

**Detroit Edison**

**Right of Way Agreement**

#1

6-1, 19 87

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 Metrovision of Oakland County, A Michigan Corp., 37635 Enterprise Ct., Farmington Hills, MI 48018 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, Oakland 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.

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:

Grantors:

*[Signature]*  
Betty Rae Sherman

*[Signature]*  
REG/DEEDS PAID  
0405 JUL 07 '87 03:20PM  
SEE PAGE 2

RECORDED RIGHT OF WAY NO. 37359

Prepared By: **OMER V. RACINE**  
**THE DETROIT EDISON COMPANY**  
30400 TELEGRAPH ROAD, 272 OAKDH  
BIRMINGHAM, MICHIGAN 48010

Address: 11,000

Ret. DECO

*[Signature]*

Witnesses:

Lee Walter  
LEE WALTER  
Betty Rae Sherman  
BETTY RAE SHERMAN

R & T Management, Inc.,  
A Michigan Corporation  
28250 Franklin Road  
Southfield, Michigan 48034

Robert M. Rosin  
Robert M. Rosin, President

State of Michigan) SS.  
County of Oakland)

Personally came before me this 1st day of June, 1987,  
Robert M. Rosin, President of R & T Management, Inc., to me known to be the  
person who executed the foregoing instrument, and to me known to be such  
President, of said corporation, and acknowledged that he executed the foregoing  
instrument as such officer as the free act and deed of said corporation, by its  
authority.

My Commission Expires: 4-9-90

Betty Rae Sherman  
BETTY RAE SHERMAN  
Notary Public, Oakland County, Michigan

Witnesses:

Omer V. Racine  
OMER V. RACINE  
Lorraine H. Patchett  
LORRAINE H. PATCHETT

Sarah T. Flynn  
Sarah T. Flynn  
46470 Ten Mile Road  
Novi, Michigan 48050

State of Michigan) SS.  
County of Oakland)

Personally came before me this 4th day of JUNE, 1987,  
the above named Sarah T. Flynn, a single woman, to me known to be the person  
who executed the foregoing instrument, and acknowledged that she executed the  
same as her free act and deed.

My Commission Expires: OMER V. RACINE  
Notary Public, Oakland County, MI  
My Commission Expires May 20, 1990

Omer V. Racine  
OMER V. RACINE  
Notary Public, Oakland County, Michigan

RECORDED RIGHT OF WAY NO. 37359

Appendix "A"

Proposed "Simmons Orchard Sub'n. No. 4", a part of the Southeast 1/4 and a part  
of the Southwest 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; th S 87°57'25" W., 2590.23 feet, along the East and West 1/4 line  
of said Section 21 and along the Northerly line of "Simmons Orchards Sub'n No. 3",  
as recorded in Liber 190, Pages 7 and 8 of Oakland County records, to the Northwest  
corner of said "Simmons Orchards Sub'n No. 3" and to the point of beginning; th S  
02°58'41" E., 2078.61 feet, along the Westerly line of said "Simmons Orchards Sub'n.  
No. 3" and the Westerly line of "Simmons Orchards Sub'n No. 2", as recorded in Liber  
186, Pages 16 and 17 of Oakland County records and an extension thereof; th S  
87°47'36" W., 403.47 feet; th N 02°00'46" W., 2078.49 feet, to the East and West 1/4  
line of said Section 21; th N 87°45'47" E., 294.32 feet, along the East and West  
1/4 line of said Section 21, to the Center of said Section 21; th N 87°57'25" E., 74.13  
feet, along the East and West 1/4 line of said Section 21, to the point of beginning.  
All of the above containing 18.417 acres. This plat contains 49 lots, numbered  
206 to 254, both inclusive.

SIDWELL NO 22-21-300-(005) NOW -009- SW and SE 1/4  
Sec 21  
Novi

# Detroit Edison

# Application for U.R.D. Easements

DE 463 (1-1-87)

Tr (S) (Project) (E) (R) (H) (W)	Tr (R) (S) (Project) (E) (R) (H) (W) (J) (S)	Date Received	Tr (S) (Project) (E) (R) (H) (W)
J. McDONALD		4-30-87	OE 87-11
Division	Date	Application No.	
OAKLAND	4-29-87		

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	County
SIMMONS DECLARED #4	OAKLAND
City/Township/Village	Section No.
NOVI	21

