

PROJECT NAME:

Hickory Heights North Subdivision

EASEMENT

IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, the undersigned owners and parties having interest in lands herein described grant to THE DETROIT EDISON COMPANY, a New York Corporation, with offices at 2000 Second Avenue, Detroit, Michigan, 48226, and MICHIGAN BELL TELEPHONE COMPANY, a Michigan Corporation, 1365 Cass Avenue, Detroit, Michigan, 48226, easements for their underground lines for the transmission and distribution of electricity and communication services, including the necessary above ground transformers, secondary connection pedestals, communication facilities, cable poles and equipment under, across, and upon the following described land in the City of Troy, County of Oakland, State of Michigan, described as:

Lots 10, 11, 20, 21, 22, 23, 24, 25, 26, the East 6 ft. of the West 15 feet.

Lot 19, the East 6 feet of the West 15 feet except the portion of Lot 19, dedicated as a 9 foot easement along the South line.

Lot 27, the West 6 feet.

All in Hickory Heights North Subdivision, a subdivision of part of the West 1/2 of Section 7, T2N, R11E, City of Troy, according to the plat thereof as recorded in Liber 123, Pages 21, 22, and 23 of Oakland County Plat Records.

These easements shall be subject to all restrictions dated August 13, 1968, (to be recorded) pertaining to underground electric and communication services for the aforementioned subdivision. Signed and sealed this 20th day of August, 1968.

IN THE PRESENCE OF:

ROBERTSON JAMIESON CORPORATION
A Michigan Corporation
4330 N. Woodward Avenue
Royal Oak, Michigan

Helen M Bradford
Helen M Bradford

BY: Paul C. Robertson
Paul C. Robertson, President

Meeford Hartman

BY: Richard K. Jamieson
Richard K. Jamieson, Secretary

STATE OF MICHIGAN)
COUNTY OF Oakland) SS

On this 20th day of August, 1968, before me appeared PAUL C. ROBERTSON and RICHARD K. JAMIESON to me personally known, who being by me duly sworn, did say that they are respectively PRESIDENT and SECRETARY of ROBERTSON JAMIESON CORPORATION, a corporation created and existing under the laws of the State of Michigan and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said PRESIDENT and SECRETARY acknowledged the said instrument to be the free act and deed of the said Corporation.

My Commission expires: May 23, 1972

Helen M^cComb Bradford
Notary Public
Helen M^cComb Bradford
Oakland Co., Michigan

RECORDED HEIGHT OF WAY NO. 25255

SUBDIVISIONS
(Platted)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, owners of land, and parties having an interest in land in the City of Troy, County of Oakland, State of Michigan, described as: "HICKORY HEIGHTS NORTH SUBDIVISION", a subdivision of part of the West 1/2 of Section 7, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 123, Pages 21, 22, and 23 of Oakland County Records.

desire(s) to subject the said land to the restrictions, covenants, easements and charges as hereinafter set forth;

AND, WHEREAS, it is the intent and purpose of the (party)(parties) hereto to have communication lines installed underground (except necessary above ground communication facilities) to serve Lots 1 through 58 and to have a substantial part of the electric power distribution lines placed underground, (except necessary cable pole(s), existing overhead lines, transformers, secondary connection pedestals or switching cabinets) to supply single phase service, to serve Lots 1 THROUGH 58

~~lots _____ are to be covered from overhead electric lines and shall not be subject to the restrictions contained herein, except that the public utilities shall have the right to trim or remove trees which interfere with the user of the easements in said lots, and except easements in lots receiving electric or communication service overhead, namely _____~~

~~shall have underground lines installed therein for service to other lots in said subdivision and shall be subject to the following restrictions overhead _____~~

RECORDED RIGHT OF WAY NO. 2022

STATE OF MICHIGAN)
)SS
COUNTY OF Oakland)

On this 29th day of July 1968, before me appeared PUAL C. ROBERTSON and RICHARD K. JAMIESON to me personally known, who being by me duly sworn, did say that they are respectively PRESIDENT and SECRETARY of ROBERTSON JAMIESON CORPORATION, a corporation created and existing under the laws of the State of Michigan and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said PRESIDENT and SECRETARY acknowledged the said instrument to be the free act and deed of the said Corporation.

