

Always

86 75185

Detroit Edison

Right of Way Agreement

1-8  
21

MAY 27, 1986

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 and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 hereinafter referred to as "UTILITIES", the easement 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 Novi, County, Michigan, and more particularly described on the attached Appendix "A", with the full right to the UTILITIES 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.

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①

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

See Attached Appendix "B"

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

1. The easements will be graded to within four (4) inches of final grade before the UTILITIES 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 UTILITIES' equipment.
2. No buildings or structures other than UTILITIES equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easement without approval of UTILITIES.
3. If the lines or facilities of UTILITIES are damaged by the acts of Owners, their agents, employees or contractors, repairs shall be made by the Utility company so damaged at the cost and expense of Owners. Owners are defined as those persons owning the land at the time the damage occurred.
4. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. UTILITIES 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 UTILITIES maintenance of their equipment.

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

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

Witnesses:

x Joan Cristiano  
 JOAN CRISTIANO  
 John M. O'Connell  
 JOHN M. O'CONNELL

Grantors: TRI-MOUNT LAND DEVELOPMENT CO., INC.

JOHN I. VINCENTI, PRESIDENT  
 RAYMOND L. COUSINEAU, VICE PRES.

Prepared By: STUART CHIPMAN  
 RETURN TO 30400 TELEGRAPH #264  
 BIRMINGHAM, MICH 48010

Address:

JUN 15 14:02  
 9.00

RECORDED BY RIGHT OF WAY DIVISION

36252

APPENDIX "A"

"Orchard Manor Estates No. 1", and being a part of the Southeast 1/4 of Section 21, T1N., R8E., City of Novi Oakland County, Michigan; more particularly described as commencing at the East 1/4 corner of said Section 21; thence S 00°35'10" E., 1029.97 ft. along the East line of said Section 21 and the centerline of Taft Road, to the point of beginning; thence S 00°35'10" E., 1169.06 ft., along the East line of said Section 21 and the centerline of said Taft Road; thence N 89°45'30" W., 634.50 ft.; thence N 00°14'30" E., 125.00 ft. thence N 89°45'30" W., 56.86 ft.; thence N 00°37'00" W., 669.32 ft.; thence N 05°50'39" E., 145.36 ft.; thence N 31°09'02" E., 143.51 ft.; thence N 42°53'00" E., 77.88 ft.; thence N 57°17'18" E., 194.23 ft.; thence S 00°35'10" E., 40.00 ft.; thence N 89°24'50" E., 120.00 ft.; thence S 70°50'18" E., 63.75 ft.; thence N 89°24'50" E., 200.00 ft. to the point of beginning. All of the above containing 17.911 acres. All of the above being subject to the rights of the public in Taft Road. All of the above being subject to easements, restrictions and right-of-ways of record. This Plat contains 48 lots numbered 1 to 48, both inclusive.

Sidwell (22-21-400-004) 22-21-400-012 SE 1/4

Tri-Mount Land Development Company, Inc., a corporation duly organized and existing under the laws of the State of Michigan by John I. Vincenti, President, and Raymond L. Cousineau, Vice-President, as proprietors, has caused the land to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

WITNESSES:

Joan Cristiano  
JOAN CRISTIANO  
John M. O'Connell  
JOHN M. O'CONNELL

Tri-Mount Land Development Co., Inc.  
41115 Jo Drive  
Novi, Michigan 48050

John I. Vincenti, President  
Raymond L. Cousineau, Vice-President

RECORDED RIGHT OF WAY NO. 36256

ACKNOWLEDGEMENT

STATE OF MICHIGAN)  
COUNTY OF OAKLAND) ss.

Personally came before me this 27th day of MAY, JOHN I. VINCENTI, President, and RAYMOND L. COUSINEAU, Vice-President, of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such president and vice-president, respectively, of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said corporation, by its authority.

