

**Detroit Edison**

LIBER 9633 PAGE 309  
**Right of Way Agreement**

86174462

19 86

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 (10) Ten feet in width unless otherwise indicated and their route is described as follows:

See attached Appendix "B".

RECORDED  
OAKLAND COUNTY  
86 NOV 12 14:15  
*[Handwritten signature]*

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared By: Return to  
Omer V. Racine  
The Detroit Edison Company  
30400 Telegraph, Suite 264  
Birmingham, Michigan 48010

Address: 11.00  
*[Handwritten signature]*

RECORDED RIGHT OF WAY NO. 34682

WITNESSES:

Donna M. Chartier  
Donna M. Chartier

Diane M. Snitko  
Diane M. Snitko

ROLLING OAKS WEST ASSOCIATES  
A Michigan Co-Partnership  
Oakland County File No. 59-86  
Filed January 13, 1986  
7419 Middlebelt Road, Suite 2  
W. Bloomfield, Michigan 48033  
consisting of:

The Irvine Group, Inc.  
A Michigan Corporation

By: Paul D. Levine  
Paul D. Levine, President

M.I.L.D. Investment, Inc.  
A Michigan Corporation

By: David L. Bittker  
David L. Bittker, Treasurer

STATE OF MICHIGAN )  
                          ) SS:  
COUNTY OF OAKLAND )

Personally came before me this 6th day of October 1986, Paul D. Levine, President of The Irvine Group, Inc., co-partner, and David L. Bittker, Treasurer, M.I.L.D. Investment, Inc., 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: 6/10/89

Donna M. Chartier  
Donna M. Chartier  
Notary Public, Wayne County, Michigan  
Acting in Oakland County

WITNESSES:

LIBERTY STATE BANK AND TRUST  
9301 Jos. Campau  
Hamtramck, Michigan 48212

Veronica Bartlett  
VERONICA BARTLETT

Gerald R. Schumacker  
Gerald R. Schumacker, Senior Vice President

Pamela J. Roggs  
PAMELA J. ROGGS

Michael P. McGovern  
Michael P. McGovern, Bank Officer

STATE OF MICHIGAN )  
                          ) SS:  
COUNTY OF OAKLAND )

Personally appeared before me this 14th day of October 1986, Gerald R. Schumacker Senior Vice-Pres. and Michael P. McGovern Bank Officer of the above named corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such Vice President and Bank Officer of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said corporation, by its authority.

My Commission Expires: \_\_\_\_\_

Catherine A. Wetzel  
Notary Public, \_\_\_\_\_ County, Michigan

CATHERINE A. WETZEL  
Notary Public, Macomb County, Michigan  
Acting in Oakland County  
My Commission Expires October 10, 1989

RECORDED RIGHT OF WAY NO. 36482

PROPOSED

# "ROLLING OAKS WEST TWO"

NUMBER	RAO'S	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	83.78	209.83	83°27'20"	119.11	198.72	N32°52'20"W
2	264.00	391.90	89°03'18"	242.15	358.90	S71°32'51"W
3	60.00	188.48	160°00'00"	---	120.00	N89°57'00"W
4	60.00	257.38	243°41'03"	---	100.82	S32°59'11"E
5	48.00	48.13	43°41'03"	27.11	45.58	N57°00'49"E
6	24.00	282.53	79°21'02"	189.22	280.48	N74°43'29"E
7	183.78	141.41	69°27'20"	79.55	133.84	S32°52'20"E

A SUBDIVISION OF PART OF THE N.E. 1/4 OF SECTION 5, T. 1 N., R. 9 E., CITY OF FARMINGTON HILLS, OAKLAND COUNTY, MICHIGAN

## APPENDIX "B"

### SURVEYOR'S CERTIFICATE

I, Paul J. Monohon, Surveyor, certify that I have surveyed, divided and capped the land shown on this plat, described as follows:

"ROLLING OAKS WEST TWO", a subdivision of part of the N.E. 1/4 of Section 5, T. 1 N., R. 9 E., City of Farmington Hills, Oakland County, Michigan,

Described as beginning at a point on the East line of said Section 5, located North 00 degrees 08 minutes 40 seconds West 288.47 feet from the East 1/4 Corner of said Section 5, said point being the Northeast corner of "ROLLING OAKS WEST" as recorded in Liber 188 of plats, Pages 21 and 22, Oakland County Records; thence on the following twelve courses and distances along the boundary of said "ROLLING OAKS WEST", South 89 degrees 51 minutes 20 seconds West 200.00 feet, and North 84 degrees 23 minutes 18 seconds West 60.30 feet, and North 89 degrees 09 minutes 33 seconds West 120.00 feet, and North 07 degrees 48 minutes 47 seconds West 270.72 feet, and North 58 degrees 16 minutes 08 seconds West 116.30 feet, and North 30 degrees 13 minutes 07 seconds West 91.57 feet, and North 14 degrees 23 minutes 37 seconds West 78.64 feet, and North 01 degrees 58 minutes 49 seconds East 75.15 feet, and North 34 degrees 16 minutes 35 seconds East 88.74 feet, and North 62 degrees 56 minutes 21 seconds West 140.04 feet, and North 79 degrees 02 minutes 23 seconds West 64.29 feet, and North 54 degrees 05 minutes 24 seconds West 114.30 feet to a point on the boundary line of "WOODBROOK SUBDIVISION" as recorded in Liber 89 of plats, Page 17, Oakland County Records; thence North 35 degrees 54 minutes 36 seconds East along said boundary line 4.32 feet; thence North 03 degrees 16 minutes 05 seconds East along said boundary line 124.81 feet; thence North 89 degrees 41 minutes 30 seconds East along said boundary line 138.06 feet; thence North 00 degrees 18 minutes 10 seconds West along said boundary line 448.84 feet to a point later referred to as "first mentioned point on traverse", said point being the centerline of thread of an existing drainage course; thence Southwesterly along the thread of said drainage course 887 feet, more or less, to a point on traverse, said point located South 26 degrees 43 minutes 29 seconds East 231.99 feet, and South 43 degrees 34 minutes 17 seconds East 290.24 feet, and South 46 degrees 46 minutes 16 seconds East 314.63 feet and North 83 degrees 28 minutes 46 seconds East 75.61 feet from the "first mentioned point on traverse"; thence North 83 degrees 28 minutes 46 seconds East 60.38 feet to a point on the East line of said Section 5; thence South 00 degrees 08 minutes 40 seconds East along said East line and a portion of the Westerly line of "HERITAGE HILLS NO. 10" subdivision as recorded in Liber 150 of plats, Pages 16 and 17, Oakland County Records a distance of 750.76 feet to the point of beginning.

Said plat consists of 26 lots, numbered 25 through 50 inclusive, and contains 13.108 acres.

That I have made such survey, land-division, and plat by the directions of the owners of such land. That such a plat is a correct representation of all of the exterior boundaries of the land surveyed and the subdivision of it.

That the required monuments and lot markers have been located in the ground or that surety has been deposited with the municipality, as required by Section 125 of the Act.

That the accuracy of survey is within the limits required by Section 126 of the Act.

That the bearings shown on the plat are expressed as required by Section 126 (3) of the act and as explained in the legend.

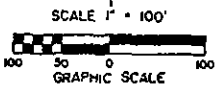
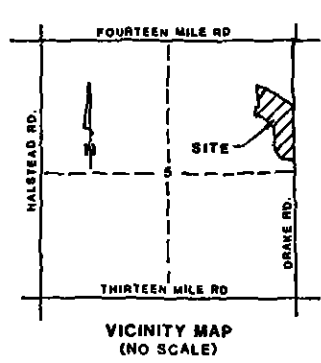
Paul J. Monohon Associates  
3265 Orchard Lake Road  
Orchard Lake, Michigan 48033