Helen McCombs Bradford
Helen McCombs Bradford
Notary Public OAKLAND County, Michigan

My Commission expires: May 23, 1972

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

On this 15th day of August, 1968, before me, the
subscriber, a Notary Public in and for said County, personally appeared
R. Q. DUKE and LILLIAN J. H. CARROLL
to me personally known, who being by me duly sworn, did say that they are
DIRECTOR OR PROPERTIES AND
the RIGHTS OF WAY DEPARTMENT and ASSISTANT SECRETARY
of THE DETROIT EDISON COMPANY, a New York Corporation, and that the seal
affixed to said instrument is the corporate seal of the said corporation,
and that said instrument was signed in behalf of said corporation, by
authority of its Board of Directors and R. Q. DUKE
and LILLIAN J. H. CARROLL acknowledged said instrument to
be the free act and deed of said Corporation.

My Commission expires: December 4, 1969

Stephen A. McNamee
Notary Public Stephen A. McNamee

Wayne County, Michigan

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 13th day of Aug., 1968, before me, the
subscriber, a Notary Public in and for said County, appeared CARL T. HALL
to me personally known, who being by me duly sworn, did say that he is Staff
Supervisor of Right of Way, authorized by and for MICHIGAN BELL TELEPHONE COMPANY,
a Michigan Corporation, and that the said instrument was signed in behalf of said
Corporation, by authority of its Board of Directors, and CARL T. HALL
acknowledged said instrument to be the free act and deed of said Corporation.

My Commission expires: Oct. 23, 1971

Charles V. Claphan
Notary Public

CHARLES V. CLAPHAN
Notary Public Wayne County, Mich.
My Commission Expires Oct 23 1971

Wayne Co., Michigan
Acting in Oakland
Co.

RECORDED RIGHT OF WAY NO. 25205

May 17, 1968

Robertson Jamieson Corporation
4330 N. Woodward Avenue
Royal Oak, Michigan 48072

Re: Hickory Heights North Subdivision
Beach Road and Arlund Way
City of Troy - Oakland County

Gentlemen:

Subject to our agreement with you for the installation of underground electric lines in the above project, The Detroit Edison Company, will own, install and maintain its electric lines and equipment and provide trenching in easements six (6') feet in width, which will be subsequently platted or provided by separate easement instrument at a cost to you of \$2871.75 based on 8205 estimated trench feet at the rate of 35 cents per trench foot. This cost is based on the location of lines and equipment as shown on the combined utility plan as approved on August 8, 1967. Any changes in these locations may require an adjustment in the cost figures. An additional charge will be made if boring under pavement, etc., is required or sand backfill is requested.

Normally, trenching operations will not be undertaken during December, January, February, or March unless soil conditions are suitable. However, if you request us to trench under adverse conditions and will make payment to us for any additional costs to us over and above the trenching cost stated above, we will proceed with the installation.

The future maintenance of our electric lines in the proposed easements does not include repair of damage to our lines and equipment caused by you, your contractors, agents, employes, successors and assigns. If such damage should occur, we would expect reimbursement for repairs.

For your convenience, we will bill you on terms of thirty (30) days.

Please sign three of the enclosed copies and return them. You may retain the fourth copy for your file.

Very truly yours,

R. Huey
Robert J. Huey
General Foreman
Customers Service

ACCEPTED

Robertson Jamieson Corp
by Paul C. Robertson, Pres

Date: May 21, 1968

RECORDS CENTER
AUG 21 1968
CLASSIFIED

RECORDED RIGHT OF WAY NO. 25252

PUBLIC UTILITY EASEMENT

70 21109

2-11
19

FOR AND IN CONSIDERATION of the sum of One (\$1.00) Dollar, the receipt of which is hereby acknowledged, Robertson Jamieson Corporation, a Michigan corporation, and Hickory Heights Park Association, a Michigan non-profit corporation, the address of both office corporations is 4330 North Woodward, Royal Oak, Michigan, hereby grant to the Detroit Edison Company, a New York corporation, whose address is 2000 Second Avenue, Detroit, Michigan, and Michigan Bell Telephone Company, a Michigan corporation, whose address is 1365 Cass Avenue, Detroit, Michigan, a twelve (12) feet wide easement for the purpose of installing and maintaining electricity and telephone service to lots in Hickory Heights North as recorded in Liber 123, pages 21, 22 and 23, Oakland County Records, Oakland County, Michigan, the center line of which is described as follows:

Part of Hickory Heights North, being a subdivision of part of the W. 1/2 of Section 7, T. 2 N., R. 11 E., City of Troy, Oakland County, Michigan, according to the plat thereof as recorded in Liber 123, pages 21, 22 and 23, Book of Plats, Oakland County Records, the center line of a 12 foot wide easement described as follows:

Beginning at the S. W. corner of Lot 10 of said subdivision; thence N. 05°23'47" W., 134.12 feet; thence N. 07°03'43" E., 134.11 feet; thence N. 19°13'43" E., 123.91 feet; thence N. 81°15'17" W., 143.05 feet; thence S. 63°18'13" W., 156.76 feet; thence S. 11°58'13" W. 52.63 feet to the point of ending, said point being on the south line of Lot 18 and located N. 64°54'04" W. 8.28 feet from the S. E. corner of said Lot 18.