My Commission Expires: 6-28-89

Colleen D. O'Connell  
COLLEEN D. O'CONNELL  
Notary Public, OAKLAND County, Michigan

**Detroit  
Edison**

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

May 21, 1986

Raymond Cousineau  
4115 Jo Dr.  
Novi, MI 48050

Gentlemen:

RE: Yorkshire Place #1

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. 3 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: Stuart R. Chipman, Room 264.

Sincerely,

Stuart R. Chipman, Representative  
Real Estate, Rights of Way & Claims

SRC:lhq  
Enclosures

RECORDED RIGHT OF WAY NO. 310256

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

TO RECORDS CENTER

DATE 6-26-66 TIME

Please set-up R/W file for: YORKSHIRE PLACE SUB'N # 1  
Being a part of SE 1/4 of Section 21  
Oakland County, Michigan.

COPIES TO

REPORT

SIGNED

Stu Chipman  
Stu Chipman  
264 Oakland Division Headquarters

RECORDED  
RIGHT OF  
WAY  
NOTES

362576

DATE RETURNED

TIME

SIGNED

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

TO DATE CORITAK 5-29-86 TIME \_\_\_\_\_

RE: Underground Service - YORKSHIRE PLANT SUBN #1  
Agreement and Easements obtained - OK to proceed with construction.

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

SIGNED

Stu Chipman  
Stu Chipman, Representative  
Real Estate, R/W & Claims  
264 Oakland Division Headquarters

REPORT \_\_\_\_\_

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

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_

UNCLASSIFIED

36250

To (Supervisor RE & R/W) <b>OAKLAND R/W DEPT</b>	For RE & R/W Dept Use	Date Received <b>5-16-86</b>	DE/Bell/C.P. No. <b>OE 86-14</b>
Division <b>OAKLAND</b>	Date <b>5-15-86</b>	Application No. <b>Q 8254</b>	

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 <b>YORKSHIRE PLACE SUBDN #1</b>	County <b>OAKLAND</b>
City/Township/Village <b>NOVI</b>	Section No. <b>21</b>

Type of Development

<input checked="" type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park	<input type="checkbox"/> Other

2 Name of Owner <b>TRI-MOUNT LAND DEV. CO.</b>	Phone No. <b>478-3303</b>
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Address  
**4115 JO DR**

Owner's Representative <b>RAYMOND COUSINEAU</b>	Phone No. <b>478-3303</b>
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Date Service is Wanted

4 Entire Project will be developed at one time  Yes  No

5. Joint easements required -- Michigan Bell Telephone  Yes  No  
 -- Consumers Power  Yes  No

6 Name of Other Utilities (If Not Michigan Bell Telephone or Consumers Power)  
**METRO VISION OF OAKLAND COUNTY**

7 Other Utility Engineer Name <b>TOM BJORKLUND</b>	Phone Numbers <b>471-9060</b>
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Addresses  
**37635 ENTERPRISE CT FARMINGTON HILLS MI 48018**

