

A G R E E M E N T

THIS AGREEMENT, made this 25 day of April, A.D. 1952, by and between THE DETROIT EDISON COMPANY, a New York corporation with its principal office at 2000 Second Avenue, Detroit 26, Michigan, hereinafter referred to as "EDISON," and HARRY J. SOLOMON, TRUSTEE FOR YALE AND MARTIN BERNSTEIN, of 19141 Monica Avenue, Detroit, Michigan, hereinafter referred to as "TRUSTEE,"

WHEREAS, the TRUSTEE is seeking to effect the vacation of a public alley situated South of Nine Mile Road, west of Farrow, in the City of Ferndale, Oakland County, Michigan, for the purpose of erecting improvements thereon, and

WHEREAS, EDISON has certain of its overhead lines equipment for the transmission and distribution of electricity located in said alley, the presence of which shall constitute an interference with the proposed use of the alley by said TRUSTEE after the vacation thereof, and

WHEREAS, it is necessary for the health, welfare, safety and comfort of the public that said transmission and distribution equipment of EDISON remain in the public alley under an easement for public utility purposes reserved in the resolution vacating said public alley.

NOW, THEREFORE, in consideration of EDISON foregoing its right to have an easement for public utility purposes reserved to it in the resolution vacating said public alley, and the benefits to be derived therefrom by the TRUSTEE, it is mutually agreed:

1. That TRUSTEE shall, upon the execution of this Agreement, pay to EDISON the sum of Five Thousand Dollars (\$5,000.00), receipt of which is hereby acknowledged (this sum being the amount agreed upon between the parties hereto as that portion of the cost to be assumed by the TRUSTEE and paid to EDISON for the work, labor and material necessary to remove and relocate its equipment out of the alley proposed to be vacated).
2. EDISON shall, upon being furnished with satisfactory evidence that said public alley has been vacated, promptly remove and relocate its equipment for the transmission and distribution of electricity presently situated in said public alley.
3. The TRUSTEE has entered into this agreement for the purpose of

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effectuating the vacation of the public alley herein referred to free and clear from the rights of EDISON to maintain its equipment therein, and covenants that as TRUSTEE he has the necessary authority to so do.

THIS AGREEMENT shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

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

In the Presence of:

Winifred Bradley

Joseph J. Shevlin

THE DETROIT EDISON COMPANY

By Fred A. Conroy
FRED A. CONROY
 VICE PRESIDENT

By _____
Harry J. Solomon
 Harry J. Solomon, Trustee for Yale and Martin Bernstein

	APPROVED	DATE
REAL ESTATE AGENT	<u>[Signature]</u>	
RIGHT OF WAY AGENT	<u>[Signature]</u>	5-5-52
PROPERTY ENGINEER		
STAFF ATTORNEY	<u>W. E. Heimbach</u>	4/23/52

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April 24, 1952

Mr. Lyle Zisler
2631 Woodward Avenue
Detroit 1, Michigan

Dear Mr. Zisler:

Enclosed are two copies of an agreement between The Detroit Edison Company and Harry J. Solomon, Trustee, concerning the removal and relocation of Detroit Edison Company equipment in the alley south of Nine Mile Road, west of Farrow, in the City of Ferndale. This agreement has been prepared in accordance with your telephoned request to our Mr. Jack Menig and subsequent conversations with our William Heimbuch.

If you will arrange to have both copies of the agreement signed and returned to me with the \$5000 payment, we will sign both copies and return one for your purposes. Arrangements are being made to proceed with the work as promptly as is consistent with progress on the building.

Yours very truly,

T. J. Peterson
Assistant Manager of Sales

TJP:ew
cc: Mr. Jack Menig
Mr. H. J. Hall

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Harry J
Solomon
Master for

924
W. Chicago, St.
Frank L. Bunnell
Printer Pres.
Zucker 266 255 031

Ed Bernstein:
2631 Woodward
628 49
W 01-6500

March 14, 1952

Yule Bernstein and
Morris Bernstein
19141 - Morrison Ave

Memorandum to Mr. H. J. Hall:

Regarding: Line Relocation for Sterling Supply Company
Nine Mile and Farrow, Ferndale

On March 4, Messrs. Groves, Menig and I met with Mr. Zisler, the customer's architect, and informed him about the cost of relocating the cable pole and a portion of the feeder of Distribution Circuit 1096 Hazel Park in the alley the customer proposes to have vacated.

Mr. Menig

As you know, there were two possibilities, one estimated at \$1,931 for building around the proposed structure and one estimated at \$6,496 for extending the cable in Vester Avenue and relocating the cable pole on Bonner.

Because the Company gains some advantage in the handling of probable future business in the area through the more expensive of the two plans, I agreed that the Company would contribute \$1,496 to the cost of this job or, in other words, would do the complete removal job for a \$5,000 contribution on the customer's part. Wylie Groves agreed that this was in keeping with the value to the Company of the proposed relocation.

Jack Menig has now been informed that Sterling Supply will probably pay for the \$5,000 job and he has suggested to Mr. Zisler that their next step be the necessary change in the zoning ordinance. If and when this is accomplished, we will accept the customer's \$5,000 and proceed with the work.

