LIBER 1001 PAGE 352

87 141694

# Underground **Right of Way Agreement**

|   |   | JUNE  | 16   | , 19 <u>87</u>                       |
|---|---|---|--|--------------------------------------|
| For good and valuable cor<br>DETROIT EDISON COMPAN<br>referred to as "EDISON," the<br>line facilities consisting of pelectric service in, under, to | Y, a Michigan corporati<br>ne right to construct, rec<br>oles, conduits, wires, cab | on of 2000 Second<br>construct, modify, ac<br>les, manholes, transf | Avenue, Detroit, Mid<br>ld to, operate and mai | chigan hereinafter ntain underground |
| Pontiac   | , County of   | Oakland   |  | Michigan, further                    |
| described as:  The North 6 feet of L 4 Section 5, T2N, R10 Records.  Sidwell # 19-05-401-0  | ot #85 of Franklin<br>E, as recorded in 1   | Gardens Subdivis<br>iber 19, page 40                                | ion in part of S. of plats, Oakland            | County                               |
|   |   |   | 8#92 REG/DEED:<br>0001 JUL.29'87<br>7136 MISC  |                                      |

XINDERING SELECTION OF THE PROPERTY OF THE PRO

#### 

The rights hereby granted include the right of access to and from the rights of way and the right to trim, cut down or otherwise control trees, brush or roots of any kind either within the right of way or on property adjoining the right of way which in the opinion of EDISON interferes with the construction or operation of the line facilities. It is expressly understood and agreed that EDISON shall, at no time, trim or cut down any trees unless, in EDISON'S opinion, it is absolutely necessary to do so. EDISON shall restore premises to its original condition or as near as can be in the event of damages caused by its employes, contractors, vehicles and equipment entering premises for the purposes set forth herein.

No buildings or structures are to be placed within said right of way herein granted without the written consent of EDISON.

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(s) on the date of this agreement

| Mary Dinamark. BENSON  DENISE FEKARIS   | BYRNE BENSON, PRESIDENT  |      |
|---|--|------|
| LEG HAGGER  | 7  | 1,00 |
| Prepared by: Gerald S. Misiak The Detroit Edison Company 30400 Telegraph Rd., Suite #264 Birmingham, MI 48010 | Byrne Benson Homes Address: A Michigan Corporation  1237 Meadowood Brive Pontiac, MI 48054 | Tre) |

DE 363 6114 5 86 CS (DE UGL)

LIBER 10031 PAGE 353

### Acknowledgement - Corporation

| State of Michigan  |   |
|--|---|
| County of <u>OAKLAND</u> ) SS.   |   |
| On this <u>/////.</u> day of <u>June</u> , 19 acknowledged before me, a notary public in | 9 <u><b>f7</b>,</u> the foregoing instrument was<br>n and for said county, by <u>BYRNE BENSON</u> |
| whose title(s) is/are PRESIDENT  of BYRNE BENSON Homes                                   | , a Michican corporation, on  |
| behalf of the corporation.   |   |
| My Commission Expires: <u>5-27-9/</u>  | Musiak  GERALD S. MISIAK  Notary Public, WAFFE County, Michigan                                   |

RECORDED RIGHT OF WAY NO. 37279

### APPLICATION FOR RIGHT OF WAY

.DE 942-0811 E-7458 (MS 80)

Blockfield Twp SEC. 5; NEW, 51/2 of

PLEASE SECURE RIGHT OF WAY AS FOLLOWS.

