LIBER 3449 FAGE 465 AGREEMENT AND GRANT OF RIGHT OF WAY

WHEREAS, THE DETROIT EDISON COMPANY, a New York corporation having its principal office at 2000 Second Avenue, Detroit 26, Michigan, hereinafter referred to as "EDISON", and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, having its principal office at 1365 Cass Avenue, Detroit, Michigan, hereinafter referred to as "BELL", have emplaced certain poles, fixtures, guys and guy stubs, wires, cables and equipment in and upon a certain public alley situated in the City of Royal Oak, County of Oakland, State of Michigan, more particularly described as follows:

> The north and south 20 foot public alley west of Coolidge Highway running north from Albert Avenue to the dead end and abutting Lots 127 through 132 and Lot 166 all in Judson Bradway's Woodward-Monnier Subdivision of part of Section 7, Town 1 North, Range 11 East, Royal Oak Township, Oakland County according to the plat thereof recorded in Liber 40, page 37 Oakland County Register of Deeds Records.

WHEREAS, NORTH COOLIDGE CORPORATION NO. 2, a Michigan corporation, hereinafter referred to as "COOLIDGE" is the owner of Lot 166 of Judson Bradway's Woodward-Monnier Subdivision of part of Section 7, Town 1 north, Range 11 east, Royal Oak Township, Oakland County, Michigan; and

WHEREAS, COOLIDGE has petitioned the Commission of the City of Royal Oak to vacate the above described alley and said petition is in the records of the office of the City Clerk of the City of Royal Oak which petition is hereby referred to and made a part hereof; and

WHEREAS, COOLIDGE has requested that EDISON and BELL file no objections to the vacation of the above described alley by reason of their having equipment for the transmission and distribution of electricity and communications located therein.

NOW THEREFORE, in consideration of the consent of EDISON and BELL to the vacation of the aforementioned alley and in consideration of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, COOLIDGE does by these presents grant to EDISON and BELL, their successors, assigns, lessees, associated and allied companies, the right to construct, reconstruct, operate and maintain their lines for the transmission and distribution of electricity.

W. of Coolidge of Albert Lors 127-132, 166

RIGHT OF WAY FILE No. 1250

82938



LIBER 3449 PAGE 466

and for telephone and telegraph communication facilities, including the necessary poles, fixtures, guys and guy stubs, wires, cable and equipment and including the right to trim or cut down any trees along said lines which could fall into the lines or interfere in any way with their operation upon, over and across the following described premises:

> The westerly 10 feet of the above described public alley (being vacated) and the easterly 3 feet of Lot 166 of Judson Bradway's Woodward-Monnier Subdivision described above.

EDISON and BELL upon ninety (90) days written notice thereof and payment by COOLIDGE or its assigns and grantees, of the cost thereof in advance shall completely remove their lines, equipment and facilities from the land over which this easement is hereby granted and relocate same to a new satisfactory right of way to be provided for without expense to EDISON and BELL by COOLIDGE or its assigns and grantees.

COOLIDGE covenants and agrees that the advance payment for the cost and removal and relocation of the lines, equipment and facilities shall be made before such removal and relocation is effected and shall be in such an amount as is computed by EDISON and BELL, which sum shall also include EDISON'S and BELL'S cost and expenses attributable directly or indirectly to such removal and relocation.

The parties hereto covenant and agree that these presents shall be and become of full force and effect immediately upon the vacation by the Commission of the City of Royal Oak of the above described alley and shall bind and inure to the benefits of the successors, assigns, lessees, associated and allied companies and grantees of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals 28th day of October A.D. 1955. this

- 2 -

In the Presence of: leep O'Keeffe E. S. Lonczyk

NORTH COOLIDGE-CORPORATION NO. 2 SiloVle

Charles B. O'Neil, Vice President

RETURN TO RICHARD H. TAYLOR The Detroit Edison Company 2000 SECOND AVENUE DETROIT 26, MICHIGAN

÷.

. . 2

LEER 3449 PAGE 467 STATE OF MICHIGAN SS. WAYNE COUNTY OF October in the year One Thousand Nine 28th day of On this_ Hundred Fifty-Five before me, the subscriber, a Notary Public in and for said County, personally appeared BERT L. SMOKLER and CHARLES B. O'NEIL to me personally known, who being by me duly President and Vice President sworn did say that they are the of the North Coolidge Corporation No. 2, a Michigan corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its board of directors, and BERT L. SMOKLER ____acknowledged said instrument to be the free and CHARLES B. O'NEIL act and deed of said corporation.

Elleen O'Keef County,

Notary Public, <u>U</u> Michigan

My commission expires June 5, 1959

YbH

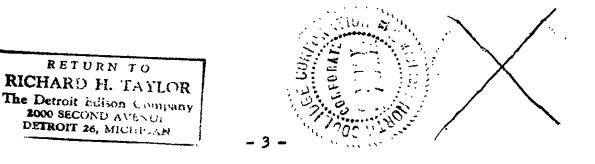
THE DETROIT EDISON COMPANY ACCEPTED BY: By

Richard.H. Taylor, Director Real Estate and Rights of Way Department ACCEPTED BY: MICHIGAN BELL TELEPHONE COMPANY

Stuart.

of Right of Way

Supervisor



RIGHT OF WAY FILE No. ______