

Right of Way Agreement

LIBER 9564 PAGE 157

September 18, 1986

19/05

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 Farmington Hills, 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:

See attached Appendix "B".

86 SEP 26 13:35

#1

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:

Charlotte Percha
CHARLOTTE PERCHA

Joelle L. Price
JOELLE L. PRICE

Grantors: CHARTER LAND CORPORATION

Marvin R. Rollins
Marvin R. Rollins, President

9.00

Prepared By: *RETURN TO: DECOB*
Omer V. Racine
The Detroit Edison Company
30400 Telegraph Rd., 264-OakDH.
Birmingham, Michigan 48010

Address: 5600 W. Maple Road
West Bloomfield, Michigan 48033

36531
Cher

State of Michigan)
) SS:
COUNTY OF OAKLAND)

Personally came before me this 18 day of September, 1986, Marvin R. Rollins, President of the above named corporation, 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: _____
Notary Public, _____
County, Michigan

Charlotte H. Percha
Notary Public, _____
County, Michigan

APPENDIX "A"

Proposed "Hunter's Pointe No. 5"; part of the S.E. 1/4 of Section 5, T. 1 N., R. 9 E., City of Farmington Hills, Oakland County, Michigan, beginning at a point, said point being the South 1/4 Corner of said Section 5; thence from said point of beginning N. 00 deg. 05 min. 49 sec. W. 1520.00 feet along the N. & S. 1/4 line of said Section 5, said line also being the easterly line of "Ramblwood No. 3" as recorded in Liber 149, Pages 27-29, Oakland County Records; thence the following three courses along "Hunter's Pointe No. 4" as recorded in Liber 187, Pages 18-19, Oakland County Records N. 89 deg. 54 min. 11 sec. E. 120.00 feet and N. 87 deg. 37 min. 33 sec. E. 60.05 feet and S. 72 deg. 46 min. 00 sec. E. 128.66 feet; thence S. 17 deg. 14 min. 00 sec. W. 120.00 feet; thence S. 72 deg. 46 min. 00 sec. E. 61.44 feet; thence 26.80 feet along the arc of a curve to the right, radius 230.00 feet, central angle 06 deg. 40 min. 30 sec., chord length 26.78 feet and a chord bearing of S. 69 deg. 25 min. 45 sec. E.; thence S. 23 deg. 54 min. 30 sec. W. 182.96 feet; thence S. 39 deg. 08 min. 54 sec. E. 48.61 feet; thence S. 03 deg. 50 min. 00 sec. E. 323.82 feet; thence S. 04 deg. 54 min. 53 sec. W. 276.97 feet; thence S. 06 deg. 24 min. 36 sec. E. 91.29 feet; thence N. 78 deg. 50 min. 00 sec. E. 16.84 feet; thence S. 11 deg. 10 min. 00 sec. E. 180.88 feet; thence S. 60 deg. 15 min. 28 sec. W. 51.42 feet; thence S. 00 deg. 18 min. 36 sec. W. 249.65 feet; thence N. 89 deg. 41 min. 24 sec. W. 318.72 feet along the South Line of said Section 5 to the point of beginning, consisting of 29 lots, numbered 136-164 both inclusive and containing 11.025 acres.

SIDWELL No 23-5-400-019
-022
-029

RECORDED FROM DEED NO. 36537

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

TO Records Center

DATE 11-12-86 TIME _____

Please set up P/W file for:

Hunters Pointe No 5 Subdivision

Being a part of S.E. 1/4 of Section 5, City of Farmington Hills
Oakland County, Michigan

COPIES TO _____

SIGNED

Omer V. Racine

Omer V. Racine
264 Oakland Div. Hqtrs.

REPORT _____

84531

DATE RETURNED _____

TIME _____

SIGNED _____

MEMORANDUM ORDER
FOR GENERAL USE

DE FORM 963-0808 (MS-77) 12-83

TO

ANDY FOLI

DATE

9-23-86

TIME

Re: Underground Service

HUNTERS POINTE Nos 5 SUB.

Agreement and Easements obtained - OK to proceed with construction.

COPIES TO

SIGNED

Omer V. Racine

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

REPORT

**Detroit
Edison**

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

Phone 645-4388

September 15, 1986

Charter Land Corporation
Mr. Marvin R. Rollins
5600 W. Maple Road
West Bloomfield, Michigan 48033

Gentlemen:

Re: HUNTERS POINTE No. 5 Subdivision

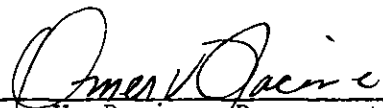
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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.
36531

To (Supervisor, RI & R/W) <u>MR. JIM Mc DONALD</u>	For RI & R/W Dept. Use <u>OAKLAND</u>	Date Received <u>9-8-86</u>	U.R.D. # <u>OE 86-38</u>
Division <u>OAKLAND</u>	Date <u>9-3-86</u>	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 <u>HUNTERS POINTE #5</u>	County <u>OAKLAND</u>
City/Township/Village <u>FARMINGTON HILLS</u>	Section No. <u>SE 1/4 OF 5</u>
Type of Development	
<input checked="" type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park
2 Name of Owner <u>CHARTER LAND CORPORATION</u>	<input type="checkbox"/> Condominium
	<input type="checkbox"/> Other

Address <u>5600 W. MAPLE RD. WEST BLOOMFIELD, MI. 48033</u>	Phone No. <u>626 0500</u>
Owner's Representative <u>MR. MARVIN R. ROLLINS</u>	

Date Service is Wanted
11-3-86

- 4. Entire Project will be developed at one time Yes No
- 5. Joint easements required — Michigan Bell Telephone Yes No
- METRO VISION Yes No
- Consumers Power Yes No

a Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power
METRO VISION

b Other Utility Engineer Names <u>MR. MARVIN NELSON</u>	Phone Numbers <u>553-0760</u>
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Addresses
37635 ENTERPRISE CT.
FARMINGTON HILLS, MICH 48018

6 Additional Information or Comments

Note. Trenching letter attached will be submitted later

Service Planner <u>Andy Foli</u>	Signed (Service Planning Supervisor) <u>RM</u>
Phone No. <u>645-4110</u>	Address <u>240 ODHQ.</u>

RECORDED RIGHT OF WAY NO. 30531