

Date January 29th, 1968

2-11/29

For good and valuable considerations, the right is hereby granted to The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, its successors and assigns, to construct, reconstruct, operate and maintain its underground lines for the transmission and distribution of electricity and Company communication facilities including the necessary conduits, fixtures, cables and cable poles, manholes and equipment under and across the property described hereinafter. The rights hereby granted include the right of access to and from the said premises, the right to construct, reconstruct, modify, operate and maintain said line facilities, and to trim or cut down any trees belonging to the grantor, either within said right of way or upon the lands of the grantor adjoining said right of way which, in the opinion of the grantee, at any time interfere with the construction and operation of said line facilities. It is expressly understood and agreed that the grantee shall, at no time, trim or cut down any trees unless, in the grantee's opinion, it is absolutely necessary to do so. Upon the written consent of the grantee, buildings or structures may be placed within said right of way. This grant shall be binding upon the successors and assigns of the grantors. The Company shall reimburse the grantors and assigns for all damage caused by its men, vehicles and equipment in entering said property for the purposes set forth herein.

The property over which this grant is conveyed is situated in the City of Troy County of Oakland State of Michigan and further described as follows:

The Westerly 10 feet of the East 1/2 of Vacated Delemere Street, lying adjacent to Lot 4 of "Supervisor's Plat No. 15" of part of the East 1/2 of the Northwest 1/4 of Section 29, T2N R11E, Troy Township, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 34 of Plats, page 44 of the Oakland County Records.

John D. Waterlo
2-11-29
1000 W. Maple Road, Troy, Mich. Plat #15;

Witness: _____ (Signed) BILTMORE DEVELOPMENT COMPANY, a Michigan Limited Co-partnership

x *Bernard H. Stollman*
Bernard H. Stollman
x *Shirley Shopnick*
Shirley Shopnick

By: *Max Stollman*
Max Stollman
By: *Phillip Stollman*
Phillip Stollman

Prepared By: J. Waterloo
162 S. Gratiot Avenue
Mt. Clemens, Michigan - 48061

John D. Waterloo
NOTARY PUBLIC
OF MICHIGAN
1968 MAR 20 AM 11 19

34949
RECORDED
MICHIGAN
RECORDS

~~22100 Greenfield Road~~
~~22100 Greenfield Road~~
2900 W. Maple Road
Troy, Michigan 48084

RECORDED, RIGHT OF WAY NO. 34949

STATE OF MICHIGAN)
) SS.
COUNTY OF Oakland

On this 29th day of January A.D. 19 68, before the undersigned, a Notary Public in and for said County, personally appeared

MAX STOLLMAN and PHILLIP STOLLMAN, General Partners of BILTMORE DEVELOPMENT CO.

known to me to be the person S who executed the foregoing instrument and acknowledged the same to be their free act and deed.

Bernard H. Stollman
Bernard H. Stollman
Notary Public, Oakland County, Michigan

My Commission Expires: Aug. 25th, 1969

RETURN TO
R. Q. DUKE
THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT, MICHIGAN 48225

THE DETROIT EDISON COMPANY

INTERDEPARTMENT CORRESPONDENCE

December 9, 1971

MEMORANDUM TO:

W. C. Arnold
Real Estate and Rights of Way
315 General Offices

Re: Somerset Inn Project
Big Beaver Road
Troy

A new complex including a commercial office building, 250 unit motel, and theater building is now under construction on Big Beaver Road in Troy, immediately east of Somerset Mall. Dividing the property in half is vacated Delemere Street which includes a 10 foot Detroit Edison easement. Located within the easement is an Edison duct run with two 13.2 kV feeds which serve Somerset Mall and approximately 2500 apartment units.

We have agreed to allow for the construction of a portion of the office structure over the existing Edison easement with certain restrictions and requirements which should insure no additional cost to Detroit Edison and no loss of our rights. Permits have been prepared by our Law Department and have been signed by the property owners.

*TO RE,
JAN*

Please have these permits accepted by the Detroit Edison Company and retain one copy for our records. The Law Department prefers to have the document recorded. The existing easement is recorded and is Right of Way #24994.

OF

Please return one copy of the document to me for transmittal to the customer. Another copy should be sent to Transmission and Distribution Department for their files. Thank you.

