



# Right of Way Agreement

March 3, 19 88

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, of 2000 Second Avenue, Detroit, Michigan 48226 hereinafter referred to as "EDISON", the easements and right to erect, lay, maintain, reconstruct and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required in, under, upon, over and across the land located in the City of Madison Heights, Oakland County, Michigan, and more particularly described on the attached Appendix "A", with the full right to EDISON of ingress and egress upon said land for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the easements herein described.

Said easements shall be ten (10) feet in width unless otherwise indicated and their route is described as follows:

Underground lines are located in accordance with attached drawing which is made a part hereof.

*ENT*

In order to provide for the proper maintenance and protection of EDISON, the undersigned covenant and agree that:

1. The easements will be graded to within four (4) inches of final grade before EDISON lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around above ground EDISON equipment.

2. No buildings or structures other than EDISONS' equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easements without approval of EDISON.

3. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. EDISON shall not be responsible to Owners for damages to or removal of trees or plant life planted in front of said door or within the easement causing an interference with EDISONS' maintenance of their equipment.

4. If the lines of facilities of EDISON are damaged by the acts of Owners, their agents, employees or contractors, repairs shall be made by EDISON at the cost and expense of Owners. Owners are defined as those persons owning the land at the time the damage occurred.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal on this date:

Witnesses:

Grantors:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Next Page  
E#92 REG. DEEDS PAID  
MAR 23 1988 11:54 AM

11.00

Prepared By: Omer V. Racine  
The Detroit Edison Company  
30400 Telegraph Road, Suite 264  
Birmingham, MI 48010

Address: \_\_\_\_\_

*[Signature]*

*DECO2*

RECORDED RIGHTS DEPT. OF STATE 3/8/79

Witnesses:

Dayton Hudson Corporation  
A Minnesota Corporation  
Its Target Stores Division  
Real Estate Department  
33 South Sixth Street  
Minneapolis, MN 55402

Beth R. Rutherford  
Beth R. Rutherford

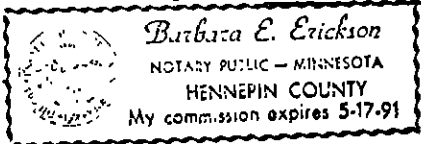
Jane F. Ritter  
Jane Ritter

Edward J. Bierman  
Edward J. Bierman, Vice President  
Target Stores

State of Minnesota )  
                          ) SS:  
County of Hennepin )

Personally came before me this 3rd day of March, 1988, Edward J. Bierman, Vice President, of the above named corporation to me known to be the person who executed the foregoing instrument and to me known to be such Vice President, of said corporation, and acknowledged that he executed the foregoing instrument as such officer as his free act and deed of said corporation by its authority.

My Commission Expires: 5-17-91



Barbara E. Erickson  
Notary Public, Hennepin  
County, Minnesota

Appendix "A"

Land in the City of Madison Heights, Oakland County, Michigan, more particularly described as: Land in the Northeast 1/4 of Section 2, T1N, R11E, City of Madison Heights, Oakland County, Michigan, containing Lots 24 through 74, 99 through 115, part of Lots ~~160~~<sup>166</sup> through 130, all in Electric park Subdivision, as recorded in Liber 32 of Plats, Page 18, Oakland County Records, and all that part of vacated streets and alleys lying within the following described parcel of land: Beginning at the intersection of the Westerly line of John R Road (106 ft. wide) and the Northerly line of Whitcomb Avenue (86 ft. wide), as recorded in Electric Park Subdivision, distant N. 00°00'02" W. 43.00 ft. along the Easterly line of Section 2 and N. 86°52'36" W. 53.08 ft. along the Easterly extension of the Northerly line of Whitcomb Avenue from the E. 1/4 corner of Section 2, said point being the S.E. corner of Electric Park Subdivision and proceeding thence along the Northerly line of Whitcomb Avenue N. 86°52'36" W. 580.76 ft., thence N. 00°00'02" W. 113.01 ft., thence N. 89°59'58" E. 83.23 ft., thence N. 00°00'02" W. 62.44 ft., thence N. 89°95'89" E. 10.00 ft., thence N. 00°00'02" W. 183.00 ft., thence S. 89°59'58" W. 5.00 ft., thence N. 00°00'02" W. 35.00 ft., thence N. 89°59'58" E. 33.67 ft., thence N. 00°00'02" W. 269.50 ft., thence N. 89°59'58" E. 287.00 ft., thence N. 00°00'02" W. 25.00 ft., thence N. 89°59'58" E. 171.00 ft. to the said Westerly line of John R Road, thence along said line S. 00°00'02" E. 719.74 ft. to the point of Beginning.