IN WITNESS WHEREOF the grantors have caused this in-

strument to be executed by their duly authorized officers

*** These easements shall be subject to all restrictions dated August 13, 1968 and recorded in 15242 P619 O.C.R. pertaining to underground electric and communication services for the aforementioned subdivision.

RECORDED
OAKLAND COUNTY MICHIGAN
REGISTERED PUBLIC RECORDS

1970 JUN 23 PM 2 15

[Handwritten signature]

RECORDED RIGHT OF WAY NO. 25255

[Handwritten initials]

5495/333

this 12th day of January, 1970.

In Presence of: ROBERTSON JAMIESON CORPORATION

Paul C. Robertson
PAUL C. ROBERTSON, JR.

By Paul C. Robertson
Paul C. Robertson, President

Helen McCamb Bradford
Helen McCamb Bradford

and Richard K. Jamieson
Richard K. Jamieson, Secretary

In Presence of: HICKORY HEIGHTS PARK ASSOCIATION

Paul C. Robertson
PAUL C. ROBERTSON, JR.

By Paul C. Robertson
Paul C. Robertson, President

Helen McCamb Bradford
Helen McCamb Bradford

and Richard K. Jamieson
Richard K. Jamieson, Secretary

STATE OF MICHIGAN)
SS.
COUNTY OF OAKLAND)

On this 12th day of January, 1970, before me personally appeared Paul C. Robertson and Richard K. Jamieson, to me personally known who being by me duly sworn, did each for himself say that they are respectively the president and secretary of Robertson Jamieson Corporation and of Hickory Heights Park Association named in and which executed the above Public Utility Easement instrument and that the seal affixed to said instrument is the corporate seal of the said Robertson Jamieson Corporation and that the said Hickory Heights Park Association has not adopted a seal, and that said instrument was signed in behalf of each of said

RECORDED RIGHT OF WAY NO. 25255

5495/334

corporations by authority of its respective Board of Directors and sealed in behalf of Robert Jamieson Corporation by authority of its Board of Directors and said Paul C. Robertson and Richard K. Jamieson acknowledged said instrument to be the free act and deed of each of said corporations.

Helen M.C.M.B. Bradburn
Notary Public, Oakland County, Mich.
Helen M.C.M.B. Bradburn
My commission expires July 28-72

Drafted by:
George R. Snider
of Baldwin, Snider and Hague
409 Griswold, Suite 600
Detroit, Michigan 48226
961-6074

RECORDED
25255

MEMORANDUM ORDER
FOR GENERAL USE
OE FORM MS 77 12-53

TO Engineering Coordinator Supervisor DATE 8-16-68 TIME _____
190 Second - Room 126
Re: Underground Service - Hickory Heights North Subdivision
City of Troy, Oakland County

Agreement-enclosed obtained by M.B.I.

OK to proceed with construction.

COPIES TO: R. Olson - 1901 Second - Rm. 104
H. W. Frieb - 728 G.O.
REPORT Al Lee - Marketing - Pontiac Service Center
File

SIGNED *Stephen A. McInnes*
Stephen A. McInnes/ln
Staff Attorney
Law Department

DATE RETURNED _____ TIME _____ SIGNED _____

ORIGINAL

SHEET 1 OF 3

"HICKORY HEIGHTS NORTH"

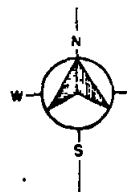
BEING A SUBDIVISION OF PART OF THE W. 1/2 OF SECTION 7,
T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