| •   | DATE 5/20/87                       |
|---|------------------------------------|
| LOCATION 636 FILDEW LOT   | APPLICATION NO. 28688              |
| # 85 FRANKLIN GARDENS SUB   | DEPT. ORDER NO.                    |
| CITY OR VILLAGE PONTIAC   | 0 F. W NO                          |
| TOWNSHIP BLOOM FIELD COUNTY OAKLAND   | BUDGET ITEM NO.                    |
| DATE BY WHICH RIGHT OF WAY IS WANTED  | INQUIRY NO.                        |
| THIS R/W IS 100 % OF TOTAL PROJECT NO ACCUM%.   | JOINT RIGHT OF WAY REQUIRED YES NO |
| NOTE: Identify on print or sketch the subdivisions as to section location and liber and page. |                                    |
| KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED 6 EASEME                                       | nt for                             |
| DECO. UNDERGROUND SE  | LVICE                              |
|   | COI                                |
|   |                                    |
| PURPOSE OF RIGHT OF WAY PROVIDE UNDERG  | Court Sergicia                     |
| to 628 Fildew Lot #8  |                                    |
|   | 4 4/ 8                             |
| BUILLE REQUEST  |                                    |
| ·   | NO.                                |
| SIGNED Jalian 5   | w.                                 |
| 3,0112  | 12                                 |
| OFFICE  | DEPARTMENT                         |
| REPORT OF REAL ESTATE AND RIGHTS OF WAY   | DEPT.                              |
| Recordable underground right-of-way obtained as requested per                                 | attached drawing.                  |
| Contacts made by Gerald S. Misiak, Representative, Real Estat                                 | e, Rights of Way &                 |
| Claims, Oakland Division.   |                                    |
|   |                                    |
|   | -                                  |
|   | <u></u>                            |
|   | 71                                 |
| PERMITS IN RECORD CENTER 1 GRA  | ANTOR Byrne Benson, President      |
| NO. OF PERMITS NO. OF STRUCTURES NO. OF MILES   | PERMITS TO MBT 0                   |
| 6-29-87 SIGNED JONES Q. McQ.  |                                    |
| James D. McDonald,  | Sr. Representative                 |

5-72-87 W.D. 7-387

## RAW OBTAIN 6' EASEMENT FOR DE.CO. ACROSS REAR 80' OF LOT 85 # 19-56-401-003

|                                       | ` <u>`</u>                                       |   |                                       |  | - <del></del>           | <b>-</b>       |                |                   | - •          |             |  | <b>/</b>                    |
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|                                       |  |   |                                       | :  | 700                     | !              | 628            | 3                 | 1            |             |  |                             |
| · · · · · · · · · · · · · · · · · · · | 1  |   | - 1 .                                 |  | LOT                     |                | 1 :            | 1                 | 4            | <b>.</b> .  |  |                             |
|                                       | 1  |   | ļ                                     |  | 85                      | ļ `            | Lot            |                   |              |             | •  |                             |
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| ·<br>                                 | -  |   |                                       | BY   | 5-17                    | <u> 1151 K</u> | <u>پ</u>       | −  <sub>R/W</sub> |              | 1. mar.     |  | -60                         |
|                                       |  |   | - <u>"</u> [                          | DATE_  | 6/24                    | 177            |                | MBT               |              |             |  | 1                           |
|                                       |  |   | . "                                   | DATE WANTE                                       | - 1-                    | بحرزار         | 7              | 1                 |              | 7           | 1.   | $\mathcal{K}_{\mathcal{I}}$ |
|                                       | •<br>!   | :                                       |                                       | MAN!!  | تا√<br>۳                |                |                |                   | INATOR       | مرسيسة      | 1  | ~ ~ ~                       |
| <del></del> -                         | · ·  |   |                                       | DISTRIC  | ÄN                      |                | <u> </u>       | TOTA              | <u>L_</u> '  |             | .l <u>.                                   </u> |                             |
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| -                                     |  |   |                                       |  |                         |                | : -            |                   |              |             |  |                             |

| LEGEND<br>FOREIGN POLE               | THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT |                   |                           |                          |  |
|--------------------------------------|--|-------------------|---------------------------|--------------------------|--|
| EXIST D.E. CO. POLE                  | PONTIAC  | COUNTY<br>OAKLAND | OTR & TWP. SECT. NO.      | DEPT. ORDER NO.          |  |
| PROPOSED POLE  EXIST ANCHOR          | MAP SECT.  | TOWN RANGE        | JOINT R/W REQUIRED YES NO | RW 100 868               |  |
| PROPOSED ANCHOR                      | PROJECT NAME   | TEL ENGR & D      | IST.                      | PROJ. OR PART NO.        |  |
| TREE                                 | CIRCUIT 8891 13  | 3Lm FLO           |                           | O.F.W., S.O. OR P.E. NO. |  |
| 4800 VOLT LINE                       | REASON EASEM   | ENT SERV ?        | TU 628                    | BUDGET ITEM NO.          |  |
| 13,200 VOLT LINE<br>40,000 VOLT LINE | PLANNER D. FOL   | EY                | NO                        | DATE 5/20/87             |  |