

Right of Way Agreement

87 157931

LIBER 10069 PAGE 888

July 27th, 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 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 Novi _____, 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.

#36 REG/DEEDS PAID
0001 AUG.19.87 11:16AM
1600 MISC 11.00

DE 202 #10

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: In Tech of Novi,
A Michigan Co-Partnership

Michelle McEvoy
Michelle McEvoy

N Allen Coacs, Partner
N Allen Coacs, Partner

Gene L. Rowe

RECORDED RIGHT OF WAY NO. 37465

11-20

Prepared By: Walter E. Touchie
The Detroit Edison Company
30400 Telegraph Road, #264
Birmingham, MI 48010

Address: 37412 Hills Tech Dr.
Farmington Hills, MI 48018

[Handwritten signature]

State of Michigan) SS.
County of Oakland)

Personally came before me this 27th day of July 1987,
N. Allen Boes, Co-Partner; _____,
Co-Partner; and _____, Co-Partner of the above named Co-
Partnership, to me known to be the persons who executed the foregoing instrument,
and to me known to be such co-partners of said Co-Partnership and acknowledge that
they executed the foregoing instrument as such co-partners as the free act and deed
of said Co-Partnership

My Commission Expires: May 23, 1990 Michelle Marie McEvoy
MICHELLE MARIE McEVoy
Notary Public, Oakland County, Michigan

Appendix "A"

Part of the East 1/2 of the Southeast 1/4, Section 24, T1N., R8E., distant South
89°03'10" West 881.33 feet from the East one-quarter corner, thence South 00°07'14"
East 950.10 feet to center of Grand River Road, thence North 71°18'30" West 472.50
feet, thence North 00°11'10" East 791.36 feet to one-quarter line, thence North
89°03'10" East 443.06 feet to the point of beginning.

Sidwell No: 22-24-426-001

Novi

RECORDED RIGHT OF WAY NO. 37465

MEMORANDUM ORDER
FOR GENERAL USE
FORM 923-989 (10-77) 11-83

TO DALE CERMAN

DATE 8-4-87 TIME _____

Re: Underground Service INTECH OF NOVI

Agreement and Easements obtained - OK to proceed with construction.

COPIES TO: _____

SIGNED

Walter E. Touche

Omer V. Racine, representative
Estate, Rights of Way & Claims
264 Oakland Division Headquarters

RECORDED
RIGHT OF WAY

DATE RETURNED _____

TIME _____

SIGNED _____

MEMORANDUM ORDER
FOR GENERAL USE
FORM 923-989 (10-77) 11-83

TO Records Center

DATE 9-8-87 TIME _____

Please set up R/W file for: IN TECH OF NOVI

Being a part of EAST 1/2 OF SOUTHEAST 1/4 of Section 24, CITY OF NOVI

Oakland County, Michigan

COPIES TO: _____

SIGNED

Omer V. Racine

Omer V. Racine
264 Oakland Div. Hqtrs.

REPORT _____

RECORDED
RIGHT OF WAY
374/65

DATE RETURNED _____

TIME _____

SIGNED _____

Detroit
Edison

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

Phone 645-4388

July 21, 1987

Intech Venture of Novi
A Michigan Co-Partnership
37412 Hills Tech Dr.
Farmington Hills, MI 48018

Gentlemen:

Re: Intech of Novi

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: Walter E. Touchie, Room 264.

Sincerely,

Walter E. Touchie

Walter E. Touchie, Representative
Real Estate, Rights of Way & Claims

WET/vkc
Enclosures

RECORDED RIGHT OF WAY NO.

37465

Detroit Edison

Application for U.R.D. Easements

DE 46J 114 1 171

Applicant Name J. McDonald	Application No. 6-24-87	Case No. OE-87-11C
Division OAKLAND	Date 6-23-87	Approval No.