Type of Development

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

2 Name of Owner	Phone No.
R & R. BUILDING CO	353-9650

Address

28250 FRANKLIN RD SOUTHFIELD MI. 48034

Owner's Representative	Phone No.
LEE WALTERS	253-9650

Date Service is Wanted

JULY 15, 1987

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 Utilities If Not Michigan Bell Telephone or Consumers Power

METROVISION OF OAKLAND COUNTY

b Other Utility Engineer Names	Phone Numbers
M. NELSON	553-0760

Addresses

37635 ENTERPRISE CT FARMINGTON HILLS 48018

6 Additional Information or Comments

Note. Trenching letter  attached  will be submitted later

Service Planner	Signed (Service Planning Supervisor)
D. CERMAK	<i>[Signature]</i>
Phone No	Address
645-4130	240 DDHQ

RECORDED RIGHT OF WAY NO. 37359

*[Handwritten mark]*

**Detroit  
Edison**

Cadland Division  
30400 Telegraph Road  
Birmingham, Michigan 48010  
Tel: 645-4000

Phone 645-4388

May 6, 1987

Mr. Lee Walters  
R & T Management Company  
28250 Franklin Road  
Southfield, MI 48034

Gentlemen:

Re: Simmons Orchard No. 4 Subdivision

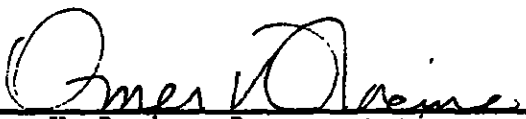
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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/kw  
Enclosures

RECORDED RIGHT OF WAY NO. 37357

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

TO Records Center

DATE 8-6-87 TIME

Please set up R/W file for:

Being a part of SE 1/4 of SW 1/4 of Section 21, City of Novi  
Oakland County, Michigan

COPIES TO:

REPORT

DATE RETURNED

TIME

SIGNED

*Omer Racine*

Omer V. Racine  
267 Oakland Div. Hqter.

SIGNED

Novi Twp  
SEC. 21

RECORDED  
RIGHT OF WAY  
NO

373514

# PROPOSED "SIMMONS ORCHARDS SUB'N No. 4"

A PART OF THE S.E. 1/4 AND A PART OF THE S.W. 1/4 OF SECTION 21, T. 1 N. - R. 8 E.  
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

**PLAT LEGEND**

- All side lines of lots fronting on curvilinear street lines are radial thereto unless otherwise noted as (N.R.)
- All dimensions are shown in feet
- All curvilinear dimensions are shown along the arc
- All bearings are in relation to "SIMMONS ORCHARDS SUB'N NO. 3" (Liber 190, Pages 7 & 8 of Oakland County Records) (Westerly line thereof)
- The symbol "o" indicates P.C. of road alignment not to be monumented
- The symbol "c" indicates a concrete monument 4" Dia., 36" Long, cylinder with 1/2" iron bar
- All lot markers are 1/2" steel bars and are 18" long

