

1-11/16

RETURN TO
A. L. KASAMEYER
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

AGREEMENT AND GRANT OF EASEMENT

1637

WHEREAS, THE DETROIT EDISON COMPANY, a New York corporation, with offices at 2000 Second Avenue, Detroit, Michigan, 48226, hereinafter referred to as "EDISON", has emplaced certain cables and equipment underground and certain poles and overhead lines overhead, in, and across a certain public alley situated in the City of Royal Oak, County of Oakland, and State of Michigan, more particularly described as:

A public alley (16 feet wide) lying between Lots 143 and 169 thru 171, Edgewood Park Subdivision of part of South-West 1/4 of Southeast 1/4 of Section 16, Town 1 North, Range 11 East, Village of Royal Oak, (now City of Royal Oak), Oakland County, Michigan, according to the plat thereof recorded in Liber 14, Page 22, Oakland County Records.

AND, WHEREAS, LAWN EQUIPMENT CORPORATION, a Michigan corporation, with offices at 513-520 West Eleven Mile, Royal Oak, Michigan, owner of Lots 143, 169 thru 171 of said subdivision, have petitioned the Commission for the City of Royal Oak (now in the records of the City Clerk in the City of Royal Oak) to vacate the Westerly sixty (60') feet of the above described sixteen (16') foot alley lying between Lots 143, and 169 thru 171 of the above described subdivision, which petition is hereby referred to and made part of this Agreement.

AND, WHEREAS, the petitioner described above has requested that EDISON file no objection to the vacation of the above described public alley by reason of its having its equipment for the transmission and distribution of electricity located therein and that EDISON permits the erection of a building in and over the easement herein granted.

NOW, THEREFORE, in consideration of the consent of EDISON to the vacation of the Westerly sixty (60') feet of the above described public alley, permit said building, and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, the said LAWN EQUIPMENT CORPORATION, does by this presents, grant to EDISON, its successors and assigns, the right to construct, operate, construct and maintain its overhead and underground lines for the transmission and distribution of electricity and Company communication lines in, over, under, upon and across an easement in said alley (now vacated) described as:

An easement over the Northerly twelve (12') feet of the Westerly sixty (60') feet of that portion of the public alley (16 feet wide) lying between Lot 143 and Lots 169 through 171, Edgewood Park Subdivision of part of the Southwest 1/4 of the Southeast 1/4 of Section 16, Town 1 North, Range 11 East, Village of Royal Oak (now City of), Oakland County, Michigan, according to the plat thereof recorded in Liber 14, Page 22, Oakland County Records.

Sec. 16; SE 1/4 SW 1/4 of Edgewood Park Sub.,
near to North Lot 143, 169-171

RECORDED HIGHWAY NO. 23512

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DETROIT, MICHIGAN 48226

Together with the right to EDISON to assign the use of said pole lines to other utilities.

The Grantor agrees as follows:

1. That prior to the initial or subsequent construction or reconstruction or repair of a building over said easement, that it will notify the Superintendent of Underground Lines, The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan, 48226, of its intention and date of commencement of construction, reconstruction or repair. Said notice to be in writing and given to EDISON at least forty-eight (48) hours prior to construction.
2. That EDISON shall have the right to inspect during said construction in order to assure protection of its underground lines.
3. That minimum clearances and backfill will be maintained for cables of EDISON as indicated on attached sketch of The Detroit Edison Company General Engineering Department dated October 29, 1965.
4. That the right of EDISON to use the easement for underground and overhead lines herein described and to service and maintain its existing lines shall be paramount to the right of the Grantor.
5. That the building to be erected over said easement shall not exceed at its highest point above the land surface; a height of eighteen (18') feet.
6. The Grantor herein will at all times hereafter indemnify and save harmless EDISON against any and all detriment, damages, losses, claims, demands, suits or costs which EDISON may suffer or be subject to by reason of the Grantor's erection of the building over the easement herein granted pursuant to this Agreement and Grant of Easement.

