

Edison

Right of Way Agreement

86 86575

LIBER 9426 PAGE 211

18 June 19 86

18/24

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.

#1

Said easements shall be ten (10) feet in width unless otherwise indicated and their route is described as follows: The exact location of said easements will be shown on a drawing to be recorded 90 days after construction.

JUN 24 15:51 '86

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, employes 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: Novi Commerce Center
A Michigan Co-Partnership

37597
1100

Barbara E. Stevens
BARBARA E. STEVENS

Donald E. Nanry
Donald E. Nanry, Co-Partner

Thomas M. Nanry
THOMAS M. NARRY
Stuart Chipman

John C. Malpeli, Jr.
John C. Malpeli, Jr., Co-Partner

Prepared By: The Detroit Edison Company
+ RETURN TO: 30400 Telegraph Road, #264
Birmingham, Michigan 48010

Address: 40400 Grand River

Novi, Michigan 48050

This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto. Also, to show correct sidwell.

[Handwritten signature]

(LIBER 9426 PAGE 212)

State of Michigan)
County of Oakland) ss.

On this 18th day of JUNE, A.D. 1986, before me, the undersigned, a notary public in and for said county, personally appeared DONALD E. NANRY AND JOHN C. MALPELI, JR., Co-Partners, Novi Commerce Center, A Michigan Co-Partnership known to me to be the persons who executed the foregoing instrument, and acknowledged the same to be their free act and deed.

My Commission Expires: _____ Robert M. Stevens

Notary Public, County, Michigan

ROBERT M. STEVENS
Notary Public, Oakland County, MI
My Commission Expires Mar. 14, 1988

APPENDIX "A"

Novi

Part of the Northwest 1/4 and part of the Southwest 1/4 of Section 24, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as: commencing at the center of said Section 24; thence South 00°22'14" East along the North-South 1/4 line of said Section 24 and the centerline of Seeley Road, 241.95 feet to the Northerly Right-of-Way line of Grand River Avenue; thence North 71°23'40" West along said Right-of-Way line, 45.47 feet to the point of beginning; thence continuing North 71°23'40" West along said Right-of-Way line, 359.71 feet; thence North 00°23'20" East 121.97 feet; thence South 89°12'08" West 278.00 feet; thence South 00°40'47" West 24.70 feet to the Northerly Right-of-Way line of Grand River Avenue; thence North 71°23'40" West along said Right-of-Way line 45.87 feet; thence North 18°42'15" East 219.46 feet; thence North 00°22'14" West 75.45 feet; thence North 89°37'4" East 273.65 feet; thence North 00°22'14" West 190.00 feet; thence North 89°37'46" East 25.00 feet thence North 00°22'14" West 40.00 feet; thence North 89°37'46" East 290.00 feet to the Westerly Right-of-Way line of Seeley Road; thence South 00°22'14" East along said Right-of-Way line, 739.93 feet to the point of beginning.

Sidwell #22-24-100-050 NW 1/4

A#36 REG/DEEDS PAID
0001 SEP.02'87 02:12PM
4592 MISC 11.00

22-24-100-055 - NW and SW 1/4

RECORDED RIGHT OF WAY NO. 37597

Detroit
Edison

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

June 5, 1986

Donald Nanry
P.O. Box 428
Franklin, MI 48025

Gentlemen:

RE: Novi Commerce Center

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:1hp
Enclosures

RECORDED RIGHT OF WAY NO. 37597

RIDER

Land in the City of Novi, County of Oakland, State of Michigan describe
as:

Part of the Northwest $\frac{1}{4}$ and part of the Southwest $\frac{1}{4}$ of Section 24, Town :
North, Range 8 East, City of Novi, Oakland County, Michigan, described as
commencing at the center of said Section 24; thence South 00 degrees 22 minutes
14 seconds East along the North-South $\frac{1}{4}$ line of said Section 24 and th
centerline of Seeley Road, 241.95 feet to the Northerly Right-of-Way lin
of Grand River Avenue; thence North 71 degrees 23 minutes 40 seconds Wes
along said Right-of-Way line, 45.47 feet to the point of beginning; thenc
continuing North 71 degrees 23 minutes 40 seconds West along said Right-of-Wa
line, 359.71 feet; thence North 00 degrees 23 minutes 20 seconds East 121.9
feet; thence South 89 degrees 12 minutes 08 seconds West 278.00 feet; thenc
South 00 degrees 40 minutes 47 seconds West 24.70 feet to the Northerl
Right-of-Way line of Grand River Avenue; thence North 71 degrees 23 minutes
40 seconds West along said Right-of-Way line 45.87 feet; thence North 1
degrees 42 minutes 15 seconds East 219.46 feet; thence North 00 degrees 2
minutes 14 seconds West 75.45 feet; thence North 89 degrees 37 minutes 4
seconds East 273.65 feet; thence North 00 degrees 22 minutes 14 seconds Wes
190.00 feet; thence North 89 degrees 37 minutes 46 seconds East 25.00 feet
thence North 00 degrees 22 minutes 14 seconds West 40.00 feet; thence Nort
89 degrees 37 minutes 46 seconds East 290.00 feet to the Westerly Right-of-Wa
line of Seeley Road; thence South 00 degrees 22 minutes 14 seconds East alon
said Right-of-Way line, 739.93 feet to the point of beginning.

22-24-100-050

RECORDED RIGHT OF WAY NO. 37522

SCHEDULE

1 OFFICE FILE NUMBER	2 POLICY NUMBER	3 DATE OF POLICY	4 AMOUNT OF INSURANCE
63=619645	23-0032-02-092665	December 30, 1985 at 10:00 a.m.	\$3,500,000.00

1. Name of Insured:
The Economic Development Corporation of the City of Novi and Citizens Trust, as trustee as their interests may appear

2. The estate or interest referred to herein is at Date of Policy vested in:
Novi Commerce Center, a Michigan Co-Partnership

3. The estate or interest in the land described in this Schedule and which is encumbered by the insured mortgage is:
Fee Simple

4. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:
Mortgage for \$3,500,000.00 executed by Novi Commerce Center, a Michigan copartner to The Economic Development Corporation of the City of Novi dated December 1, 1985 and recorded December 30, 1985 in liber 9227, page 937, Oakland County Records.

5. The land referred to in this policy is described as follows:

(SEE ATTACHED RIDER FOR FULL LEGAL DESCRIPTION OF REAL ESTATE)

Parcel Identification No. 22-24-100-050, ALSO COVERS OTHER LAND

SCHEDULE B

Policy Number 23-0032-02-092665
 Loan

This policy does not insure against loss or damage by reason of the following:

1. Financing Statement between Novi Commerce Center, as Debtor and The Economic Development Corporation of the City of Novi, as Secured Party filed and recorded December 30, 1985 in liber 9227, page 952, Oakland County Records, and indexed as Oakland County Financing Statement No. 86-2.
2. Easement granted to City of Novi to construct, operate and maintain sanitary sewer across and through the land as recited in liber 4984, page 608, Oakland County Records.
3. Easement granted to Buckeye Pipeline Company to lay, construct, and maintain petroleum pipelines as recited in easement recorded in liber 8164, page 44 and liber 8177, page 641, Oakland County Records.
4. Terms and conditions of Waste Release dated September 1, 1983 and recorded October 7, 1983 in liber 8490, page 506, Oakland County Records.

NOTE: There are no building and use restrictions of record, covering subject property.

Countersigned

Authorized Signatory

NOTE

The following is a true and correct copy of Schedule B of this policy as part of the original policy.

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

TO Records Center

DATE 10-5-87 TIME

Please set up R/W file for: NOVI COMMERCE CENTER
Being a part of NW 1/4 & Pt SW 1/4 of Section 24, CITY OF NOVI
Oakland County, Michigan

RECORDED RIGHT OF WAY NO. 37597

COPIES TO:

SIGNED

Omer V. Racine

Omer V. Racine
264 Oakland Div. Hqters.