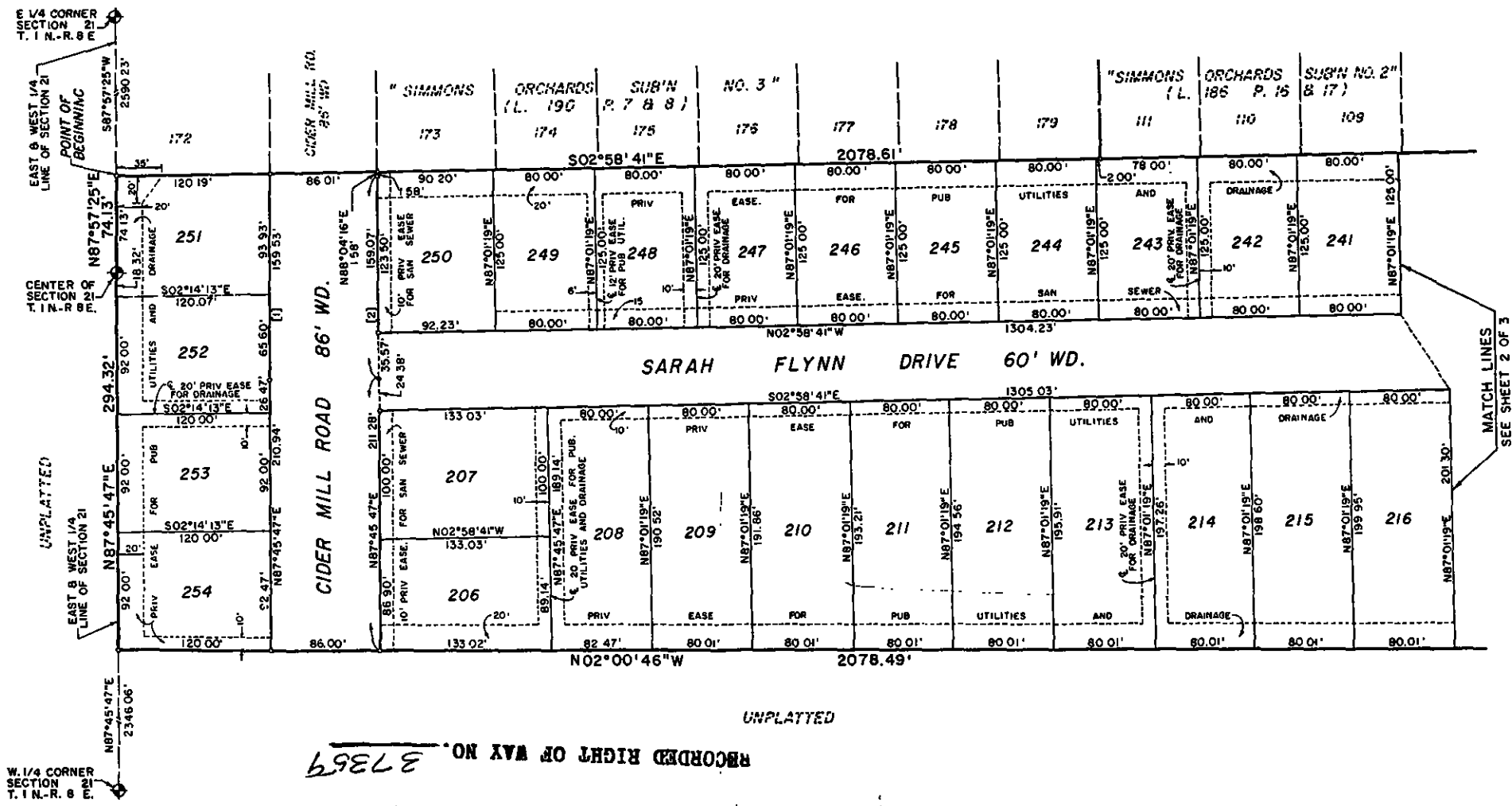
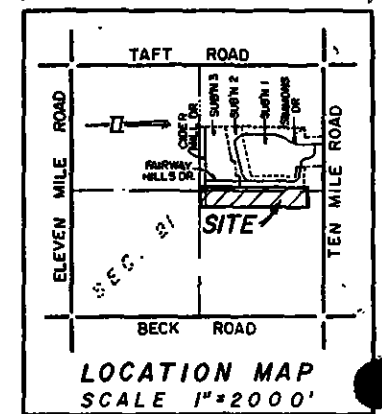
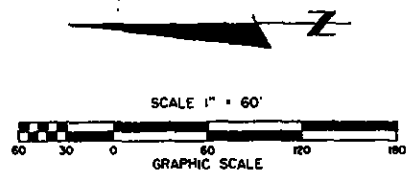
**APPENDIX "B"**



MICHAEL L. MILLETTICS, (04NFR)  
LICENSED LAND SURVEYOR #29249  
MILLETTICS AND ASSOCIATES  
38955 HILLS TECH DRIVE  
SUITE 209  
FARMINGTON HILLS, MI. 48014

**CURVE DATA**

NUMBER	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
1	29,672.15	159.93	00°18'29"	159.93	N87°55'02"E
2	29,366.15	169.07	00°18'29"	159.07	N87°55'02"E



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# PROPOSED "SIMMONS ORCHARDS SUB'N No. 4"

A PART OF THE S.E. 1/4 AND A PART OF THE S.W. 1/4 OF SECTION 21, T. 1 N. - R. 8 E.  
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

