

(86 628)

Detroit Edison

Right of Way Agreement

86197392

December 16, 19 85

1.9 / 5

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 MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 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 Farmington Hills, 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: The exact location of said easements will be shown on a drawing to be recorded 90 days after construction.

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. If the lines or facilities of UTILITIES are damaged by the acts of Owners, their agents, employees 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.
- 4. No shrubs or 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.

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:

06:17 16:50

OAKLAND COUNTY REGISTERED DEPT. OF CLERK & REGISTER 86 JUN -2 14:56

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

Address:

"as installed" This easement is re-recorded for purposes of showing the planned "as installed" center-lines of easements granted as shown on drawing attached hereto.

RETURN TO J. D. MCDONALD THE DETROIT EDISON COMPANY 30400 TELEGRAPH ROAD, 264 OAK BIRMINGHAM, MICHIGAN 48010

RECORDED RIGHT OF WAY NO. 36775

DEC 08

15.00

DECO 2

WITNESSES:

Ramblewood Manor Homes Limited Partnership  
A Michigan Limited Partnership  
2900 West Maple Rd.  
Troy, Michigan 48084  
Register File NO. L11-042

Joyce E. Kuhn  
Joyce E. Kuhn

Phyllis Ziegenfelder  
Phyllis Ziegenfelder

By Biltmore Ramblewood Limited Partnership,  
General Partner, A Michigan Co-Partnership  
By Biltmore Associates, Incorporated  
a Michigan Corporation, Partner  
By: Norman J. Cohen  
Norman J. Cohen, President

By Rosenhaus Enterprises  
General Partner, A Michigan Co-Partnership

Melvin B. Rosenhaus  
Melvin B. Rosenhaus, Co-Partner

STATE OF MICHIGAN)  
                          ) SS:  
COUNTY OF OAKLAND)

Personally came before me this 16th day of DECEMBER, 1985,  
NORMAN J. COHEN,\* for , BILTMORE RAMBLEWOOD LIMITED PARTNERSHIP, GENERAL PARTNER  
AND MELVIN B. ROSENHAUS, CO-PARTNER OF ROSENHAUS ENTERPRISES, GENERAL PARTNER OF THE  
ABOVE NAMED LIMITED PARTNERSHIP, to me known to be the persons who executed the fore-  
going instrument, and to me known to be such General partners of said Limited Partner-  
ship and acknowledged that they executed the foregoing instrument as such General  
Partners as the free act and deed of said Limited Partnership.

\* President of Biltmore Associates, Partner,

Joyce E. Kuhn  
Joyce E. Kuhn  
Notary Public,                      Oakland                      County, Michigan

My Commission Expires: April 17, 1989

RECORDED RIGHT OF WAY NO. 36975

## APPENDIX "A"

A parcel of land being a part of the S.W. 1/4 of Section 5 T1N, R9E, City of Farmington Hills, Oakland County, Michigan, described as follows:

Commencing at the S.W. corner of Section 5, T1N R9E, City of Farmington Hills, Oakland County, Michigan proceeding thence S 89° 32' 39" E 580.00 feet along the south line of said section and N 00° 19' 33" W 60.00 feet to the point of beginning thence N 00° 19' 33" W 540.00 feet; thence N 48° 15' 21" W 406.09 feet to a point on the south line of Ramblewood No. 4 a subdivision of the S.W. 1/4 of Section 5, T1N, R9E, City of Farmington Hills, Oakland County, Michigan as recorded in Liber 155 Pages 39-41 Oakland County Records proceeding thence along said line N 66° 42' 10" E 123.21 feet; and N 48° 20' 48" E 114.57 feet; and N 20° 04' 17" E 325.88 feet; and S 63° 45' 53" E 133.41 feet; and S 63° 39' 33" E 100.00 feet; and S 60° 37' 05" E 99.98 feet; and S 63° 20' 29" E 113.16 feet; and S 81° 29' 35" E 146.63 feet; and N 77° 23' 05" E 146.63 feet; and N 56° 15' 45" E 146.63 feet; and N 35° 08' 24" E 146.63 feet; and N 15° 08' 30" E 115.57 feet; and N 15° 57' 08" E 67.33 feet; and N 69° 26' 19" E 67.00 feet; thence S 03° 45' 53" E 180.00 feet; thence 232.48 feet along the arc of a curve to the right having a radius of 370.00 feet passing through a central angle of 36° 00' 00" with a long chord bearing S 14° 14' 07" W 228.67 feet; thence S 32° 14' 07" W 511.19 feet; thence 352.03 feet along the arc of a curve to the left having a radius of 634.68 feet passing through a central angle of 31° 46' 46" with a long chord bearing S 16° 20' 44" W 347.53 feet; thence S 00° 27' 21" W 287.17 feet; thence N 89° 32' 38" W 590.81 feet to the point of beginning and containing 20.769 acres of land more or less subject to the rights of the public in Thirteen Mile Road.