RECORDED RIGHT OF WAY NO. 38179

32018

Sidwell No. 25-02-279-000 ENT

**Detroit  
Edison**

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

Phone 645-4388

January 11, 1988

Mr. James T. Reeves  
Target Stores  
32001 John R Road  
Madison Heights, MI 48071

Gentlemen:

Re: Target Store, Madison Heights, MI

Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

In order to comply with the recording statutes of the State of Michigan, please have two separate witnesses. The notary can be one of the witnesses. Also, print or type the names of all parties signing the documents, including witnesses, and notary.

Your attention is called to Paragraph No. 4 of this agreement, whereby you would be responsible for any damages which might occur to the Company's underground lines after installation. It is, therefore, extremely important that not only you, but any contractors working for you, exercise due care to avoid any damage.

Prompt return of this instrument, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return all documents addressed to: The Detroit Edison Company, 30400 Telegraph Road, Birmingham, Michigan, 48010. Attn: Omer V. Racine, Room 264.

Sincerely,



Omer V. Racine, Representative  
Real Estate, Rights of Way & Claims

OVR/vkc  
Enclosures

7/12-8-88/7.5

RECORDED RIGHT OF WAY NO. 381779

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

TO Records Center

DATE 4-13-88 TIME \_\_\_\_\_

Please set up R/W file for: MADISON PLACE Shopping Ctr Phase I  
Being a part of Northeast 1/4 of Section 7, City of Madison Heights  
Oakland County, Michigan

COPIES TO: \_\_\_\_\_

SIGNED

*Omer V. Racine*

Omer V. Racine  
264 Oakland Div. Hqtrs.

REPORT \_\_\_\_\_

*Ronald P. Toop*

*SEC. 2*

DATE RETURNED \_\_\_\_\_

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_

38/129

To: (Supervisor, File # & RW) Tim McDONALD Division OAKLAND	For: (Rt. & RW Dept. Use) Date:	Date Received 12-22-87 Application No.	Dist. Br. & C.P. No. OE 87-32C
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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  
 MADISON PLACE SHOPPING CENTER  
 MADISON HEIGHTS  
 City of Development  
 OAKLAND  
 County  
 Search No.

2 Name of Owner  
 STUART FRANKEL  
 Address  
 3250 W. BIG BEAVER  
 Phone No.  
 649-2924  
 Proposed Subdivision  
 Subdivision  
 Apartment Complex  
 Mobile Home Park  
 Condominium  
 Other SHOPPING CTR.

3 Date Service is wanted  
 1-15-88  
 Phone No.  
 649-2924

4 Entire Project will be developed at one time  
 Yes  No  
 5 Joint easements required -- Michigan Bell Telephone  
 Yes  No  
 -- Consumers Power  
 Yes  No

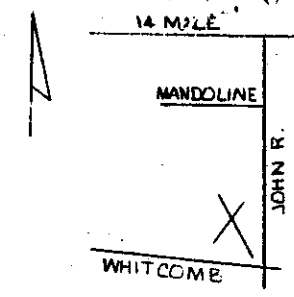
a Name of other utility (Bell, Michigan Bell Telephone or Consumers Power)  
 b Name of Utility Engineer or Name  
 M.B.T. BOB MACAULAY  
 Address  
 Phone Numbers  
 456-0840

6 Acknowledgment of Comments

Note: Trenching letter  attached  will be submitted later  **CUSTOMER INSTALLED CONDUITS**  
 Signed (Service Planning Supervisor)  
 ROY HOFMEISTER  
 Address  
 645-4168  
 30400 TELEGRAPH BIRMINGHAM MI

RECORDED RIGHT OF WAY NO. 38179

LOCATION SKETCH  
MAP SEC. NO.



