



Right of Way Agreement

October 21, 1987

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 Co., A Michigan Corporation, 37635 Enterprise Ct., Farmington Hills, MI 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. No shrubs of 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.
4. If the lines of facilities of UTILITIES are damaged by the acts of Owners, their agents, employes 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.

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:

See Next Page

REG/DEEDS PAID
0001 NOV.25'87 03:55PM
9860 MISC 9.00

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

Address:

RECORDED RIGHT OF WAY NO. 37809

Handwritten initials/signature

Handwritten signature

Handwritten mark

Handwritten mark

REP
DECOZ

WITNESSES:

Betty Goodman
 BETTY GOODMAN

Bernie Harwood
 BERNIE HARWOOD

Marshall E. Tobin
 Marshall E. Tobin

Rhoda M. Tobin
 Rhoda M. Tobin, his wife
 31500 W. 10 Mile Road
 Farmington Hills, MI 48024

State of Michigan)
) SS:
 County of Oakland)

Personally came before me this 21 day of October, 1987,
 the above named **Marshall E. Tobin** and **Rhoda M. Tobin**, his wife, to me known to be the
 persons who executed the foregoing instrument and acknowledged that they executed the
 same as their free act and deed.

My Commission Expires: 11/1/87

Bernie Harwood
 BERNIE HARWOOD
 Notary Public, OAKLAND
 County, Michigan

APPENDIX "A"

Proposed WHISPERING MEADOWS SUBDIVISION NO. 4" of part of the N. 1/2 of Section 36, T1N, R8E, City of Novi, Oakland County, Michigan, described as follows: Commencing at the E. 1/4 corner of Section 36, S. 88°59'06" W. 2124.22 ft. along the East and West 1/4 line of said Section 36 to the point beginning and proceeding thence S. 88°59'06" W. 538.00 ft. along the East and West 1/4 line of said Section 36 to a point on the easterly boundary of Whispering Meadows Subdivision No. 2 (as recorded in Liber 156, Pages 40, 41 and 42), thence N. 01°15'20" W., 825.52 ft. along the Easterly boundary of said Whispering Meadows Subdivision No. 2, thence N. 88°44'40" E. 121.48 ft. along said Whispering Meadows Subdivision No. 2 to a point on the westerly boundary of Whispering Meadows Subdivision No. 3 (as recorded in Liber 163, Pages 25 and 26), thence S. 76°31'28" E. 131.74 ft. along the Westerly boundary of said Whispering Meadows Subdivision No. 3, thence S. 29°06'00" E. 560.00 ft. along said Whispering Meadows Subdivision No. 3, thence S. 13°52'34" E. 129.38 ft. along said Whispering Meadows Subdivision No. 3, thence S. 01°00'54" E. 172.86 ft. along said Whispering Meadows Subdivision No. 3 to the point of beginning. Containing 8.1 Acres, more or less. Comprising 10 lots numbered 329 to 338 inclusive, and Whispering Park (Private Park).

sidwell No. 22-36-251-026 & 027

RECORDED FROM OF MAY NO. 37809

Detroit Edison

Application for U.R.D. Easements

DE 463-11-1

Applicant Name <i>J. McDONALD</i>	Date <i>10-8-87</i>	Case No. <i>OE 87-54</i>
Division <i>OAKLAND</i>	Date <i>10-1-87</i>	

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 <i>WHISPERING MEADOWS SUBDIVISION #4</i>	County <i>OAKLAND</i>
City/Township/Range <i>NOV</i>	Lot No. <i>36</i>

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 <i>MARSHALL TOBIN</i>	Phone No. <i>861-3700</i>
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Address <i>15101 W. 8 M. LE</i>	City <i>DET MICH 48235</i>
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Owner's Representative <i>Michael TOBIN</i>	Phone No. <i>761-3700</i>
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Date Service is Wanted
11-15-87

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

Addresses

6 Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner <i>D. CLEMAK</i>	Signed (Service Planning Supervisor) <i>[Signature]</i>
Phone No. <i>167-4130</i>	Address <i>240 OOHQ</i>

RECORDED RIGHT OF WAY NO. 37805

**Detroit
Edison**

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

Phone 645-4388

October 19, 1987

Mr. Marshall E. Tobin
31500 W. 10 Mile Road
Farmington Hills, MI 48024

Gentlemen:

Re: Whispering Meadows 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/vkc
Enclosures

RECORDED RIGHT OF WAY NO.

37809

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

TO Records Center


DATE 12-17-87 TIME _____

Please set up R/W file for: WHISPERING MEADOWS No 4 Sub
Being a part of North 1/2 of Section 36 CITY OF Novi
Oakland County, Michigan

RECORDED RIGHT OF WAY NO.

COPIES TO _____

SIGNED



Omer V. Racine
264 Oakland Div. Hqters

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

37809