Sidwell #23-05-351(015)

-016

RECORDED RIGHT OF WAY NO.

36775

RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, 264 OAKLAND  
BIRMINGHAM, MICHIGAN 48010

DEED C

KNOW ALL MEN BY THESE PRESENTS: That RAMBLEWOOD DEVELOPMENT COMPANY, a Michigan Joint Venture, whose address is 2401 West Big Beaver Road, Troy, Michigan 48084, does hereby convey, grant, bargain, remise, alien and confirm to RAMBLEWOOD MANOR HOMES LIMITED PARTNERSHIP, a Limited Partnership, whose address is 2900 West Maple, Troy, Michigan 48084, the following described premises situated in the City of Farmington Hills, County of Oakland, and State of Michigan, to wit:

Parcel E, as more particularly described in Exhibit A attached hereto (approximately 20.769 acres)

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of Seven Hundred Eighty Five Thousand Sixty Eight and 20/100 (\$785,068.20) Dollars. Subject to all restrictions and easements of record.

The grantor herein does hereby covenant and agree that the grantor has not heretofore done, committed or willingly suffered to be done or committed, any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, shall or may be charged or encumbered in title, estate or otherwise.

Dated this 31st day of October, 1985.

WITNESSES:

*Peter Sugar*  
Peter Sugar  
*Mary M. Fowlie*  
Mary M. Fowlie

RAMBLEWOOD DEVELOPMENT COMPANY  
a Michigan Joint Venture

By: *Melvin B. Rosenhaus*  
Melvin B. Rosenhaus  
Individually, Partner

By: STANDARD FINANCIAL CORPORATION  
a Michigan Corporation  
Partner

By: *John P. Ray*  
John P. Ray  
Its: President

And By: BILTMORE HOMES COMPANY,  
a Michigan Corporation,  
Partner

By: *Norman J. Cohen*  
Norman J. Cohen  
Its: President

UNFORMED COPY

STATE OF MICHIGAN )  
                                  )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 31st day of October, 1985, by Melvin B. Rosenhaus, Individually and Partner; John P. Ray, the President of Standard

RECORDED RIGHT OF WAY NO. 36975-

Financial Corporation, a Michigan Corporation, Partner; and Norman J. Cohen, President of Biltmore Homes Company, a Michigan Corporation, Partner, on behalf of the Joint Venture, Ramblewood Development Company.

Susan Bochenek  
Susan Bochenek  
Notary Public  
Macomb\* County, Michigan  
My Commission Expires: 11-3-86  
\*acting in Oakland County

Instrument Drafted By:

Mary M. Fowlie, Esq.  
2401 West Big Beaver  
Troy, Michigan 48084

Recording Fee \$ 10.00

State Transfer Tax \$ 863.50

Tax Parcel # \_\_\_\_\_

When recorded return to:

Grantee

Send subsequent tax bills to:

Grantee

RECORDED RIGHT OF WAY NO. 36775

EXHIBIT A

Legal Description Parcel E

A parcel of land being a part of the S.W. 1/4 of Section 5 T1N, R93, City of Farmington Hills, Oakland County, Michigan, described as follows:

Commencing at the S.W. corner of Section 5, T1N R9E, City of Farmington Hills, Oakland County, Michigan proceeding thence S 89° 32' 39" E 580.00 feet along the south line of said section and N 00° 19' 33" W 60.00 feet to the point of beginning thence N 00° 19' 33" W 540.00 feet; thence N 48° 15' 21" W 406.09 feet to a point on the south line of Ramblewood No. 4 a subdivision of the S.W. 1/4 of Section 5, T1N, R9E, City of Farmington Hills, Oakland County, Michigan as recorded in Liber 155 Pages 39-41 Oakland County Records proceeding thence along said line N 66° 42' 10" E 123.21 feet; and N 48° 20' 48" E 114.57 feet; and N 20° 04' 17" E 325.88 feet; and S 63° 45' 53" E 133.41 feet; and S 63° 39' 33" E 100.00 feet; and S 60° 37' 05" E 99.98 feet; and S 63° 20' 29" E 113.16 feet; and S 81° 29' 35" E 146.63 feet; and N 77° 23' 05" E 146.63 feet; and N 56° 15' 45" E 146.63 feet; and N 35° 08' 24" E 146.63 feet; and N 15° 08' 30" E 115.57 feet; and N 15° 57' 08" E 67.33 feet; and N 69° 26' 19" E 67.00 feet; thence S 03° 45' 53" E 180.00 feet; thence 232.48 feet along the arc of a curve to the right having a radius of 370.00 feet passing through a central angle of 36° 00' 00" with a long chord bearing S 14° 14' 07" W 228.67 feet; thence S 32° 14' 07" W 511.19 feet; thence 352.03 feet along the arc of a curve to the left having a radius of 634.68 feet passing through a central angle of 31° 46' 46" with a long chord bearing S 16° 20' 44" W 347.53 feet; thence S 00° 27' 21" W 287.17 feet; thence N 89° 32' 38" W 590.81 feet to the point of beginning and containing 20.769 acres of land more or less subject to the rights of the public in Thirteen Mile Road.

RECORDED RIGHT OF WAY NO.

36775

To (Supervisor, R. & RW)	For R. & RW Dept. Use	Date Received	DL Br. No.
Division <b>OAKLAND</b>	Date <b>11-6-85</b>	<b>11-7-85</b>	<b>OE 85-36J</b>

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>RAMBLEWOOD APARTMENTS</b>	County <b>OAKLAND</b>
City/Township/Village <b>FARMINGTON HILLS, MICH</b>	Section No.

Type of Development

Proposed Subdivision     
  Apartment Complex     
  Condominium  
 Subdivision     
  Mobile Home Park     
  Other

2 Name of User <b>RAMBLEWOOD MANOR HOMES</b>	Phone No. <b>643-8810</b>
---	------------------------------

Address  
**2900 W. MAPLE, TROY, MI. 48064**

Owner's Representative <b>LEON ZOLKOWER</b>	Phone No. <b>643-8810</b>
--	------------------------------

Date Service is Wanted  
**NOV. 26, 1985**

4 Entire Project will be developed at one time  Yes  No

5 Joint easements required — Michigan Bell Telephone  Yes  No  
 -- Consumers Power  Yes  No

**+ METROVISION CATV**

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

b Other Utility Engineer Names

Addresses

6 Additional Information or Comments

Additional information or comments area with dashed lines.

Note Trenching letter  attached  will be submitted later

Service Planner <b>George White</b>	Signed (Service Planning Supervisor) <b>Gene Storey</b>
Phone No. <b>645-4109</b>	Address <b>RM 240 O.D.H.Q.</b>

RECORDED RIGHT OF WAY NO. 36775

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

TO Records Center

DATE 2-18-87 TIME \_\_\_\_\_

Please set up R/W file for: RAMBLEWOOD APARTMENTS

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

COPIES TO \_\_\_\_\_

SIGNED

*Omer V. Racine*

Omer V. Racine  
264 Oakland Div. Hqter.

REPORT \_\_\_\_\_

RECORDED RIGHT  
WAY NO.

DATE RETURNED \_\_\_\_\_

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_

36715



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

TO GEORGE WHITE DATE 12-16-85 TIME

R e: Underground Service - RAMBLEWOOD APTS  
Agreement and Easements obtained - OK to proceed with construction

COPIES TO

REPORT

SIGNED

Omer Racine  
Omer V. Racine, Representative  
Real Estate, Rights of Way & Cla  
264 Oakland Division Headquarter