**TRANSFORMER DATA**

U.D.T. NO.	SIZE	ED. STK. NO.
PSH 555-1	750 KVA	

TRANSFORMER SPEC. 1-17-270  
 FEEDERAL SPEC.  
 NO. OF FEEDERALS  
 NO. OF TEMPORARY CABLE MARKERS  
 TEMPORARY CABLE MARKER SPEC.  
 SECONDARY CONNECTION BOX SPEC.

— CODE —

- TEMPORARY SECONDARY FEEDERAL/TEMPORARY CABLE MARKER
- DPT (ROAD FRONT TYPE)
- LUT (SIDE/FRONT—LIVE FRONT TYPE)
- LUX (SIDE/FRONT—LIVE FRONT TYPE)
- DIRECTION OF TRANSFORMER DOOR OPENING
- SECONDARY FEEDERAL
- SECONDARY CONNECTION BOX
- CABLE POLE
- PRIMARY SWITCH CABINET
- BURIED PRIMARY CABLE—ALL VOLTAGES
- BURIED SECONDARY CABLE
- BURIED SECONDARY SERVICE CABLE
- DETROIT SERVICE TRENCH ONLY
- TELEPHONE TRENCH ONLY
- SEWER
- WATER
- GAS
- PROPOSED CONDUIT
- REP CONN CABINET

**CABLE SUMMARY**

ITEM #	DESCRIPTION	3078	163
1	12-11 12-11		
2	APR 28 & 148 28 V.	713027	
3	APR 28 & 141 28 V.	713024	

**TRENCH SUMMARY**

TOTAL	PHONE NO.

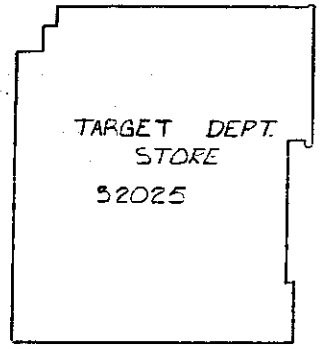
— GENERAL NOTES —

TRENCHING TO BE DONE BY CUSTOMER  
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.  
 SEE SECTION 26 US LINE CONSTRUCTION STANDARDS FOR TRANS. MAX. DETAILS.  
 SEE PAGE 3-11 (S&M) SERIES " " FOR ENTRANCE POINT DETAILS (APPL. ONLY)  
 SEE SECTION 43 US LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLE,  
 TRANSFORMERS AND FEEDERALS (S&M ONLY)  
 D.E. SERVICE PLANNER ROY HOPMEISTER 645-4165  
 TEL. CO.  
 GAS CO.  
 OTHER:  
 CONTACT "888 888" (888-888-888) BEFORE DOING ANY EXCAVATION.  
 SABBENTS INDICATED BY OUR CENTERLINE ARE  
 IN WIDTH UNLESS OTHERWISE NOTED.