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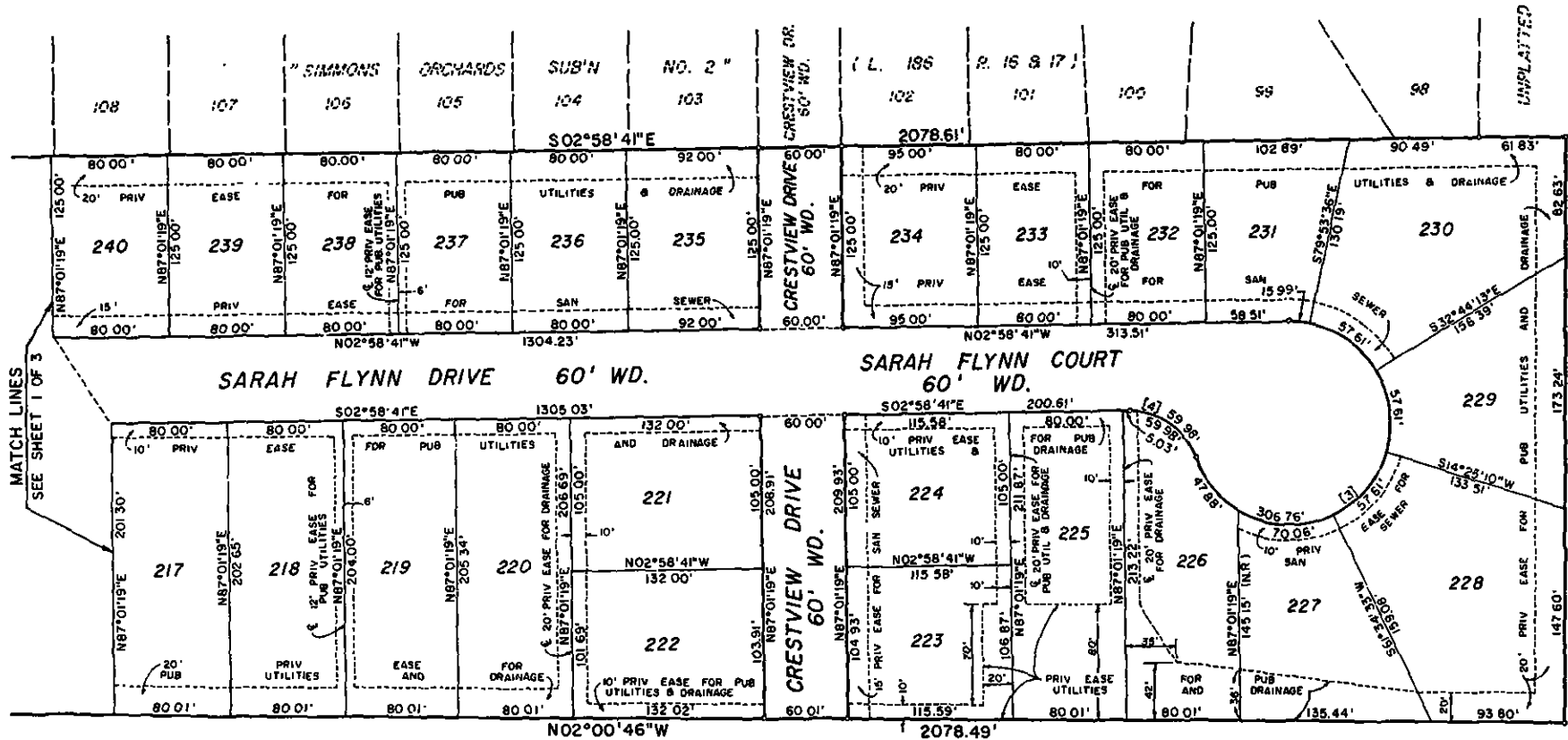
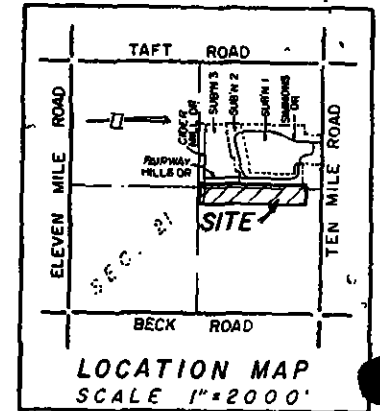
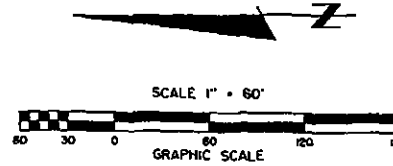


MICHAEL L. MILLETICS, (OWNER)  
LICENSED LAND SURVEYOR #29249

MILLETICS AND ASSOCIATES  
38955 HILLS TECH DRIVE  
SUITE 210  
FARMINGTON HILLS, MI. 48018

### CURVE DATA

NUMBER	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
3	70.00	306.76	251° 05' 31"	113.91	N57° 25' 48" W
4	48.34	59.98	71° 05' 31"	36.21	S52° 54' 03" W



MATCH LINES  
SEE SHEET 1 OF 3

UNPLATTED

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RECORDED RIGHT OF WAY NO. 37359 UNPLATTED