

86197387

Detroit Edison

Right of Way Agreement

(1)

DEC 13, 1985

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", an easement for the sole purpose of providing electric and telephone service for the property described in Appendix "A" with 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, 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 six (6) feet in width unless otherwise indicated and their route is described as follows: Location of permanent easement is on property as described in attached Appendix "A" and as shown on attached plans - Appendix "B" and "C".

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. Pavement, sidewalks, curbs, sanitary sewers, storm sewers, water mains, gas main, TV cable and sprinkler lines shall not be considered to be structures.
- 3. If the lines or 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.
- 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: Flint Building Co. A Michigan Corporation

Witness signatures: Patrick Suman, Craig A. Heichel

Grantor signatures: Sheldon Rose, Kenneth Nothoff

RECORDED RIGHT OF WAY NO. 36777

Prepared By: DETROIT EDISON Co. Omer V. Racine 30400 Telegraph Road, 264 ODHq. Birmingham, MI 48010

Address: 23999 W. 10 Mile Road Southfield, MI 48034

Att ->

DECOB

APPENDIX "A"

A parcel of land in the S.W. 1/4 of Section 20, T1N, R9E, City of Farmington Hills,
 Oakland County, Michigan, described as beginning at a point on the east R.O.W. line
 of Halstead Road, 66.0 ft. wide, distant S. 89°58'48" E. 33.00 ft. from the W. 1/4
 corner of said Section 20, (Iron in Monument Box), and proceeding thence along the
 east and west 1/4 line of Section 20, S 89°58'48" E. 743.46 ft., thence S. 0°13'48"
 E. 96.69 ft., thence along a curve to the left having a central angle of 17°39'05",
 radius 330.61 ft., arc 101.85 ft., chord bearing and distance S 9°03'20" E. 101.45 ft.
 thence N 89°53'03" W. 483.73 ft., thence S 0°13'47" E. 260.00 ft., thence N 89°53'03"
 W. 274.75 ft., and thence N 0°17'59" W. 455.60 ft. along the east R.O.W. line of
 Halstead Road to the point of beginning, said parcel containing 5.0001 acres.
 Parcel Identification: 23-20-300-011

11/22/85
 5/3 5.001
OK

STATE OF MICHIGAN)
) SS:
 COUNTY OF)

Personally came before me this 13 day of December 1985,
 Sheldon Rose, President, and Kenneth Nothaft, ~~Vice President~~ Secretary of Flint Building
 Company, to me known to be the persons who executed the foregoing instrument,
 and to me known to be such President and Secretary of said Corporation, and
 acknowledged that they executed the foregoing instrument as officers as the free
 act and deed of said corporation, by its authority.

Craig A. Reichel

 CRAIG A. REICHEL
 Notary Public, Oakland County, Michigan

My Commission Expires: 6/3/87

RECORDED RIGHT OF WAY NO. 56997

**Detroit
Edison**

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

September 20, 1985

Mr. Donald Cucco
Edward Rose Associates
23999 W. 10 Mile Road
Southfield, Michigan 48034

Gentlemen:

Re: Freedom Hill Apartments


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. 3 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, Att: Omer V. Racine, Room 264.

Sincerely,



Omer V. Racine, Representative
Real Estate, Rights of Way & Claims

OVR/kw
Enclosures

RECORDED RIGHT OF WAY NO. 36747

85: 88222

KNOW ALL MEN BY THESE PRESENTS: That George A. Duke, Jr. & Joyce P. Duke, his wife whose address is 1025 Country Club Drive, North Palm Beach, Florida 33408

Convey (s) and Warrant (s) to Flint Building Co., a Michigan Corporation

whose address is 23999 W. 10 Mile Road, Southfield, MI 48034

the following described premises situated in the City of Farmington Hills County of Oakland and State of Michigan, to-wit:

See Exhibit "A" for complete legal description.

19/20

2 #

RECORDED
OAKLAND COUNTY, MICHIGAN
REGISTRY

85 AUG -5 10:23

James J. Allen
JAMES J. ALLEN
CLERK REGISTRY

AUG 12 1985

for the full consideration of One (\$1.00) Dollar and other good and valuable consideration subject to building and use restrictions and easements of record.

Dated this 16th day of July

19 85

Witnesses:

Signed and Sealed:

Carole A. Webb
Carole A. Webb
George A. Duke III
George A. Duke III

George A. Duke Jr
GEORGE A. DUKE, JR. (L.S.)
Joyce P. Duke
JOYCE P. DUKE (L.S.)
(L.S.)

STATE OF MICHIGAN }
COUNTY OF Oakland } ss.

The foregoing instrument was acknowledged before me this 16th day of July 1985 by George A. Duke, Jr. and Joyce P. Duke, his wife

My commission expires *Carole Webb* 5.30.88 Notary Public in Oakland County, Michigan
Instrument Drafted by *Carol A. Webb* Richard J. Poehiman, Esq. Business Address 30000 Northwestern Highway Farmington Hills, MI 48018

RECORDED RIGHT OF WAY NO. 36777

County Treasurer's Certificate

City Treasurer's Certificate

100
7-26-85
017642
Dmw

had

Recording Fee 700 ~~1150~~ #

When recorded return to Grantee

State Transfer Tax
Revenue stamps to be affixed on back of ~~6550~~ after recording.

