

Date JANUARY 6, 1964

IN CONSIDERATION of the sum of one and no/100 - (\$1.00) - Dollars and other valuable considerations, receipt of which is hereby acknowledged we hereby grant to THE DETROIT EDISON COMPANY, its successors and assigns, the right to construct, operate and maintain its underground lines for the transmission and distribution of electricity and Company communication facilities, including the necessary conduits, fixtures, cables, manholes and equipment, under and across our property located in The City of Troy, County of OAKLAND, State of Michigan, and described as follows:

Part of the E 1/2 of the NE 1/4 of Section 34, T 2 N, R 11 E, Commencing at the NE corner of said Section 34, thence westerly along the N line of said Section 34, 150 ft. to the point of beginning, thence westerly along said N line of said Section 34, 210 ft., thence S. 00° 01' W. 60 ft. thence Easterly, and parallel with the N line of Section 34, 210 ft., thence N. 00° 01' E. 60 ft. to the point of beginning.
The route of the lines shall be as follows: UNDER AND ACROSS ABOVE DESCRIBED PROPERTY.

The Company shall reimburse US for all damage caused by its men, teams, trucks and other vehicles and equipment in entering said property for the purposes set forth herein.

Witness: Wm T. Bilbo
Richard J. Ort
RICHARD J. ORT

Chris Nielsen and Son Inc.
415 E. HUDSON AVE, ROYAL OAK, MICH.
(Signed) Chris Nielsen, President
Chris Nielsen

*approved inform
EWB
1-16-64
lls.*

(Accepted)
THE DETROIT EDISON COMPANY
By A. L. [Signature]
A. L. [Signature]
PROPERTIES AND INTERESTS OF THE COMPANY

STATE OF MICHIGAN)
) s.s.
COUNTY OF OAKLAND

On this 6th day of JANUARY, 1964, before me appeared Chris Nielsen and he is respectively President and and of CHRIS NIELSEN AND SON INC. a corporation created and existing under the laws of the STATE of MICHIGAN, and that the said instrument was signed and sealed in the behalf of said corporation by authority of its Board of Directors, and the said Chris Nielsen and and acknowledged the said instrument to be the free act and deed of the said CHRIS NIELSEN AND SON INC.

Permit prepared by:
R. J. Ort
2000 Second Avenue
Detroit 26, Michigan
My Commission expires
September 19, 1966

Richard J. Ort
Richard J. Ort Notary Public,
OAKLAND County, Michigan

2000 34 NE 1/4, E 1/2 of

RECORDED BY [Signature] ON 1/14/64 AT NO. 22599

THE DETROIT EDISON COMPANY

INTERDEPARTMENT CORRESPONDENCE

LEGAL DEPARTMENT

January 16, 1964

MEMORANDUM TO:
Mr. Alfred L. Kasameyer, Director
Properties and Rights of Way Department
312 General Offices

I. W. GAMBLE

I. W. Gamble
JAN 16 1964

Re: A Strip of Land 27 Feet Wide, immediately South of
the Maple Road Right of Way and North of the Property
of Chris Nielsen and Sons, Inc., immediately west of
The Detroit Edison Company's Maumee Substation

PROP. & R/W DEPT.

At the request of Messrs. James Robertson and Richard Ort, the undersigned examined the Oakland County Records on January 2, 1964, to determine the ownership of the above property.

The Deed to Chris Nielsen and Sons, Inc., and the two immediate preceding Deeds to this property described the north line of said property as running 60 feet south of and parallel to the north line of Section 34, Township of Troy, Oakland County, Michigan. The Deed immediately preceding these was from C. E. Dennis to G. E. Hodges dated October 3, 1945, which Deed included the above described property in its description but recited that it was to be used for road purposes. The Deed to C. E. Dennis and all preceding Deeds to this property described the north line of the property as the north line of said Section 34, Township of Troy, which is the center line of Maple Road.

The Michigan State Highway Department has taken the position that its right of way extends only 33 feet south of said center line of Maple Road and does not include the 27 feet north of the property described in the Deeds to Chris Nielsen and Sons, Inc., and its immediate predecessors. Both east and west of this property the Highway Department has obtained right of way extending to 60 feet south of the north line of said Section 34, and maintain that they would require this 27 foot strip if and when the property is platted.

Inquiry of the McAlpine Mapping Company, whose township maps list Maple Road as 120 feet wide, and the Oakland County Treasurer's Office revealed that the township plan calls for a 120 foot right of way for Maple Road, and that the tax description of said Nielsen parcel, which described its north line as running 60 feet south of and parallel to the north line of said Section 34, was based on an unrecorded subsection plat for the Beech-Grove Corners Subdivision, which planned to include the property now owned by the Nielsen Company but which plat was never put on record.

From the above information, it appears that the description of the Nielsen property when it was severed from the larger Dennis tract was described with either or both the township plan and the Beech-Grove Subdivision plan in mind, and the tax description is based on said subsection plan.