The Grantor hereto covenants and agrees 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 said Westerly sixty (60') feet of the above described public alley and these presents shall be binding upon the Grantor and its successors and assigns and inure to the benefit of EDISON and its successors and assigns.

Dated at the City of Royal Oak, this 16th day of December, 1965.

In the Presence of:

Robert J. Kirkpatrick
ROBERT J. KIRKPATRICK

Hawley B. Bradshaw
HAWLEY B. BRADSHAW V.P.

LAWN EQUIPMENT CORPORATION
A Corporation of Michigan

By: Jay F. McMullen
Jay F. McMullen Pres.

By: Burton Bradshaw
Burton Bradshaw Sect.

RECORDED RIGHT OF WAY NO. 23572

RETURN TO
A. L. KASAMEYER
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

On this 16th day of DECEMBER, 1965, before me the subscriber,
a Notary Public in and for said County, appeared Jay F. McMullen
and Burton Bradshaw, to me personally known, who being by me duly
sworn did say they are the President and Secretary
of LAWN EQUIPMENT CORPORATION, a Michigan corporation, and that the seal affixed to
said instrument is the corporate seal of said corporation, and that said instrument was
signed in behalf of said corporation, by authority of its Board of Directors, and
Jay F. McMullen and Burton Bradshaw
acknowledged said instrument to be the free act and deed of said corporation.

Charles F. Donley - C.F. DONLEY
Notary Public, Oakland County, Mich. Notary Public, Oakland County, Michigan

My Commission Expires: Feb. 25, 1967

CHARLES F. DONLEY

RECORDED
OAKLAND COUNTY MICHIGAN
REGISTER OF DEEDS RECORDS
1965 JAN 7 AM 9 45
John B. Murphy
CLERK-REGISTER OF DEEDS

RECORDED FIRST OF FILE NO. 23512

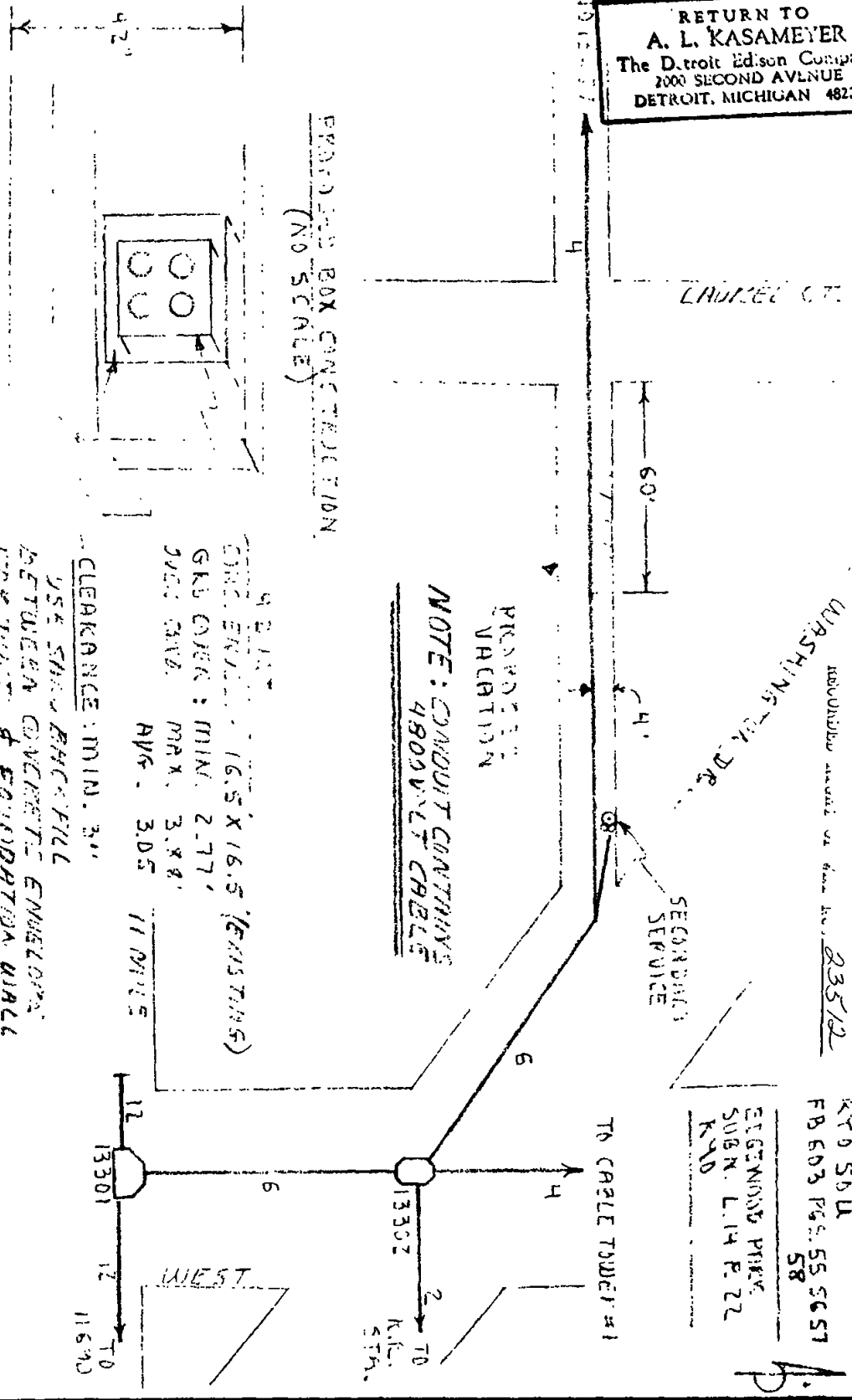
Prepared by: Stephen A. McNamee
2000 Second Avenue
Detroit, Michigan, 48226