REPORT

NOVI Twp
SEC. 24

DATE RETURNED

TIME

SIGNED

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

TO UNAE LERMAK

DATE 10-14-87 TIME

RE: Underground Service NOVI COMMERCE CENTER
Agreement and Easements obtained - OK to proceed with construction.

RECORDED RIGHT OF WAY NO. 37597

COPIES TO:

SIGNED

Stu Chipman

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

REPORT

DATE RETURNED

TIME

SIGNED

To (Supervisor, RL & RW) ED. JANSEN	For RL & RW Dept. Use	Date Received 6-3-86	DE:Br. C. P. No. OE 86-11C
Division OAKLAND	Date 5-30-86	Application 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 NOVI-COMMERCE CENTER	County OAKLAND
City/Township/Village NOVI	Section No.

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 NOVI COMMERCE CENTER	Phone No. 421-6959
Address PO BOX 428 FRANKLIN, MI 48025	Phone No. 421-6959
Owner's Representative DONALD NAURY	Phone No. 421-6959

Date Service is Wanted
SEPT 1986

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 Company Names _____ Phone Numbers _____

Addresses _____

6 Additional Information or Comments

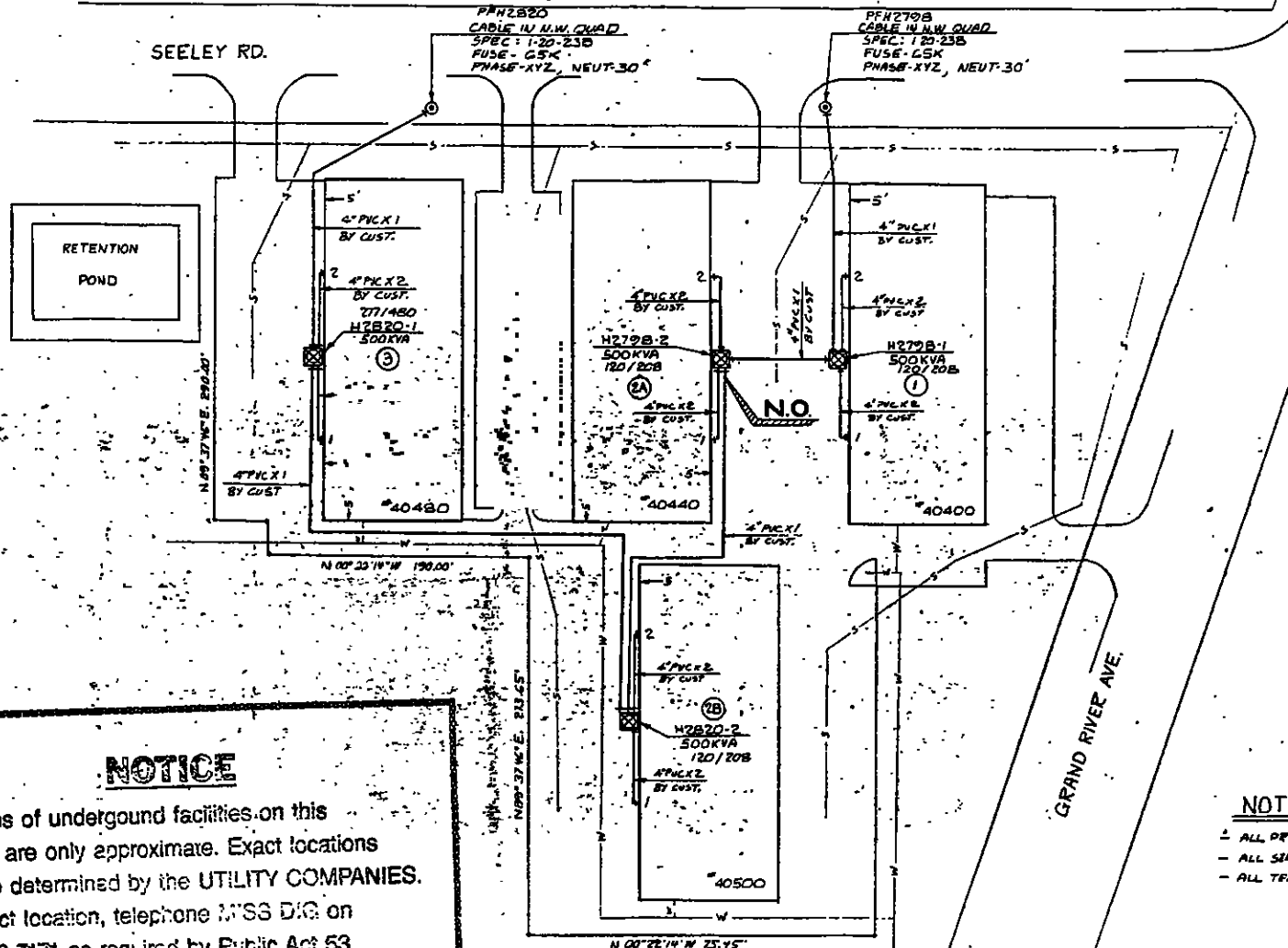
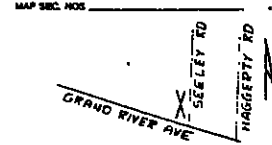
Note Trenching letter attached will be submitted later