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 INTECH OF NOVI	County OAKLAND
City/Township/Village NOVI	Section No. 24

Type of Development

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

2 Name of Owner INTECH OF NOVI	Phone No. 563-8501
--	------------------------------

Address
37412 HILLS TECH DR FARMINGTON HILLS MICH

Owner's Representative NOBERT A. BOES	Phone No. 553-8501
---	------------------------------

Date Service is Wanted
SEPT 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

b Other Utility Engineer Names	Phone Numbers
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Addresses

6 Additional Information or Comments

RECORDED AT CITY OF WAY NO. 37465

Note Trenching letter attached will be submitted later

Service Planner D. CERMAK	Signed (Service Planning Supervisor) R. Diney
Phone No. 645-4130	Address 240 DOHQ

COMMITMENT FOR TITLE INSURANCE NUMBER _____
CHICAGO TITLE INSURANCE COMPANY

CHICAGO, ILLINOIS 60602

THE PHILIP F. GRECO TITLE COMPANY

118 CASS AVENUE • MT. CLEMENS, MICHIGAN 48043 • (313) 463-1582

CHICAGO TITLE INSURANCE COMPANY, a Missouri Corporation, hereby agrees to issue a policy of title insurance as hereinafter set forth upon satisfactory compliance with the requirements herein set forth and upon payment of the prescribed premium. If any requirement is not satisfied, the title policy will be issued subject to the exception which would otherwise be eliminated by compliance with such requirement. The policy will also contain exceptions as to matters affecting the title to subject property which may arise after the date hereof and which have not been eliminated to our satisfaction. All policies are subject to the printed conditions contained in the policy form. Owners' and Loan Policies With Exceptions will be issued with general exceptions as shown on the reverse side hereof.

FORM OF POLICY TO BE ISSUED

ALTA OWNER'S POLICY
FORM 8-1970 (AMENDED 10-17-70)
\$ 662,765.00

ALTA LOAN POLICY
FORM B-1970 (AMENDED 10-17-70)
WITHOUT EXCEPTIONS
\$

ALTA LOAN POLICY
FORM B-1970 (AMENDED 10-17-70)
WITH EXCEPTIONS
\$

PARTY TO BE INSURED

~~N. ALLEN ASSOCIATES, INC.~~ *INTECH VENTURES OF NOVI, A Michigan Co Partnership*

DESCRIPTION OF REAL ESTATE

Situated in City of Novi, Oakland County, Michigan

(SEE ATTACHED RIDER A)

Parcel Identification No. 22-24-426-001

OWNER, ENCUMBRANCES, EXCEPTIONS TO TITLE, UNPAID TAXES AND REQUIREMENTS FOR ISSUANCE OF POLICY

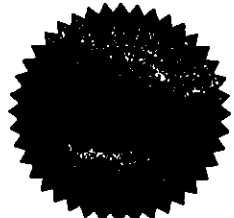
- 1. Owner: *MARY M. MAIN, Trustee and Trust Agreement with Mary Thomas G. Hildebrand and Margaret L. Hildebrand, his wife M. Main, Seller, dated 12-22-81*
- 2. Subject to the Land Contract Purchaser's Interest of the party to be insured, as disclosed in ~~Title Insurance Application~~. *Memorandum of L.C. dated 6-30-86 (to be recorded)*

(SEE ATTACHED RIDER B)
Countersigned: *Robert S. Powell*
Robert S. Powell
Authorized Signatory

CHICAGO TITLE INSURANCE COMPANY

By: *Richard L. Peltz*
President.

Dated at Pontiac, Michigan,
~~May 14, 1986 at 8:00~~ A.M.
6-30-86 @ 12:00 PM P.M.



ATTEST: *Thomas J. Adams*
mt Secretary.

This Commitment is valid and binding for a period of 90 days from the date hereof.

RECORDED RIGHT OF WAY NO.

37465

REQUIREMENTS FOR ISSUANCE OF LOAN POLICIES:

FOR ALL LOAN POLICIES:

Requirement: Estoppel certificate on form provided by this company signed by or on behalf of all mortgagors acknowledging receipt of the mortgage consideration and making representations as to the ages of individual mortgagors and such other matters as are therein set forth.