Send subsequent tax bills to Grantee

Tax Parcel # 22 23-20-300-011
23-20-300-013

EXHIBIT "A" TO WARRANTY DEED BETWEEN GEORGE A. DUKE, JR. & JOYCE P. DUKE AND FLINT BUILDING CO. DATED JULY 16, 1985.

CITY OF FARMINGTON HILLS, MICHIGAN

PROPERTY DESCRIPTION

GENERAL MULTIPLE B

A parcel of land in the S.W. 1/4 of Section 20, T1N, R9E, City of Farmington Hills, Oakland County, Michigan, described as beginning at a point on the east R.O.W. line of Halstead Road, 66.0 ft. wide, distant S 89° 58' 48" E. 33.00 ft. from the W. 1/4 corner of said Section 20, (Iron in Monument Box), and proceeding thence along the east and west 1/4 line of Section 20, S 89° 58' 48" E. 743.46 ft., thence S 0° 13' 48" E. 96.69 ft., thence along a curve to the left having a central angle of 17° 39' 05", radius 330.61 ft., arc 101.85 ft., chord bearing and distance S 9° 03' 20" E. 101.45 ft., thence N 89° 53' 03" W. 483.73 ft., thence S. 0° 13' 47" E. 260.00 ft., thence N 89° 53' 03" W. 274.75 ft., and thence N 0° 17' 59" W. 455.60 ft. along the east R.O.W. line of Halstead Road to the point of beginning, said parcel containing 5.001 acres.

Parcel Identification: 23-20-300-011

(2)

CITY OF FARMINGTON HILLS, MICHIGAN

PROPERTY DESCRIPTION

NORTH CENTRAL WEST

~~A parcel of land in the S.W. 1/4 of Section 20, T1N, R9E, City of Farmington Hills, Oakland County, Michigan, described as beginning at a point distant S 89° 58' 48" E. 1087.11 ft. along the east and west 1/4 line of Section 20 from the west 1/4 corner of said Section 20 (Iron in Monument Box) and proceeding thence along the east and west 1/4 line of Section 20 S 89° 58' 48" E. 509.63 ft.; th. S 0° 07' 21" E. 680.45 ft., thence S 67° 39' 34" W. 231.31 ft., thence N 32° 30' 17" W. 240.19 ft., thence S 57° 29' 43" W. 31.25 ft., thence N 32° 30' 17" W. 113.67 ft., thence N 57° 29' 43" E. 165.00 ft., thence N 32° 30' 17" W. 409.20 ft., thence N 0° 06' 57" E. 53.16 ft. to the point of beginning, said parcel containing 6.347 acres.~~

~~Parcel Identification: 23-20-300-013~~

RECORDED RIGHT OF WAY NO. 36777

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM 563-0408 (MS-77) 12-53

TO George White DATE Dec 15, 1987 TIME _____

Re: Underground Service FREEDOM HILL APTS
Agreement and Easements obtained - OK to proceed with construction.

COPIES TO _____

REPORT _____

SIGNED

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

RECORDED
RIGHT OF WAY

DATE RETURNED _____

TIME _____

SIGNED _____

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM 563-0408 (MS-77) 12-53

TO Records Center DATE 2-18-87 TIME _____

Please set up F/W file for: FREEDOM HILL APTS
Being a part of Southwest 1/4 of Section 20, City of Farmington Hills
Oakland County, Michigan

COPIES TO _____

REPORT _____

SIGNED

Omer V. Racine
Omer V. Racine
264 Oakland Div. Hq. Bldg.

RECORDED
RIGHT OF WAY

DATE RETURNED _____

TIME _____

SIGNED _____

NO. 36997

To (Supervisor, R.R. & R.W.) JAMES McDONALD	For R.R. & R.W. Dept. Use	Date Received 9-13-85	District OE 85-25 T
Division OAKLAND	Date 9-12-85	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 FREEDOM HILL APTS	County OAKLAND
City, Township or Village FARMINGTON HILLS	Section No. 20 T.1N.R.9E.
Type of Development	
<input type="checkbox"/> Proposed Subdivision	<input checked="" type="checkbox"/> Apartment Complex
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park
<input type="checkbox"/> Condominium	<input type="checkbox"/> Other
2 Name of Owner EDWARD ROSE ASSOCIATES INC (A.K.A. FLINT BLDG CO)	Phone No. 352-0952
Address 23999 W. 10 MILE RD. SOUTHFIELD, MI, 48034	
Owner's Representative DON CUCCO	Phone No. 352-0952
Date Service is Wanted 12-10-85	