Thank you

Maurice L. Vermeulen
Maurice L. Vermeulen
Sales Engineer - Industrial Marketing

MLV/bal
cc - J. J. Daskaloff
G. A. Spencer

RECORDED RIGHT OF WAY NO. 24994

2-11
79

LIBER 5794 PAGE 725

72 1651

PERMIT

WHEREAS, THE DETROIT EDISON COMPANY is a corporation organized and existing concurrently under the laws of Michigan and New York with principal offices at 2000 Second Avenue, Detroit, Michigan 48226, hereinafter referred to as "EDISON", has an easement for its underground lines for the transmission and distribution of electricity and Company communication facilities in land in the City of Troy, County of Oakland, State of Michigan, described as:

The westerly ten (10) feet of the East 1/2 of vacated Delemere Street, lying adjacent to Lot 4 of Supervisor's Plat No. 15 of part of the East 1/2 of the Northwest 1/4 of Section 29, Town 2 North, Range 11 East, Troy Township, Oakland County, Michigan, according to the Plat thereof as recorded in Liber 34 of Plats, Page 44, Oakland County Records; said easement dated January 29, 1968, and recorded March 20, 1968 in Liber 5170, Page 384, Oakland County Records, and

WHEREAS, SHEFFIELD DEVELOPMENT CO., a Michigan limited partnership, whose address is 2900 West Maple, Troy, Michigan, is the owner of the above described premises; and

WHEREAS, SOMERSET PROPERTIES CO., a Michigan limited partnership, whose address is 2800 Fisher Building, Detroit, Michigan, hereinafter referred to as "SOMERSET", is the Lessee of the premises subject to EDISON's easement hereinabove described and desires to erect a building complex over said easement; and

WHEREAS, said easement contains a covenant prohibiting buildings and structures from being erected within said easement without the written consent of EDISON:

NOW, THEREFORE, in consideration of the terms and conditions hereinafter mentioned, and in consideration of the sum of One and no/100 Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, EDISON does hereby permit SOMERSET to erect a building complex

RECORDED RIGHT OF WAY NO. 2499W

Hold for
Pk - up
Rabit R. H. C

RETURN TO
W. C. ARNOLD
THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

PAGE ONE.

20.00

over said easement hereinabove described and in accordance with a drawing by Volk & London Architects, Inc., dated October 4, 1971, attached hereto and made a part hereof labeled Job No. 1777, Sheet No. S-12 on the following terms and conditions:

1. It is understood and agreed that SOMERSET shall be responsible as an insurer, and shall indemnify and save EDISON harmless from all claims, demands, causes of action and suits of any kind or character that may be asserted, against EDISON, by reason of any act done or committed to be done by SOMERSET, its agents, employees, servants or contractors in the exercise or performance, or purported exercise or performance, of the permission hereby granted or the obligations imposed hereby or from the presence, construction, location, manner of maintenance or lack of repair of the proposed building complex over said easement.

Further, that SOMERSET shall obtain public liability insurance acceptable to EDISON with coverage including the contractual liability assumed hereunder the limits of at least Two hundred thousand and no/100 dollars (\$200,000.00) for injury or death to one person and Five hundred thousand and no/100 dollars (\$500,000.00) for injury or death to two or more persons resulting from any one accident, and Two hundred thousand and no/100 dollars (\$200,000.00) for property damage resulting from any one occurrence. Such insurance shall in no way limit the liability of SOMERSET.

No entry is to be made on the aforementioned easement of EDISON by SOMERSET or its contractor or contractors unless prior to such entry, evidence of the aforementioned insurance is delivered to the Director of Insurance of The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226. However, it is expressly understood that the liability imposed herein shall be in no way restricted or released by reason of such insurance.

2. It is understood and agreed that if EDISON's facilities located in the easement area are damaged, irrespective of whether damage occurs with or without negligence on the part of SOMERSET, its agents, employees, servants or contractors, repairs shall be made by EDISON at the cost and expense of SOMERSET and shall be paid forthwith to EDISON by SOMERSET upon receiving a statement therefor.

3. It is understood and agreed that no lowering of the grade shall be permitted within the limits of Detroit Edison Company's easement. There presently exists a minimum distance of three (3) feet or more between the surface grade and Detroit Edison Company's existing facilities. In the event SOMERSET shall change this grade, so that the minimum three (3) foot clearance is reduced, SOMERSET then shall be deemed prima facie negligent and repairs shall be made pursuant to Paragraph 2 hereinabove.