570 92 1305
Check, Billing # 301-9339 for \$5000.00

T. J. Peterson

TJP:ew
cc: E. O. George
W. E. Groves
J. E. Menig

4/23/52 Mr. Ryle Zisler requests that
agreements be sent to him at 2631 Woodward Ave June 1
Room 628 MacKenzie Bldg. Wm. S.H.

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NOV 1952
FEB 2 1952
T. J. PETERSON

cc-Mr. H. J. Hall
Mr. T. J. Peterson ✓

February 20, 1952

MEMORANDUM FOR FILE

RE: Proposed Vacation of Alley, South of Nine Mile Road and East of Farrell, in the City of Ferndale.

The writer was contacted by Mr. Harold Hall on the morning of February 18, relative to the Ferndale City Commission meeting that evening to hold a final hearing on the above alley vacation. The writer and Mr. Hall visited the location of the proposed alley vacation and found that a cable pole and one span of line were involved and that the rough estimate for removing this equipment was between \$10,000 and \$12,000.

Mr. Hall and the writer visited with Mr. Roy Goodspeed, City Engineer, and asked for a two-week adjournment of the hearing because of the equipment involved. The writer agreed to call the petitioner, who was the Sterling Supply Company, and ask also for permission from them for the adjournment so that we may find a possible solution to the problem. Mr. Bernstein, of the Sterling Supply Company, suggested the writer get in touch with Mr. Lyle Zialer, their architect, and discuss the matter with him. The writer contacted Mr. Zialer and arranged a meeting for February 20, in our Birmingham Office.

On February 20, Messrs. Hall of Sales, Midman of Overhead Lines, Sewall of our Planning Division and the writer met with Mr. Zialer. The following possibilities were discussed: (1) Changing of their building plans so that no change in our equipment is necessary; (2) The possible re-routing around the building; (3) The possibility of underground construction.

These possibilities were taken under advisement by our group and also by Mr. Zialer. He is to contact Mr. Hall and they will attempt to arrange for some solution. In the meantime, we are to keep in touch with the authorities in Ferndale to protect our interest.

J. E. Menig
Special Agent
Rights-of-Way Department

J. E. Menig/aj

RIGHT OF WAY FILE NO. 14-3-20

#1

O. H. 2082.00
V. G. 4414.00

6496.00

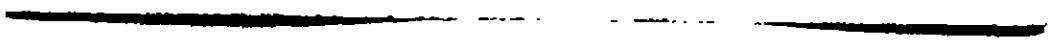
OK'd
to L. for
\$5000

#2

O. H. 1318.00
V. G. 613.00

1931.00 ✓

[Handwritten scribbles]



February 27, 1952

Mr. D. Emerson
Overhead Lines Dept.

Attn: Mr. E. Stewart

Sterling Supply Co.
Nine Mile Rd. and Farrow
City of Ferndale

Approved by [Signature] 4/12/52

Alley Vacation - A.S. of Nine Mi. Rd., west of Farrow.

Please furnish an "Accounts Receivable Estimate" for Overhead Lines Work involved in relocating the cable pole and a portion of the Feeder of Dist. Cir. 1096 Hazel Park as outlined below and indicated on attached sketch B-14.

Method No. 1

OVERHEAD LINES ESTIMATE

Direct Labor	\$ 480.48
Priced Material	\$ 1251.48
Misc. Material	250.30
Total Material	1501.78
Local Material	561.26
Local Labor	940.52
Direct Expense	12.15
Materialization Expenses	648.65
Grand Total	2081.80
Less Deductions	
Net Total	\$ 2082.00

Method No. 2

OVERHEAD LINES ESTIMATE

Direct Labor	\$ 406.40
Priced Material	\$ 555.35
Misc. Material	111.08
Total Material	666.43
Local Material	313.47
Local Labor	352.96
Direct Expense	10.00
Materialization Expenses	548.64
Grand Total	1318.00
Less Deductions	
Net Total	\$ 1318.00

14320

Please furnish estimates as soon as possible at the request of the Sales Dept.

Harold C. Seeley - Planning Division

KIS:DTG.

February 25, 1952

Mr. H. Brant

Sterling Supply Co.
Nine Mile Rd. and Farrow
City of Ferndale

Alley Vacation - A.S. of Nine Mi. Rd. west of Farrow

Please furnish an "Accounts Receivable Estimate" for Underground Lines work involved in relocating the cable pole of Dist. Circuit's 1096 and 1253 T Hazel Park as outlined below and indicated on attached sketch B-14.

Method 1

Extend the cables of Dist. Circuits 1096 and 1253 T Hazel Park to a new cable pole on the east side of Bonner approximately 60 ft. south of the centerline of Vester.

Remove cables of Dist. Circuits 1096 and 1253 T Hazel Park feeding existing cable pole in L.S. Nine Mi. Rd., 1 P.W. of Farrow.

Estimated Cost \$ 4414.00

Method 2

Relocate cable pole of Dist. Circuits 1096 and 1253 T Hazel Park from its existing location in A.S. of Nine Mi. Rd. approximately 28 ft. east to a new pole on the west side of Farrow.

Estimated Cost \$ 613.00

Please furnish as soon as possible at the request of the Sales Dept.

Harold C. Seeley - Planning Division

KIC:DTJ.

143-200