Service Planner **D. CERMAK** Phone No. **4130**

Supervisor (Service Planning Supervisor) **J. Baum** Address **240 OOHQ**

RECORDED RIGHT OF WAY NO. 37597

NORTH ARROW



TRANSFORMER DATA table with columns: U.O.T. NO., SIZE, ED. STK. NO. and rows for H2798-1, H2798-2, H2798-1, H2820-1, H2820-2.

TRANSFORMER SPEC: 1-17-870
PEDESTAL SPEC:
NO. OF PEDESTALS:
NO. OF TEMPORARY CABLE MARKERS:
TEMPORARY CABLE MARKER SPEC:
SECONDARY CONNECTION BOX SPEC:

CODE

- Legend for symbols: TRANSFORMER, PEDESTAL, CABLE MARKER, DFT, LOT, SWITCHING, CONNECTION BOX, CABLE POLE, PRIMARY SWITCH CABINET, BURIED CABLE, DETROIT EDISON TRENCH, TELEPHONE TRENCH, SEWER, WATER, GAS, PROPOSED CONDUIT, SEP COHN CABINET.

CABLE SUMMARY table with columns: ITEM #, QUANTITY, SIZE, and rows for AP3004, AP300 A, AP300 B.

TRENCH SUMMARY table with columns: JOINT, D.E. ONLY, TEL. ONLY, GAS ONLY, OTHERS, TOTAL, SITE SUPT.

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 800-462-7171 as required by Public Act 53 of 1974 before doing any power excavating.

NOTE
- ALL PDL IN CUSTOMER 4" PVC, - STEEL SCAFFS AT POLE,
- ALL SERVICE IN 4" PVCX2 - 2 SETS 350 X 4,
- ALL TRANSFORMER PADS TO BE INSTALLED BY CUSTOMER.

GENERAL NOTES

TRENCHING TO BE DONE BY DE
TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT DETAILS.
SEE PAGE 33-11 SLIM LINE DETAIL FOR EXTRUSION POINT DETAILS (APTS. ONLY).
SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.
TRANSFORMERS AND PEDESTALS (SUITS ONLY)
D.E. SERVICE PLANNER: D CERMAK 645-4130
TEL. CO.: C. COX 540-0201
GAS CO.:
OTHERS:

PERMITS REQUIRED

CITY OF NOVI
STATE [] YES [] NO
COUNTY, NOTIFICATION ONLY

START DATE 10-20-86

Project information table with columns: D, C, B, A, APPROVED, NAME, DATE, JOB TITLE, CITY OF NOVI, OAKLAND CO., SHEET 86A-63905.