

**Detroit Edison**

**Right of Way Agreement**

February 3, 19 86

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 Michigan Avenue, Jackson, Michigan, 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, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required for transmitting and distributing electricity, providing communication services and gas facilities with the usual services connections and accessories 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 shall be shown on a drawing to be recorded within 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, 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:

David L. Bittker  
David L. Bittker

Diane Snitko  
Diane Snitko

Grantors:

Cedaridge Apartment Company  
A Michigan Co-Partnership

Alan M. Gottlieb  
Alan M. Gottlieb, Partner

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

Address: 31731 Northwestern Hwy. Suite 154 W.  
Farmington Hills, MI 48010

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

1/3

(5)  
#r  
#s

OFFICE REGISTRATION  
0001 JUL 07 '87 03:30PM  
2369 MISC 11.00

RECORDED RIGHT OF WAY NO. 37336

86 FEB 14 13:41

11-00  
90  
[Handwritten initials]

On this 3rd day of February 1986 before me, a notary public in and for said county, personally appeared ALAN M. GOTTLIEB, partner doing business as Cedaridge Apartments Company, A Michigan Co-Partnership, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the foregoing instrument as such Co-Partnership and the free act and deed of said Co-Partnership, by its authority.

*Diane M. Snitko*

Notary Public, Macomb County, Michigan  
DIANE M. SNITKO

My Commission Expires: Notary Public, Macomb County, Michigan  
My Commission Expires January 23, 1989

RECORDED RIGHT OF WAY NO. 37332

APPENDIX "A"

A part of the Southeast 1/4 of Section 35, T1N-R9E, City of Farmington Hills, Oakland County, Michigan, being a part of Lots 1, 2 and 3 of "Brookside Park Subdivision", as recorded in Liber 19, Page 4 of Oakland County Records, and Lot 396 of "Grand River Homes Subdivision", as record in Liber 32, Page 10 of Oakland County Records, and also other lands; more particularly described as commencing at the Northwest corner of Lot 1 of said "Brookside Park Subdivision", for a point of beginning; thence N 89°45'00" E., 241.57 ft., along the North line of said Lot 1, to a point on the easterly line of a 12.9 ft. wide alley of said "Grand River Homes Subdivision"; thence N. 0°31'12" W., 125.57 ft. (previously described as N 1°48'W, 125 ft. more or less), along the easterly line of said alley; thence S 89°46'56" E, 3.10 ft. fo the southwest corner of Lot 396 of said "Grand River Homes Subdivision", thence N 0°27'04" W 70.05 ft., (previously described as N 1°48'W, 70.0 ft.), along the easterly line of a 16.0 ft. wide alley and the westerly line of said Lot 396, to the northwest corner of said Lot 396; thence N 89°46'56" E, 112.00 ft. (previously described as S 87°55'E), along the northerly line of said Lot 396, to the northeast corner of said Lot 396 and the westerly line of Tulane Avenue of "Assessor's Grand River Homes State Subdivision", as recorded in Liber 54, Page 12 of Oakland County Records' thence S 0°27'04" E, 70.05 ft. (previously described as S 1°48'W, 70.0 ft.), along the easterly line of said lot 396 and the westerly line of said Tulane Avenue, to the southeast corner of said Lot 396 and the southerly extent of said Tulane Avenue; thence N 89°53'46" E, 49.95 ft. (previously described as S 87°55'E 50.0 ft.) along the southerly extent of said Tulane Avenue, to the southwest corner of Lot 83 of said "Assessor's Grand River Homes State Subdivision"; thence S 0°27'04" E, 125.37 ft. (previously described as S 1°48'W, 125 ft. more or less), to a point on the northerly line of said Lot 1 of said "Brookside Park"; thence N 89°45'00" E, 66.57 ft., along the northerly line of said Lot 1; thence S 0°16'53" E, 112.11 ft.; thence N 89°45'00" E, 64.00 ft.; thence S 0°16'53" E, 28.00 ft.; thence N 89°45'00" E, 120.00 ft. to a point on the easterly line of said Lot 1 and the westerlyline of Middlebelt Road (33 ft. 1/2 right-of-way); thence S 0°16'53" E, 60.00 ft. (previously described as S 1°00'W), along the easterlyline of said Lot 1 and the westerly line of said Middlebelt Road, to the southeast corner of said Lot 1; thence S 89°45'00" W, 17.00 ft., along the southerly line of said Lot 1, and to a traverse point; thence S 0°16'53" E, 40.0 ft. more or less to the centerline of the Upper Rouge River; thence westerly, southwesterly, and westerly 500 ft. more or less, to a point on the westerly line of said Lot 3 of said "Brookside Park"; thence N 0°16'46" W, 47 ft. more or less, along the westerly line of said Lot 3, to a traverse point; said traverse point described from the first mentioned traverse point, along a traverse line as S 77°40'00" W, 22.10 ft.; and N 29°01'04" W, 34.13 ft.; and S 76°55'50" W, 45.28 ft.; and S 31°02'35" W, 52.97 ft.; and S 04°38'52" E, 75.99 ft.; and N 85°11'34" W, 69.94 ft.; and S 51°55'30" W, 78.24 ft.; and N 68°59'32" W, 67.15 ft.; and S 75°49'42" W, 115.27 ft.; and N 32°45'05" W, 33.18 ft., to the second mentioned traverse point; thence N 0°16'46" W, 123.00 ft. (previously described as N 1°00'E), along the westerly line of said Lot 3, to the northwest corner of said Lot 3 and a point on the southerly line of said Lot 1; thence S 89°45'00" W, 212.32 ft., along the southerly line of said lot 1, to the southwest corner of said Lot 1; thence N 0°17'09" W, 200.11 ft. (previously described as N 1°00'E, 200.0 ft.), along the westerly line of said Lot 1, to the point of beginning. All of the above containing 4.338 acres. All of the above being subject to easements, restrictions and right-of-ways of record.