Date September 12, 1996



Paul J. Monohon  
Paul J. Monohon, Sole Proprietor  
Registered Land Surveyor 66201

PAUL J. MONOHON ASSOCIATES  
CIVIL ENGRS. & LAND SURVEYORS  
3265 ORCHARD LAKE ROAD  
ORCHARD LAKE, MICHIGAN 48033



### LEGEND

- ALL DIMENSIONS ARE GIVEN IN FEET.
- CURVE DISTANCES SHOWN ARE MEASURED ALONG ARC OF CURVE.
- THE SYMBOL "O" INDICATES A CONCRETE MONUMENT WHICH CONSISTS OF A 1/2 INCH DIAMETER STEEL BAR 36" LONG ENCASED IN A 4" DIAMETER CONCRETE CYLINDER.
- ALL LOT MARKERS ARE STEEL BARS 18" LONG AND 1/2" IN DIAMETER.
- (NR) DENOTES NON-RADIAL LINES.
- ALL BEARINGS ARE SHOWN IN RELATION TO THE WOODBROOK SUBDIVISION AS RECORDED IN LIBER 89, PAGE 17 OF PLATES, OAKLAND COUNTY RECORDS, OAKLAND COUNTY, MICHIGAN.

NOTE:  
LOTS 25, 26, 27, 28, 29, 30, 31 AND 32 SHALL NOT HAVE DIRECT VEHICULAR ACCESS TO DRAKE ROAD.

LIBER 9033 PAGE 312

LIBER 150, PAGES 16-17 O.C.R.

EAST LINE, SECTION 5

P.O.B

N. 00°08'40" W. 288.47  
EAST 1/4 COR., SEC. 5, T. 1 N., R. 9 E.

RECORDED RIGHT OF WAY NO. 36682

PROPOSED

"ROLLING OAKS WEST TWO", a subdivision of part of the N.E. 1/4 of Section 5, T. 1 N., R. 9 E., City of Farmington Hills, Oakland County, Michigan,

Described as beginning at a point on the East line of said Section 5, located North 00 degrees 08 minutes 40 seconds West 288.47 feet from the East 1/4 Corner of said Section 5, said point being the Northeasterly corner of "ROLLING OAKS WEST" as recorded in Liber 188 of plats, Pages 21 and 22, Oakland County Records; thence on the following twelve courses and distances along the boundary of said "ROLLING OAKS WEST", South 89 degrees 51 minutes 20 seconds West 200.00 feet, and North 84 degrees 23 minutes 18 seconds West 60.30 feet, and North 89 degrees 09 minutes 33 seconds West 120.00 feet, and North 07 degrees 48 minutes 47 seconds West 270.72 feet, and North 58 degrees 16 minutes 08 seconds West 116.30 feet, and North 30 degrees 13 minutes 07 seconds West 91.57 feet, and North 14 degrees 23 minutes 37 seconds West 78.64 feet, and North 01 degrees 58 minutes 49 seconds East 75.15 feet, and North 34 degrees 16 minutes 35 seconds East 88.74 feet, and North 62 degrees 56 minutes 21 seconds West 140.04 feet, and North 79 degrees 02 minutes 23 seconds West 64.29 feet, and North 54 degrees 05 minutes 24 seconds West 114.30 feet to a point on the boundary line of "WOODBROOK SUBDIVISION" as recorded in Liber 89 of plats, Page 17, Oakland County Records; thence North 35 degrees 54 minutes 36 seconds East along said boundary line 4.52 feet; thence North 03 degrees 16 minutes 05 seconds East along said boundary line 124.81 feet; thence North 89 degrees 41 minutes 50 seconds East along said boundary line 138.06 feet; thence North 00 degrees 18 minutes 10 seconds West along said boundary line 448.84 feet to a point later referred to as "first mentioned point on traverse", said point being the centerline of thread of an existing drainage course; thence Southeasterly along the thread of said drainage course 887 feet, more or less, to a point on traverse, said point located South 26 degrees 43 minutes 29 seconds East 231.99 feet, and South 43 degrees 34 minutes 17 seconds East 280.24 feet, and South 46 degrees 46 minutes 16 seconds East 314.63 feet and North 83 degrees 28 minutes 46 seconds East 75.61 feet from the "first mentioned point on traverse"; thence North 83 degrees 28 minutes 46 seconds East 60.38 feet to a point on the East line of said Section 5; thence South 00 degrees 08 minutes 40 seconds East along said East line and a portion of the Westerly line of "HERITAGE HILLS NO. 10" subdivision as recorded in Liber 150 of plats, Pages 16 and 17, Oakland County Records a distance of 750.76 feet to the point of beginning.

