

PARTIAL RELEASE OF RIGHT OF WAY

THIS INDENTURE, made this 6<sup>th</sup> day of July, 1977, between 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 called "EDISON" and FCA SENIOR CITIZENS HOUSING CORPORATION, a Michigan non-profit corporation, purchasing on land contract from JOHN L. CATLIN and PAULINE A. CATLIN, his wife, hereinafter referred to as "OWNER".

W I T N E S S E T H :

WHEREAS, on January 30, 1959, John L. Catlin and Pauline A. Catlin, his wife and Sylvia B. Platz, survivor of herself and her deceased husband Frank A. Platz, granted to EDISON a Right of Way for the purpose of constructing, operating and maintaining its lines for transmission and distribution of electric light and power, over, upon, and across premises in the Township of Farmington, Oakland County, Michigan, described as:

The South 260 feet of the East 288.4 feet of the West 836.67 feet of the Southwest ¼ of Section 33, Town 1 North, Range 9 East.

which Right of Way is recorded in Liber 3995, Page 194, Oakland County Records, and

WHEREAS, OWNERS purport to be the owners of premises in the City of Farmington Hills, Oakland County, Michigan, described as:

A parcel of land located in the southwest ¼ of Section 33, Town 1 North, Range 9 East, located east of and adjacent to the property commonly known as 35200 West Eight Mile Road in the City, and more specifically identified as follows: Beginning at a point distant North 89°06'50" East, 648.27 feet and north 0°51'20" West, 60 feet from the southwest Section corner; thence East 326.73 feet; thence North 00°01'00" East 745.25 feet; thence South 89°06'40" West 326.73 feet; thence South 00°51'20" West 745.25 feet to the point of beginning, and

WHEREAS, OWNERS have requested that EDISON partially release the above mentioned Right of Way as it applies to their above described premises,

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, EDISON does by these presents and subject to the conditions hereinafter stated, release, quit claim, and abandon unto OWNERS, their heirs, successors and assigns, all of the rights acquired by EDISON over land to which OWNERS purport to have title, as stated under the aforementioned Right of Way Grant except as it may pertain to a strip of land twelve (12) feet wide, the centerline of which is described as:

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A line running in an easterly and westerly direction across the Southwest  $\frac{1}{4}$  of Section 33, Town 1 North, Range 9 East, Farmington Township, Oakland County, Michigan, described as: Commencing at the Southwest Corner of Section 33, thence along the south line of Section 33 (8 Mile Road), North  $89^{\circ}06'50''$  East, 548.27 feet, thence North  $00^{\circ}51'20''$  West, 240.70 feet to the Point of Beginning of this description; thence North  $88^{\circ}56'40''$  East, 426.73 feet to the Point of Ending.

(1) Notwithstanding the terms and conditions contained in the aforementioned Right of Way Grant, this partial release is granted to, and receipt thereof is acknowledged by, the OWNERS upon the express condition that EDISON shall have the right to maintain, operate, repair, relocate, reconstruct, and reconductor its lines within said excepted portion and that no buildings or structures shall be placed within the premises which are excepted from this release, being that portion of said strip of land, twelve (12) feet wide, as described above, without the prior written consent of EDISON. Furthermore, EDISON shall have the right to trim or cut down any trees within said strip of land, twelve (12) feet wide, which it deems could fall into its lines or interfere with the operation and maintenance thereof.

(2) EDISON shall also have the right to trim or cut down any trees situated within a strip of land twenty (20) feet wide, on each side of said strip of land twelve (12) feet wide, which in its opinion may interfere with or grow to the point of interfering with the maintenance and operation of its lines and towers constructed or to be constructed within said twelve (12) foot wide easements.

Subject to the conditions herein contained in all respects, except as to the extent hereby released, the aforementioned Right of Way Grant, dated January 30, 1959, shall and does remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the day and year first above written.

In the Presence of:

THE DETROIT EDISON COMPANY

*Thomas H. Beagan*  
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**THOMAS H. BEAGAN**

By: *Robert R. Tewksbury*  
 \_\_\_\_\_  
**ROBERT R. TEWKSBURY, DIRECTOR**  
 Real Estate and Rights of Way Dept.

*Katherine Hayes*  
 \_\_\_\_\_  
**J. KATHERINE HAYES**

By: *Irene C. Kata*  
 \_\_\_\_\_  
**IRENE C. KATA** ASST. SECRETARY

*Linda L. Tuomaala*  
 \_\_\_\_\_  
**Linda L. Tuomaala**

FCA SENIOR CITIZENS HOUSING CORP.  
 35200 W. Eight Mile Road,  
 Farmington Hills, Mich.  
 By: *Paul C. Hendrickson*  
 \_\_\_\_\_  
**Paul C. Hendrickson-Vice Chm.**

*Opal M. Imonen*  
 \_\_\_\_\_  
**Opal M. Imonen**

By: *Edward J. Elsilä*  
 \_\_\_\_\_  
**Edward J. Elsilä-Treasurer**

RECORDED ELECTRIC COMPANY NO. 20581

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

On this 7th day of July, 1977, before me the subscriber, a Notary Public in and for said County, appeared Robert R. Tewksbury, and Irene C. Kata, to me personally known, who being by me duly sworn, did say that they are the Director, R/E & R/W Dept. and Assistant Secretary of THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and Robert R. Tewksbury and Irene C. Kata acknowledged said instrument to be the free act and deed of said corporation.

T. KATHERINE HAYES  
Notary Public, Oakland County, Mich.  
Act in Wayne  
My Comm. Expires February 10, 1980

*T. Katherine Hayes*

Notary Public, Wayne County, Michigan  
My Commission Expires \_\_\_\_\_

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF OAKLAND )

On this 30th day of June, 1977, before me the subscriber, a Notary Public in and for said County, appeared Paul C. Hendrickson and Edward J. Elsila, to me personally known, who being by me duly sworn, did say that they are the Vice Chairman and Treasurer of the FCA SENIOR CITIZENS HOUSING CORPORATION, a Michigan non-profit corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and Paul C. Hendrickson and Edward J. Elsila acknowledged said instrument to be the free act and deed of said corporation.

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Carl L. Black

*Carl L. Black*

Notary Public Oakland County, Mich.  
My Commission Expires March 7, 1981

Drafted by and  
Return to  
James C. Wetzel  
2000 Second Avenue  
688 W.C.B.  
Det. Michigan 48226