4. It is understood and agreed that EDISON, its successors and assigns, shall have the full right of ingress and egress at all hours of the day or night, to and from said easement without restrictions within the building complex of SOMERSET and the adjacent areas in order to construct, reconstruct, repair, operate and maintain said underground lines.

5. It is understood and agreed that as an express condition of the permit given to construct the building complex upon said easement that SOMERSET shall, prior to the commencement of excavating for building footings and other facilities in close proximity to EDISON's underground facilities, notify

RETURN TO
W. C. ARNOLD
THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226 PAGE TWO.

RECORDED RIGHT OF WAY NO. 24996

the office supervisor, Tower, Conduit and Piping Division located at Warren Service Center, 7940 Livernois Avenue, Detroit, Michigan, phone 962-2100, extension 2745, in order for EDISON to have an inspector on site at SOMERSET's expense during the course of construction. Said notice shall be given at least 48 hours prior to commencement of excavation.

6. It is understood and agreed that in order to repair and maintain EDISON's underground electrical facilities, EDISON will not be responsible for any cost of labor and materials for restoring the building premises or resurfacing the parking areas to their original condition.

This contract shall be binding upon, and all references herein to EDISON and SOMERSET shall include the successors and assigns of the parties hereto, and all parties holding under and through them.

IN WITNESS WHEREOF, the said parties have set their hands and seals this 8th day of December, 1971.

In the Presence of:

Curtis G. Noles
Curtis G. Noles
Irene C. Kafa
IRENE C. Kafa

THE DETROIT EDISON COMPANY

BY R. W. Lundgren
R. W. Lundgren Vice President
BY Evelyn Lehman
Evelyn Lehman Assistant Secretary

Accepted under the terms and conditions hereinabove:

Stuart Frankel
Stuart Frankel
David M. Miro
David M. Miro

SOMERSET PROPERTIES CO.
a Michigan limited partnership,
2800 Fisher Building, Detroit Michigan 48202

BY Samuel Frankel
General Partner.
SAMUEL FRANKEL
BY: FISHER-SOMERSET CO.
a Michigan corporation
BY Harold Berry
President, General Partner.
HAROLD BERRY

The foregoing is consented to:

Stuart Frankel
Stuart Frankel
David M. Miro
David M. Miro

SHEFFIELD DEVELOPMENT CO.
BY Samuel Frankel
General Partner.
SAMUEL FRANKEL
BY Max M. Fisher
General Partner.
MAX M. FISHER

Dated November 23, 1971

RETURN TO
W. C. ARNOLD
THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

RECORDED RIGHT OF WAY NO. 2499

STATE OF MICHIGAN)
COUNTY OF WAYNE) SS.

On this 8th day of December, 1971, before me the subscriber, a Notary Public in and for said County, personally appeared

R. W. Lundgren and Evelyn Lehman

to me known, who being by me duly sworn did say they are the Vice President and an Asst. Secretary of THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the states of Michigan and New York, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and R. W. Lundgren and Evelyn Lehman acknowledged said instrument to be the free act and deed of said corporation.

Irene C. Kata
Notary Public Wayne County, Michigan.