FOR ALTA LOAN POLICIES WITHOUT EXCEPTIONS:

Requirement: Proper sworn statements and waivers showing payment or release of all lien rights covering improvements made on subject land in the last 90 days or satisfactory proof that no improvements have been made within the last 90 days.

Requirement: Satisfactory survey by an approved surveyor showing no variation in location or dimensions, encroachments, or adverse rights, and such evidence of possession as may be required.

PROVISIONS APPLICABLE TO ALL COMMITMENTS:

This Commitment is delivered and accepted upon the understanding that the party to be insured has no personal knowledge or intimation of any defect, objection, lien or encumbrance affecting subject property other than those set forth herein and in the title insurance application. Failure to disclose such information shall render this Commitment and any policy issued pursuant thereto, null and void as to such defect, objection, lien or encumbrance.

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company: defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.

GENERAL EXCEPTIONS WHICH APPEAR UNDER SCHEDULE B ON:

Owners' Policies:

- (1) Rights or claims of parties in possession not shown by the public record.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be discovered by an accurate survey and inspection of the premises.
- (3) Easements or claims of easements not shown by the public records and existing water, mineral, oil and exploitation rights.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished imposed by law and not shown by the public records.
- (5) Taxes or special assessments which are not shown as existing liens by the public records.
- (6) Restrictions upon the use of the premises not appearing in the chain of title.

Loan Policies With Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be discovered by an accurate survey and inspection of the premises.
- (3) Any lien, or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

"RIDER A"

LEGAL DESCRIPTION:

Part of the East 1/2 of the Southeast 1/4, Section 24, Town 1 North, Range 8 East, distant South 89 degrees 03 minutes 10 seconds West 881.33 feet from the East one-quarter corner, thence South 00 degrees 07 minutes 14 seconds East 950.10 feet to center of Grand River Road, thence North 71 degrees 18 minutes 30 seconds West 472.50 feet, thence North 00 degrees 11 minutes 10 seconds East 791.36 feet to one-quarter line, thence North 89 degrees 03 minutes 10 seconds East 443.06 feet to the point of beginning.

RECORDED RIGHT OF WAY NO.

37465

Rider attached to and forming a part of Commitment No. 63-622219

THE PHILIP F. GRECO TITLE COMPANY




By: Robert S. Powell

mt

"RIDER B"

CONTINUATION OF COMMITMENT:


3. Subject to the land contract purchaser's interest of Mary M. Main, Trustee under Trust Agreement with Mary M. Main, settlor, dated December 22, 1981, assignee from Gerald G. Main and Mary M. Main, his wife, as set forth in Assignment of Purchaser's Interest in Land Contract dated July 1, 1982 and recorded December 6, 1982 in liber 8283 page 528, Oakland County Records. Said original Land Contract is recorded in liber 7453, page 838, Oakland County Records. 

4. Subject to a Right-of-Way in favor of the County of Oakland, as recorded in liber 5 miscellaneous records, page 188 and liber 5 miscellaneous records, page 193, Oakland County Records.

5. Subject to a Right-of-Way in favor of State of Michigan, as recorded in liber ~~35~~ miscellaneous records, page 285, Oakland County Records.

6. 1985 County Taxes: Paid, \$5,087.25.
1985 City Taxes: Paid, \$6,685.09.

NOTE: If at the time the Final Policy is issued the estate or interest of the insured in the real estate described above is created or evidenced by instruments any one of which has not been recorded in the Office of the Register of Deeds of the County in which the land is located, the Policy to be issued will contain a clause providing that there shall be no liability thereunder to the extent that loss or damage arises from the failure to record the instrument or instruments necessary to evidence such estate or interest.

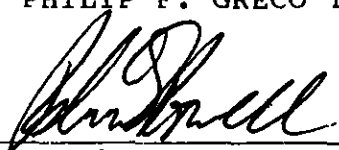
Subj to the interest of the various tenants as are described in the attached Rent Rolls. 

RECORDED RIGHT OF WAY NO.