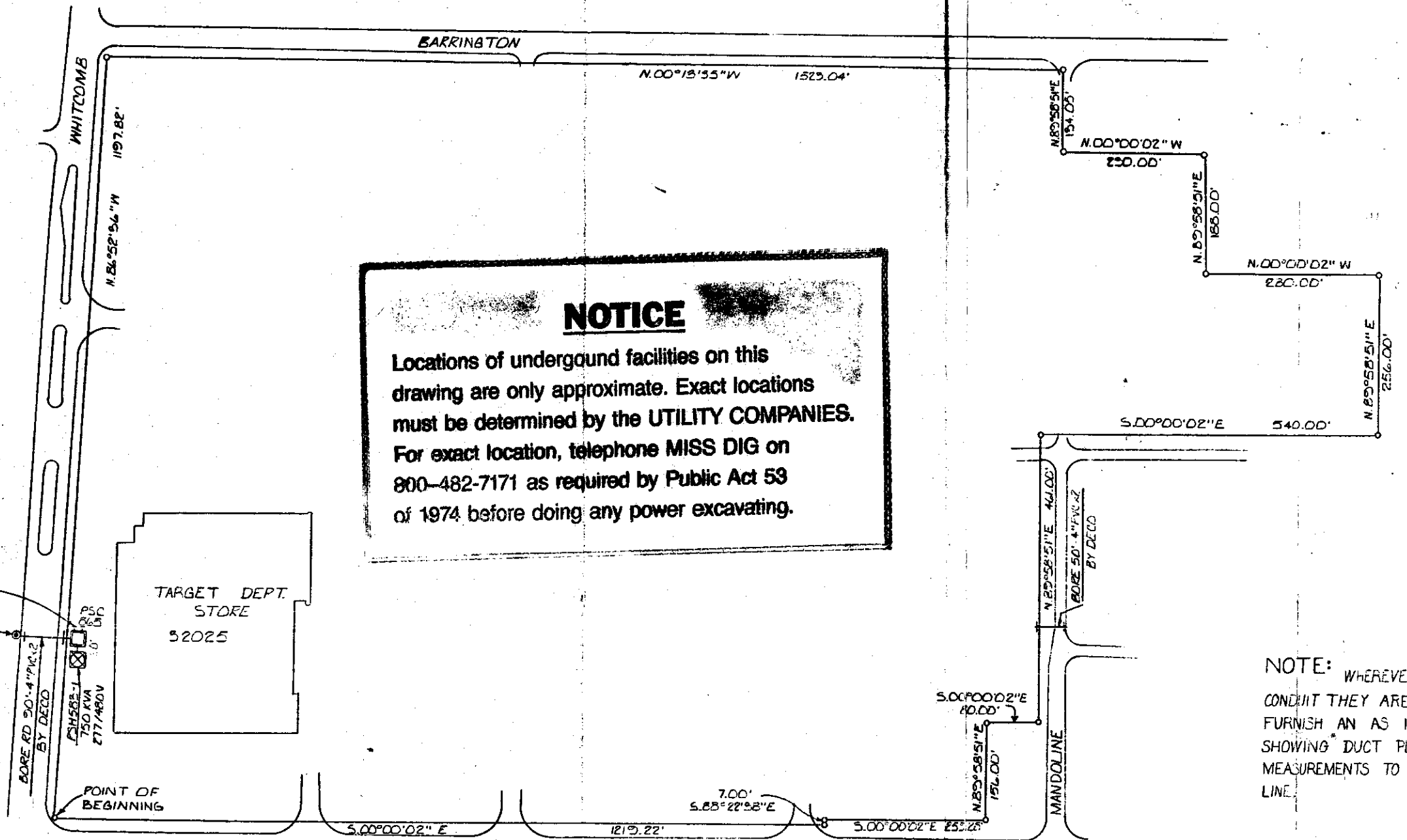
PERMITS REQUIRED

CITY OF MADISON HEIGHTS COUNTY, NOTIFICATION ONLY  
 STATE  YES  NO

**NOTICE**  
 Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.



2-4" SWPS  
 D.L. H-044  
 CABLE ~ NE QUAD  
 DET-1-20 23B  
 FUSE ~  
 PHASE ~ XYZ  
 NEUT ~ 27'  
 PS C  
 865  
 0  
 CH 555-1  
 750 KVA  
 277/480V  
 BORE RD 50'-4" DIA.  
 BY DECO



NOTE: WHEREVER DEVELOPER INSTALLS CONDUIT THEY ARE RESPONSIBLE TO FURNISH AN AS INSTALLED DRAWING SHOWING DUCT PLACEMENT WITH MEASUREMENTS TO BUILDING & PROPERTY LINE.

TO 14 MILE →

START DATE 2-1-88

D REVISION			C REVISION			B REVISION			A REVISION		

NAME	DATE	JOB TITLE
DRAWN BY RALPH M WINDL	12-14-87	
CHECKED BY	12-23-87	
APPROVED BY	12-23-87	
	12-23-87	
	12-23-87	

MADISON PLACE SHOPPING CENTER  
 NE 1/4 SEC 2  
 T. 1N., R. 11E  
 CITY OF MADISON HEIGHTS OAKLAND CO.

THE DETROIT EDISON COMPANY SERVICE PLANNING		
SCALE 1"=100'	NUMBER OF UNITS 1	WORK ORDER NUMBER 367814J013
LATEST REVISION	DISTRIBUTION CIRCUIT 8274 CHESTNUT	
DEPT. ORDER NUMBER 88A-63695	SHEET	OF SHEETS