- 4 Entire Project will be developed at one time **ALL OF STEP I AS SHOWN ON PLAN** 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

b Other Utility Engineer Names _____ Phone Numbers _____

Addresses _____

6 Additional Information or Comments _____

RECORDED RIGHT OF WAY NO. 36777

Note Trenching letter attached will be submitted later

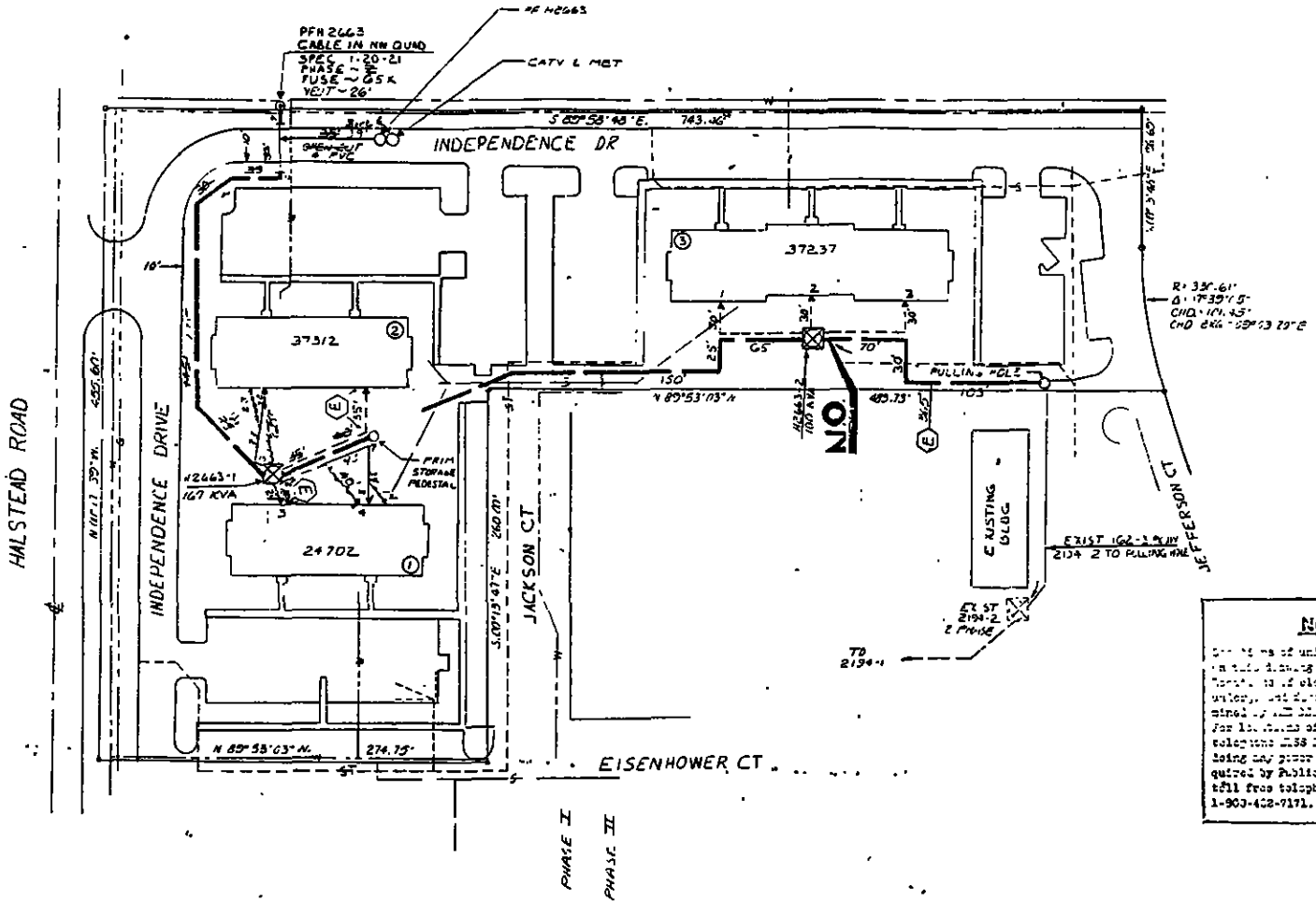
Service Planner George White	Signed (Service Planning Supervisor) Raymond
Phone No. 645-4109	Address RM 240 O. D. HQ.

for info



APPENDIX B & C

PHASE I
PHASE II



TRANSFORMER DATA

LOT NO	SIZE	ED STK NO
H2663-1	167 KVA	
-2	100 KVA	

NOTICE
 Locations of underground facilities in this drawing are not guaranteed. Locations of electrical and/or steam utilities and conditions must be determined by the utility company. For the safety of underground lines, telephone MISS DIG 48 hours before doing any other excavating as required by Public Act 53 of 1974. The toll free telephone number is 1-903-422-7171.

CABLE SUMMARY

TRENCH SUMMARY

GENERAL NOTES

PERMITS REQUIRED

36784-093
 85A-64980
 4-29-86
 4-29-86
 4-29-86
 4-29-86

D REVISION			C REVISION			B REVISION			A REVISION		

URD PAR 4
 DUZ 4-21431

DESIGNED BY: EVERAGE
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]

FREEDOM HILL APTS
 PART OF THE SW 1/4 OF SEC 20

CITY OF FARMINGTON HILLS OAKLAND CO 85A-64980