37465

Rider attached to and forming a part of Commitment No. 63-622219

THE PHILIP F. GRECO TITLE COMPANY

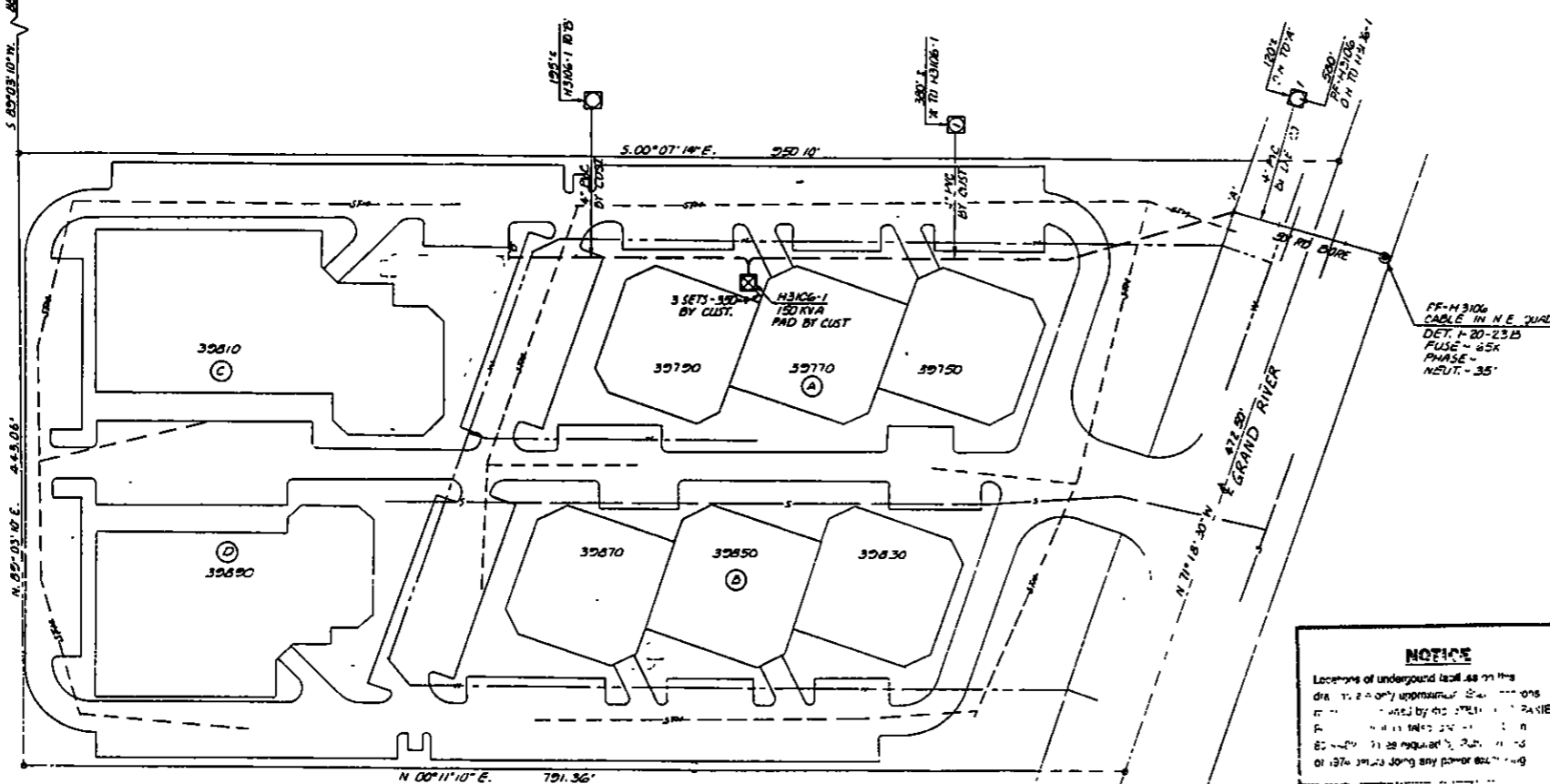
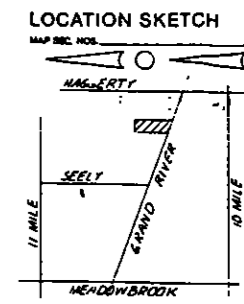

