instrument shall run with the land and shall be binding upon and inure to the benefit of the respective heirs, administrators, executors, personal representatives, successors and assigned of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

IN THE PRESENCE OF:

THE DETROIT EDISON COMPANY

C. George Williams
C. GEORGE WILLIAMS

By W. C. Arnold W. C. ARNOLD, DIRECTOR
Real Estate and Rights of Way Dept

T. Katherine Hayes
T. KATHERINE HAYES

By Lillian J. H. Carroll
LILLIAN J. H. CARROLL ASST. SECRETARY
MICHIGAN BELL TELEPHONE COMPANY

Linda M. Loffman
LINDA M. LOFFMAN

By William F. Murray, Jr.
WILLIAM F. MURRAY, JR.
ACTING Staff Supervisor, Right of Way
(Authorized Signature)

Marsha Pavelka
MARSHA PAVELKA

EVERGREEN ASSOCIATES
A Michigan Co-partnership
25277 Dequindre
Madison Heights, Michigan

Betty A. Milner
Betty A. Milner

By Richard M. Lovistok
Richard M. Lovistok, partner

Sharon Macumber
Sharon Macumber

By Neil Spizman
Neil Spizman, partner

RECORDED RIGHT OF WAY NO. 37793

State of Michigan

County of Washtenaw

On this 21st day of April, 19 72, before me, a Notary Public,
personally appeared Richard M. Lewiston and Neil Spizizen

to me personally known, who being by me duly sworn, did respectively say that
they (~~is~~ are) (~~a~~) member (s) of the partnership known as
Evergreen Associates, a Michigan Co-partnership which
executed the within instrument and that they acknowledged said instrument
to be the free act and deed of the said partnership.

My commission expires: Feb. 8, 1974

Betty A. Miller
Notary Public Betty A. Miller
Washtenaw County, Michigan
Acting in Oakland County, Michigan

Appendix "A"

Kingswood Place Condominiums

That part of the West 1/2 of the Northwest 1/4 of Section 14, T1N, R10E, City of Southfield, Oakland County, Michigan, described as: Commencing at the West 1/4 corner of said Section 14; thence along the West line of said Section due North 1105.79 feet to the point of beginning; thence continuing along said West section line due North 800.00 feet; thence S 89° 45' 46" E 1085.07 feet; thence S 0° 11' 07" E 800 feet; thence N 89° 45' 49" W 1087.66 feet to the point of beginning, except the West 60 feet thereof being Evergreen Road.

RECORDED RIGHT OF WAY NO. 27793

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

TO Engineering Coordinator Supervisors DATE 4-27-72 TIME _____
Bldg H, Rm. 250 W.S.C.

RE: Underground Service - Kingswood Place, Condominiums, City of Southfield, Oakland
County, Michigan.

Agreements and Easements obtained - OK to proceed with construction.

COPIES TO: J. Baum - Pontiac Ser. Center

SIGNED *C. George Williams*
C. George Williams
Real Estate and Rights of Way Dept.

REPORT File

DATE RETURNED _____ TIME _____ SIGNED _____

Detroit
Edison

Oakland Division
30400 Telegraph Road
Birmingham Michigan 48010
(313) 645-4000

Date: May 6, 1977

Evergreen Associates

28277 Dequindre

Madison Heights, Mich. 48071

Re: Kingswoods Place Condominiums - Step 11

The Detroit Edison Company will provide underground electric service to the above stated location pursuant to its rules and rates as currently filed with the Michigan Public Service Commission. It should be noted that these rules and charges are subject to change on the order of the Michigan Public Service Commission. Should such a change take place, this instrument is voided and a new instrument will be required to conform with the rules then in effect. These rules establish the following terms and conditions.

Subject to our agreement with you for the installation of underground electric lines in the above project, The Detroit Edison Company will own, install and maintain its electric lines and equipment and provide trenching in easements six feet (6') in width, which will be subsequently platted or provided by a separate easement instrument. Location of the lines and equipment will be as shown on the combined utility plan as approved by you on February 16, 1977.

The cost to you for the extension of the underground distribution system consisting of primary and/or secondary main cable(s) and transformer capacity is \$ 8663.-- based on 3875 trench feet or -0- lot front feet and 325 KVA (nameplate) of transformer capacity.

Extra charges in addition to the above will be made if it is necessary to bore under roads or other paved areas and for trenching in water conditions, rocks, rubble or when other practical difficulties in trenching exist.

A winter construction charge of \$ -0- per linear foot of trench will be assessed for all trenching you require from December 15 through March 31.

Pursuant to establishing a field construction start date for the above named project, it is necessary that the conditions of the grade in the area of construction be determined. Work cannot start until grade is within 4" of final.

No later than five days prior to the start of construction that has been scheduled for August 1, 1977, we will require receipt of the attached Certificate indicating the completion of grading and payment in the amount of \$ 8663.-- as non-refundable Contribution in Aid of Construction for the above charges.

COMPLETE PROJECT

Page 1

RECORDED RIGHT OF WAY

27793

Kingswood Place Condo. - Step 11

Date May 6, 1977

If for any reason, beyond the control of the Utility, the construction start date indicated above is changed, charges will be adjusted to reflect conditions that exist at the time construction is actually started.

Service laterals necessary to link the above distribution system with individual meters will be billed after their installation and are not part of this agreement.

Installations of main feeder lines that are not covered under the mandatory underground provisions of the Michigan Public Service Commission Rules will be undergrounded only under the terms of a separate agreement.

Extensions of electric distribution facilities to vacant lots or to building sites not ready for service will require refundable construction deposits that will be negotiated in a separate agreement.

Community antenna systems or other cable systems shall not be installed in the same trench with Company and telephone cables without a separate signed agreement.

The future maintenance of our electric lines in the proposed easements does not include repair of damage to our lines and equipment caused by you, your contractors, agents, employees, successors and assignees. If such damage should occur, we will require reimbursement for any such damage.

Please sign one of the enclosed copies and return to me. You may retain the carbon copy for your file.

Very truly yours,

Lawrence L. Harris, III

Service Planner

LD/ms

ACCEPTED:

Name [Signature]

Title [Signature]

Name _____

Title _____

Date _____

Enc: Grading certificate

RECORDED RIGHT OF WAY NO. _____

27793

Detroit

2000 Second Avenue
Detroit Michigan 48226
(313) 237-6000

DATE: May 6, 1977

Evergreen Associates
28277 Dequindre
Madison Heights, Mich. 48071

RE: Kingswoods Place Condominium - Step 11

Gentlemen:

Pursuant to establishing a field construction date for the above named project, it is necessary that the conditions of the grade in the area of construction be determined. Work cannot start until this is accomplished.

Please sign and return two copies of the Certificate below. You may retain the third copy for your file.

Very truly yours,

Lawrence C. ...
Service Planner

May 9, 1977
Date

C-E-R-T-I-F-I-C-A-T-E

I/We, the undersigned, hereby certify to the Detroit Edison Company that all grading in utility easements and/or the routes of the underground facilities on the above subject development has been completed within four (4) inches of final grade.

I/We further agree that a stake will be placed at the location of each piece of above grade equipment, indicating the final grade to be achieved. A copy of the Detroit Edison Company underground construction drawing No. A-64996 for this development is in my/our possession and will be used for this purpose.

LD/ms

Name *Robert ...*
Title *...*
Name _____
Title _____
Date _____

RECORDED RIGHT OF WAY NO. 27793