Sidwell #23-35-430-008

lot 396  
RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, 264 OAKDH  
BIRMINGHAM, MICHIGAN 48010

all sidwells nkla

23-35-432-00

23-35-432-004 - lot 1 and SE 1/4 Sec 35  
-005 - lot 3  
-006 - lot 2 19004



KNOW ALL MEN BY THESE PRESENTS: That DAVID L. FORDON, as Trustee under DAVID L. FORDON Trust Agreement dated October 4, 1972 whose address is 160 S. W. 12th Avenue Deerfield Beach, Florida 33441

Convey(s) and Warrant(s) to CEDARIDGE APARTMENTS COMPANY, A Michigan Partnership whose address is 31731 North Western Highway, #154-W, Farmington Hills, Michigan 48010

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

Legal Description Attached

COPY

for the full consideration of [redacted] subject to the existing building and use restrictions, easements and zoning ordinances, if any, and subject to the rights of the public and abutting riparian owners with respect to the waters and subsurface areas of the River Rouge

Dated this 30th day of September 19 85

Witnesses:

Signed and Sealed:

Sandra J. Freedman  
Shirley Schilinski

DAVID L. FORDON, as Trustee under DAVID L. FORDON Trust Agreement dated October 4, 1972 (L.S.)  
(L.S.)  
(L.S.)  
(L.S.)

STATE OF MICHIGAN }  
COUNTY OF OAKLAND } ss.

The foregoing instrument was acknowledged before me this day of 19 85 by DAVID L. FORDON, as Trustee under DAVID L. FORDON Trust Agreement dated October 4, 1972 My commission expires Sept 13, 1988

Deborah J. Cline-Smith  
Notary Public Wayne County, Michigan  
Acting in Oakland County  
Business Address 250 N. Wayne Rd., P.O. Box 458 Westland, Michigan 48185

Instrument Drafted by Jeffrey Jahr

County Treasurer's Certificate

City Treasurer's Certificate

Recording Fee

When recorded return to 24595 Groesbeck Warren, Mi 48090

State Transfer Tax

Send subsequent tax bills

to

Tax Parcel #

RECORDED RIGHT OF WAY NO. 37336

RIDER

PARCEL A:

A portion of Lots 1, 2 and 3 of Brookside Park Subdivision, a part of the Southeast  $\frac{1}{4}$  of Section 35, Town 1 North, Range 9 East, City of Farmington hills, Oakland County, Michigan, as recorded in liber 19, page 4 of plats, Oakland County Records. Being more particularly described as beginning at the Southeast corner of Lot 1; thence North 1 degrees East 60.00 feet along the West right-of-way line of Middlebelt Road; thence South 89 degrees 45 minutes West 120.00 feet; thence North 1 degree East, 28.00 feet; thence South 89 degrees 45 minutes West 64.00 feet; thence North 1 degree East 112.00 feet to the North line of Lot 1; thence South 89 degrees 45 minutes West 473.04 feet to the Northwest corner of Lot 1; thence South 1 degree West 200.00 feet to the Southwest corner of Lot 1; thence North 89 degrees 45 minutes East 212.32 feet to the Northwest corner of Lot 3; thence South 1 degree West 170.00 feet to the centerline of the Upper Rouge River; thence continuing along the centerline of the river North 84 degrees East 85.00 feet; thence North 77 degrees East 61.00 feet; thence South 78 degrees East 53.00 feet; thence North 76 degrees East 34.00 feet; thence North 34 degree East 42.00 feet; thence South 86 degrees East 82.00 feet; thence North 32 degrees East 21.00 feet; thence North 13 degrees West 36.00 feet; thence North 26 degrees East 34.00 feet; thence North 51 degrees East 30.00 feet; thence South 70 degrees 27 minutes 47 seconds East 57.98 feet to the West right-of-way line of Middlebelt Road; thence along the road right-of-way North 1 degree East 40.00 feet to the South line of Lot 1; thence along the South line of Lot 1 North 89 degrees 45 minutes East 17.00 feet to the point of beginning.

Also, a parcel of land located in the Southwest  $\frac{1}{4}$  of Section 35, Town 1 North, Range 9 East, City of Farmington Hills, Oakland County, Michigan, more particularly described as beginning at the Southwest corner of Lot 83 of "Assessor's Grand River Homes State Subdivision" as recorded in liber 54, page 112 of plats, Oakland County

RECORDED RIGHT OF WAY NO. 37336

RIDER PAGE TWO

Records; thence North 87 degrees 55 minutes West 165.10 feet to the East right-of-way line of the alley as described in the "Grand River Homes Sub." as recorded in liber 32, page 10 of plats, Oakland County Records; thence South 1 degree 48 minutes West 125.00 feet more or less to the North line of Lot 1, "Brookside Park Subdivision" as recorded in liber 19, page 4 of plats, Oakland County Records; thence Easterly 165.00 feet more or less along the North line of Lot 1; thence North 1 degree 48 minutes East 125.00 feet more or less to the point of beginning.

RECORDED RIGHT OF WAY NO. 57336

To (Supervisor, RE & R/W) <b>MR JIM Mc. DONALD</b>	For RE & R/W Dept. Use	Date Received <b>1-15-86</b>	DE/Bell/C.P. No. <b>OE 86-1T</b>
Division <b>OAKLAND</b>	Date	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>CEDARIDGE APARTMENTS</b>	County <b>OAKLAND</b>
City/Township/Village <b>FARMINGTON HILLS, MICH</b>	Section No <b>35</b>

Type of Development

<input type="checkbox"/> Proposed Subdivision	<input checked="" 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 <b>CEDARIDGE APARTMENT CO.</b>	Phone No
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Address  
**24595 GROESBECK HIGHWAY WARREN, MICH. 48090**

Owner's Representative <b>MR. ALAN GOTTLIEB - 31731 NORTHWESTERN SUITE 154W FAR. HILLS, MICH. 48018</b>	Phone No <b>851-8940</b>
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Date Service is Wanted  
**4-14-86**

4. Entire Project will be developed at one time .....  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  
**METRO T.V.**

b Other Utility Engineer Names <b>MR. MARVIN NELSON</b>	Phone Numbers <b>591-9055</b>
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Addresses  
**35548 INDUSTRIAL RD., LIVONIA, MICH. 48150**

6 Additional Information or Comments

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Note: Trenching letter  attached  will be submitted later

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

RECORDED RIGHT OF WAY NO. 37336

**Detroit  
Edison**

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

Phone 645-4388

January 28, 1986

Cedaridge Apartment Co.  
Mr. Alan Gottlieb  
31731 Northwestern Hwy. Suite 154 W.  
Farmington Hills, MI 48018

Gentlemen:

Re: Cedaridge Apartments

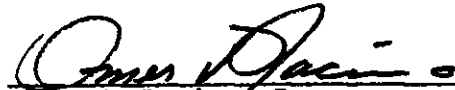
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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 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. 37336



MEMORANDUM ORDER

FOR GENERAL USE  
OF FORM 65 77 10-62

TO Records Center

DATE 8-6-87

TIME

Please set up R/W file for: CEDARIDGE APTS

Being a part of Southeast 1/4 of Section 35, City of Farmington Hills

Oakland County, Michigan

COPIES TO

SIGNED

*Omer Racine*

Omer V. Racine  
264 Oakland Div. Hqtrs.

REPORT

Farmington Twp

SEC. 35

DATE RETURNED

TIME

SIGNED

RECORDED RIGHT OF WAY NO.

37334