My commission expires June 24, 1972

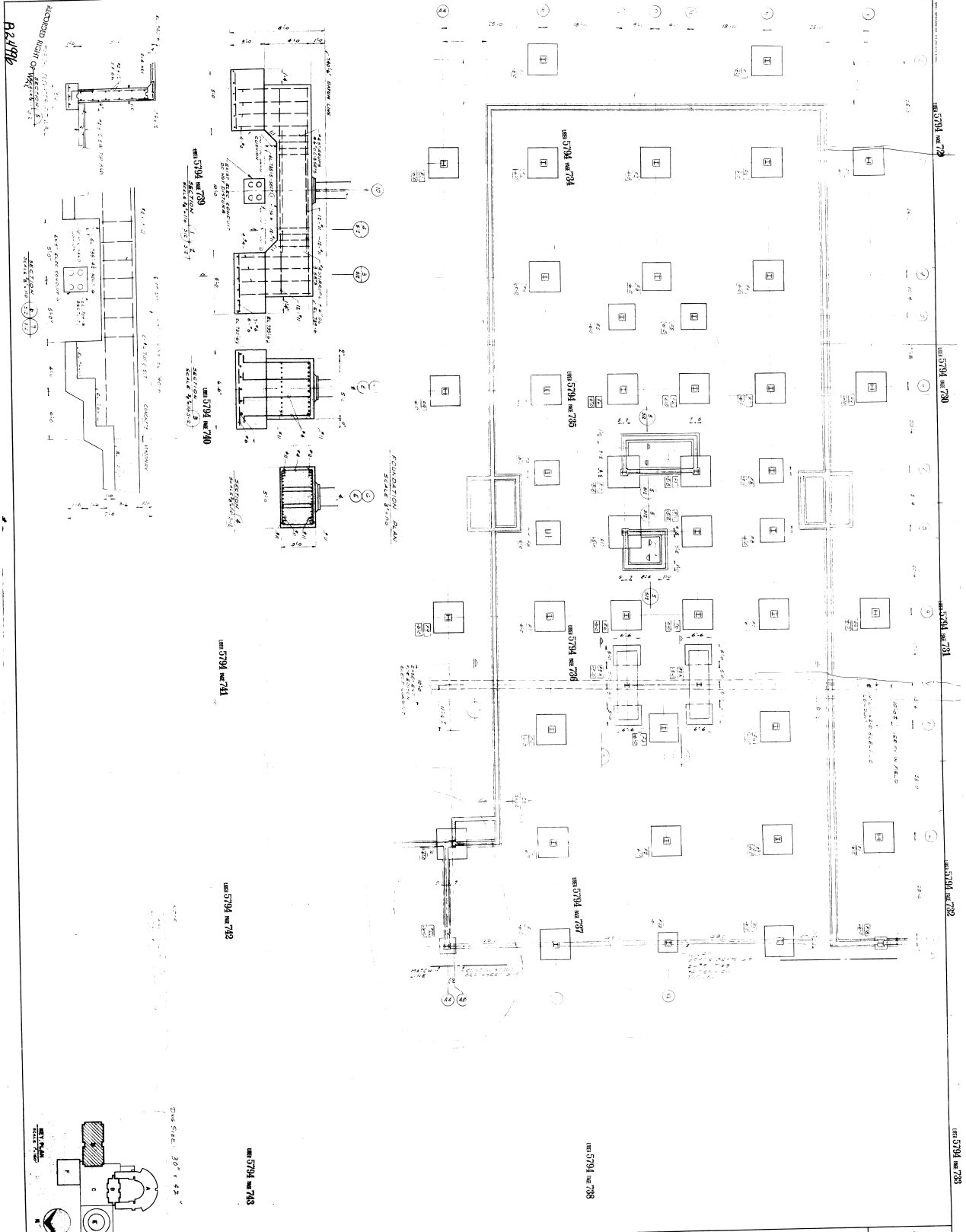
PREPARED BY: James J. Daskaloff
2000 Second Avenue
Detroit Michigan 48226.

RECORDED
OAKLAND COUNTY MICHIGAN
REGISTER OF DEEDS RECORDS
1971 JUN 5 PM 2 14

RECORDED RIGHT OF WAY NO. 24995

APPROVED		DATE
LAW	<i>J. J. Daskaloff</i>	12/11
PLANT ACCOUNTING		
REAL ESTATE AND RIGHTS OF WAY	<i>W. C. Arnold</i>	12-7-71
ENGINEERING		
SERVICE PLANNING	<i>J. J. Daskaloff</i>	12-1-71
	<i>W. C. Arnold</i>	12-3-71

RETURN TO
W. C. ARNOLD
THE DETROIT EDISON COMPANY
2000 SECOND AVENUE
DETROIT, MICHIGAN 48226



R21976

<p>DATE: OCT 11 1977</p> <p>SHEET NO. S-12</p> <p>JOB NO. 17777</p>	<p>FOUNDATION PLAN - OFFICE TOWER UNIT 'D'</p>	<p>SOMERSET INN & OFFICE COMPLEX</p> <p>TROY, MICHIGAN</p>	<p>VOLK & LONDON ARCHITECTS, INC.</p> <p>2112 NORTHWESTERS DRIVE • ANN ARBOR, MICHIGAN</p>
		<p>DRAWN BY: [initials]</p> <p>CHECKED BY: [initials]</p> <p>APPROVED BY: [initials]</p> <p>DATE: OCT 4 1977</p>	