PROPERTY RIGHT OF WAY NO. 23599

MEMORANDUM TO:
Mr. Alfred L. Kasameyer, Director

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Based on the descriptions used in the Deeds to said parcel since October 3, 1945, the legal title to the 27 foot strip south of the Maple Road right of way would appear to remain in C. E. Dennis. Based on the possession of this strip of property by the Chris Nielsen and Sons, Inc., and its immediate predecessors, title may have ripened in Nielsen and Sons, Inc., by prescription.

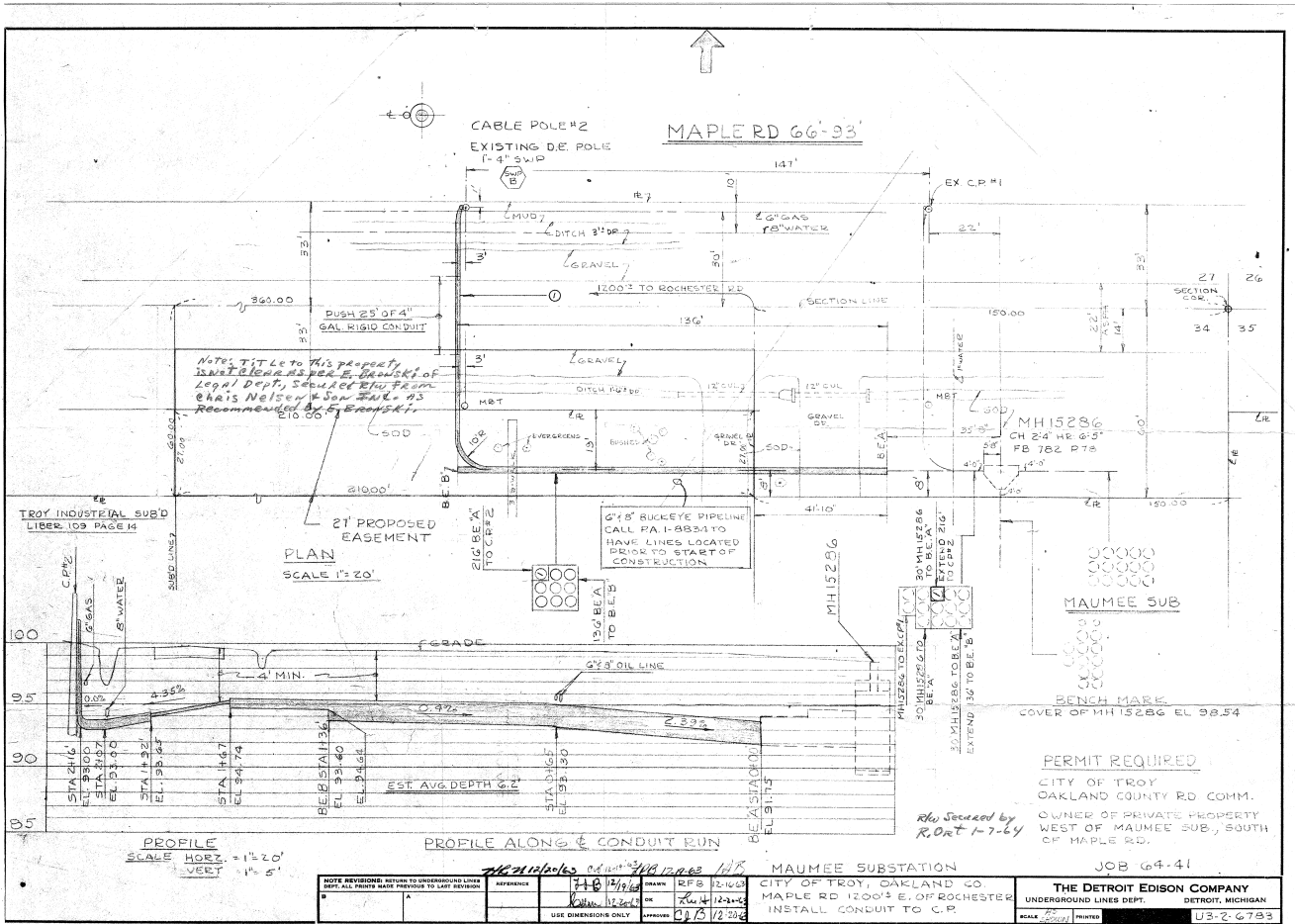
Therefore, based on the elapse of 19 years since the Deed from C. E. Dennis to G. E. Hodges, the assertion of interest in this strip of property by C. E. Dennis would be doubtful, and the signature of the Chris Nielsen and Sons, Inc., to the accompanying permit will probably suffice to protect the interest of The Detroit Edison Company's underground line.


Eugene W. Bronski
Staff Attorney

EWB:apm

Enclosure

RECORDED
RIGHT OF WAY NO. 22599



RECORDED RIGHT OF WAY NO. 223599