RETURN TO
A. L. KASAMEYER
 The Detroit Edison Company
 2000 SECOND AVENUE
 DETROIT, MICHIGAN 48235

PROJ. TO INSTALLATION
 CONSTRUCTION NOTIFY
 UEL DEPT
 EG WHITE
 2000 SECOND AVENUE
 000-2-2100
 EXT. 3885

PROJ. TO INSTALLATION
 AN. W. W. 601 EASTERN AVENUE
 PROPERTY LINE OF LAUREL CT
 1578-5574
 DANKIN CO.

APPROVED
THE DETROIT EDISON COMPANY
 GENERAL ENGINEERING DEPARTMENT
 DRAWN BY
 M. W. H. H. D.
 DATE 10-29-65
 SCALE 1" = 40' TYP



LAUREL CT.

60'

42"

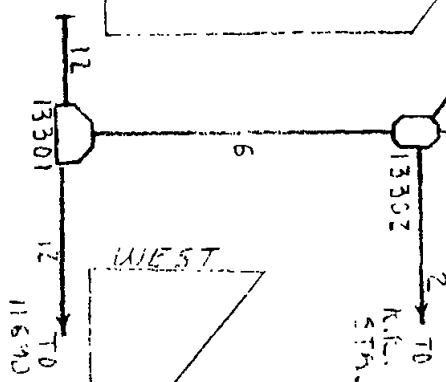
SECONDARY SERVICE

TO CABLE TOWER #1

PROPOSED VACATION
 NOTE: CONDUIT CONTAINS
 4800 VOLT CABLE

EXISTING
 CONDUIT: 16.5 X 16.5 (EXISTING)
 GIB OVER: MIN. 2.77'
 OVER GND. MAX. 3.88'
 AVG. 3.05'

CLEARANCE MIN. 3"
 USE SAND BACKFILL
 BETWEEN CONCRETE ENVELOPE
 AND DUCTS & FOUNDATION WALL



RECORDED AND INDEXED BY FILE NO. 83512

KTD 56 U
 FB 603 PGS. 55 56 57
 58
 EIGHTH AND PINE
 SUBN. L. 14 P. 22
 KAD