RECORDED RIGHT OF WAY NO.

3662

SIDWELL NO. (23-5-277-005) 23-05-277-014

**Detroit  
Edison**

Oakland Division  
30400 Telegraph Road  
Birmingham, Michigan 48010  
(313) 645-4000  
Phone 645-4388

September 30, 1986

Mr. Paul D. Levine  
The Irvine Group, Inc.  
7419 Middlebelt, Suite 2  
West Bloomfield, Michigan 48033

Gentlemen:

Re: ROLLING OAK WEST No. 2 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. 36682

# Detroit Edison

# Application for U.R.D. Easements

DE 963-5145 (1-73) (11.1)

To (Supervisor, Rt. & R/W) <b>MR. JIM MR. DONALD.</b>	For RE & R/W Dept. Use	Date Received <b>9-23-86</b>	District, P. No. <b>OE 86-41</b>
Division <b>OAKLAND</b>	Date <b>9-22-86</b>	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 <b>ROLLING OAK WEST #2</b>	County <b>OAKLAND</b>
City/Township/Village <b>FARMINGTON HILLS.</b>	Section No. <b>N.E. 1/4 - #5</b>

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  
**THE IRVINE GROUP.**

Phone No.  
**855-2646**

Address  
**7419 MIDDLE BELT RD. SUITE 2 - W. BLM., MICH. 48033**

Owner's Representative  
**MR. PAUL LEVINE**

Phone No.  
**855-2646**

Date Service is Wanted  
**11-10-86**

4. Entire Project will be developed at one time  Yes  No

5. Joint easements required - Michigan Bell Telephone  Yes  No

**METRO VISION - Consumers Power**  Yes  No

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

b. Other Utility Engineer Names  
**MR. MARVIN NELSON**

Phone Numbers  
**553-0760**

Addresses  
**37635 ENTERPRISE CT. FAR. HILLS, MICH. 48018**

6. Additional Information or Comments

Note: Trenching letter  attached  will be submitted later

Service Planner <b>Andy Foli</b>	Signed (Service Planning Supervisor) <b>[Signature]</b>
Phone No. <b>645-4110</b>	Address <b>240 ODHQ.</b>

RECORDED RIGHT OF WAY NO. 36682

MEMORANDUM ORDER  
FOR GENERAL USE  
DE FORM 963-0008 (MS-77) 12-53

TO Andy FOLI DATE 10-16-86 TIME \_\_\_\_\_

Re: Underground Service ROLLING OAK West No 2 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

DATE RETURNED \_\_\_\_\_ TIME \_\_\_\_\_ SIGNED \_\_\_\_\_

RECORDED  
RIGHTS OF WAY NO.  
31682

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

TO Records Center DATE 1-12-87 TIME \_\_\_\_\_

Please set up R/W file for: ROLLING OAK West No 2 Subdivision  
Being a part of NE 1/4 of Section 5, City of Farmington Hills  
Oakland County, Michigan

COPIES TO: \_\_\_\_\_ SIGNED Omer V. Racine  
Omer V. Racine  
264 Oakland Div. Hqters

DATE RETURNED \_\_\_\_\_ TIME \_\_\_\_\_ SIGNED \_\_\_\_\_

RECORDED  
RIGHTS OF WAY NO.  
31682