BY: Robert S. Powell

mt

LINE 10069 PAGE 890



LINE 10069 PAGE 891



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED STK. NO.
H3106-1	150KVA	661-0601

TRANSFORMER SPEC. 1-17-270

PEDESTAL SPEC. _____

NO. OF PEDESTALS _____

NO. OF TEMPORARY CABLE MARKERS _____

TEMPORARY CABLE MARKER SPEC. _____

SECONDARY CONNECTION BOX SPEC. _____

- CODE**
- ⊙ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
 - ⊕ DFT DEAD FRONT TYPE
 - ⊖ DFT NON-SWITCHING—LIVE FRONT TYPE
 - ⊗ DFT SWITCHING—LIVE FRONT TYPE
 - DIRECTION OF TRANSFORMER DOOR OPENING
 - SECONDARY PEDESTAL
 - ⊙ SECONDARY CONNECTION BOX
 - ⊕ CABLE POLE
 - ⊖ PRIMARY SWITCH CABINET
 - BURIED PRIMARY CABLE—ALL VOLTAGES
 - BURIED SECONDARY CABLE
 - BURIED SECONDARY SERVICE CABLE
 - DETROIT EDISON FRENCH ONLY
 - TELEPHONE TRENCH ONLY
 - SEWER
 - WATER
 - GAS
 - PROPOSED CONDUIT
 - SEP. COV. CABINET

CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	2076
1	150KV 12.5KV	132KV	713388 = 520'
2	APP 350M A 1-40 600 V		713057 =
3	APP 300 S 1-11 800 V		713044 =

TRENCH SUMMARY

JOINT USE	LENGTH
D.E. ONLY	120'
TEL. ONLY	
GAS ONLY	
OTHERS	
TOTAL	120'

SITE SUPT. _____ PHONE NO. _____

NOTICE

Locations of underground facilities on this drawing are approximately 24" to 48" deep. They are to be used by the contractor at their own risk. The contractor shall be responsible for the safety of all workers and shall be liable for any damage to existing utilities.

GENERAL NOTES

TRENCHING TO BE DONE BY D.E. CO. & CUSTOMER

TRENCH AND CABLE LENGTHS ARE APPROXIMATE.

SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS.

SEE PAGE 32 (1/5) DETAIL _____ FOR ENTRANCE POINT DETAILS (APTS. ONLY).

SEE SECTION 40 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.

TRANSFORMERS AND PEDESTALS TO BE USED ONLY.

D.E. SERVICE PLANNING: D. CERRAHO - 645-4130

TEL. CO.: D. DOWNEY - 223-7574

GAS CO.: _____

OTHERS: _____

CONTACT THESE OFFICES BEFORE DOING ANY EXCAVATION.

BASEMENTS INDICATED BY OUR CENTERLINE ARE _____ IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

ROAD COMMISSION COUNTY NOTIFICATION ONLY CITY OF NOVI

CITY OF _____ STATE YES NO

START DATE - 9-1-87

D	C	B	A	REFERENCE	DATE	JOB TITLE
DESIGNED BY	CHECKED BY	APPROVED BY	DESIGNED BY	CHECKED BY	APPROVED BY	DESIGNED BY

DRAWN BY: D. STURK

CHECKED BY: _____

APPROVED BY: _____

INTECH OF NOVI

E. 1/2 OF S.E. 1/4 SEC. 24

CITY OF NOVI

THE DETROIT EDISON COMPANY

SERVICE PLANNING

SCALE: 1" = 50'

NUMBER OF SHEETS: 3 (WORK ORDER NUMBER: 367B+J)

LATEST REVISION: _____

DISTRIBUTION CIRCUIT: 6980 AKRON - 13 2 KV

COPY ORDER NUMBER: 87A-64754

SHEET: _____ OF _____ SHEETS