8 Additional Information or Comments

Note: Trenching letter  attached  will be submitted later

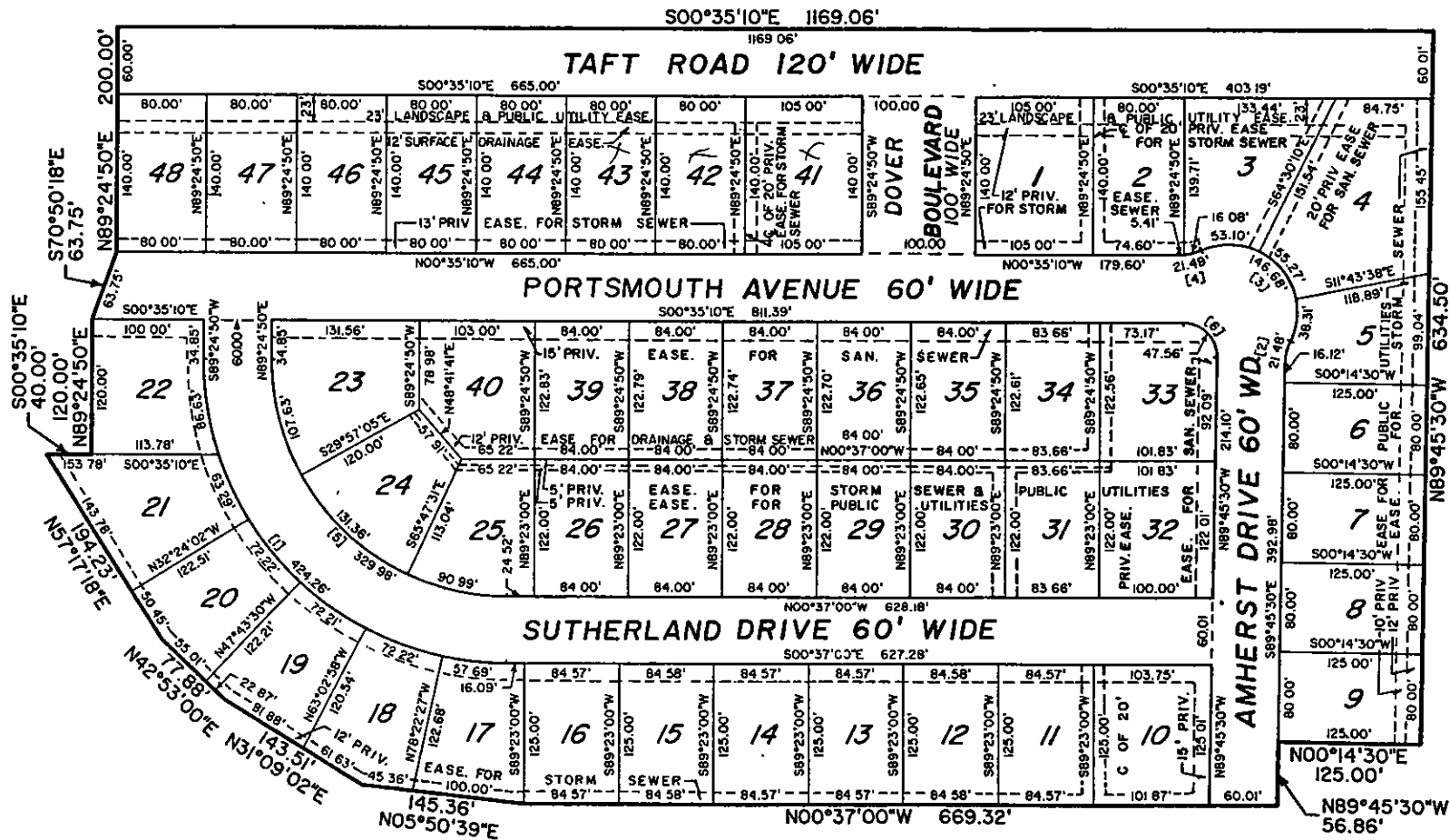
Service Planner <b>D. CERMAK</b>	Signed (Service Planning Supervisor) <b>J.P. Baum</b>
Phone No. <b>4130</b>	Address <b>240 ODHQ</b>

RECORDED RIGHT OF WAY NO. 36256

# "YORKSHIRE PLACE NO.1"

A PART OF THE E. 1/2 OF THE S.E. 1/4 OF SEC.21, T.1N.,R.8E.,CITY OF NOVI,OAKLAND CO.,MICH.

## APPENDIX "B"



LIBER 9400 PAGE 574

RECORDED RIGHT OF WAY NO. 36056

NUMBER	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	270.00	424.26	90°01'50"	270.14	381.94	S44°23'55"W
2	50.00	21.48	24°37'12"	10.91	21.32	S77°26'54"E
3	60.00	146.68	140°04'04"	165.15	112.79	N44°49'40"E
4	50.00	21.49	24°37'12"	10.91	21.32	N12°53'46"W
5	210.00	329.98	90°01'50"	210.11	297.06	N44°23'55"E
6	30.00	47.56	90°49'40"	30.44	42.73	S44°49'40"W