RECORDED
MICHIGAN
RECORDS
2025
PL 2 55

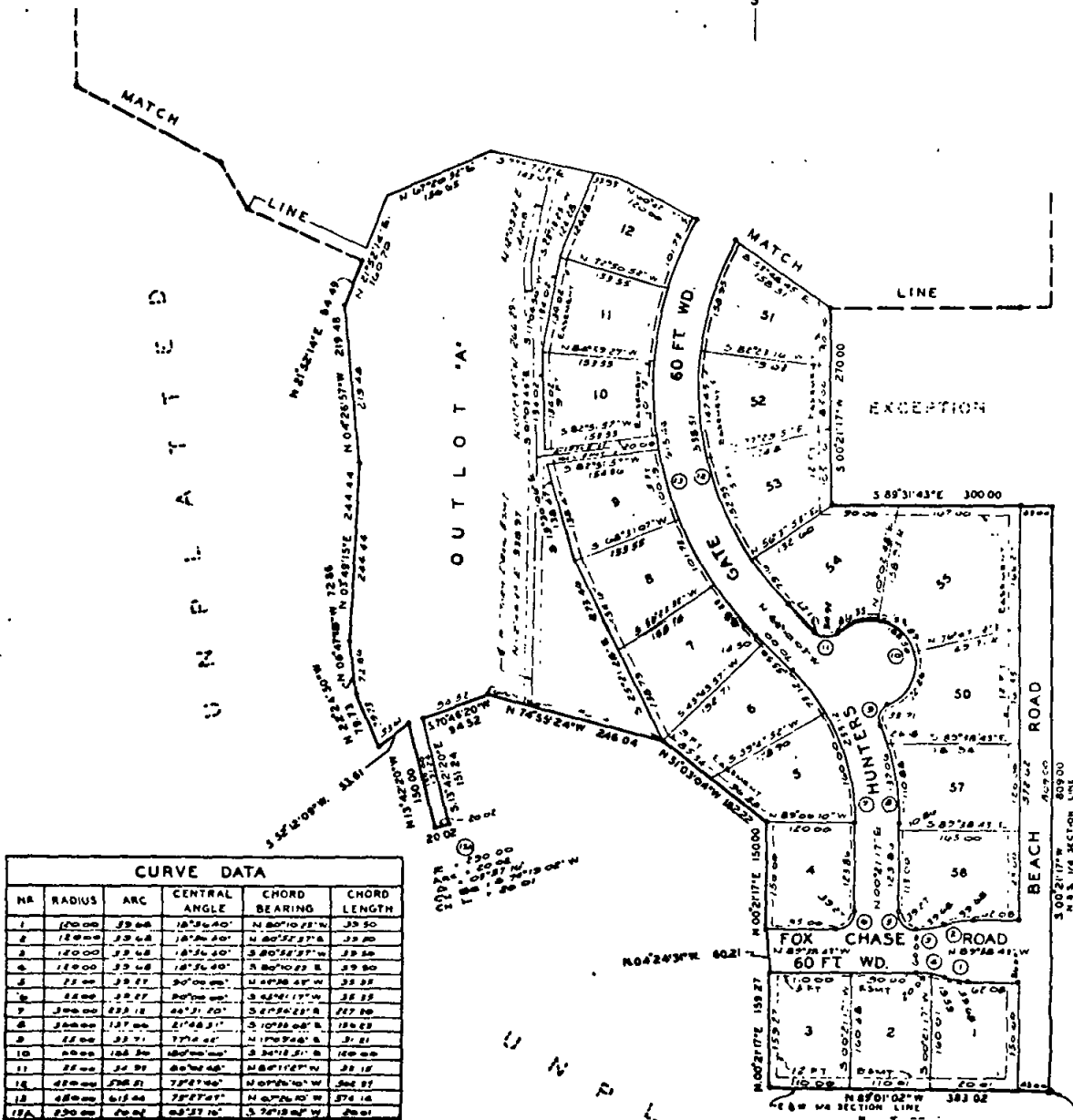
John W. ...
SURVEYOR



HERE I ALI, PE REG CIVIL ENGINEER AND
LAND SURVEYOR, 30729 GREENFIELD ROAD
SOUTHFIELD, MICHIGAN 48075



NOTE:
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG ARC.
R DENOTES RADIAL LINE.
ALL EASEMENTS ARE PRIVATE EASEMENTS FOR PUBLIC
UTILITIES AND MAINTENANCE OF SURFACE DRAINAGE
OR AS OTHERWISE NOTED.



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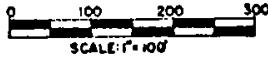
RECORDED RIGHT OF WAY NO. 2025

CURVE DATA

NR	RADIUS	ARC	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH
1	12000	33.46	18°36'40"	N 80°10'25" W	33.50
2	12000	33.48	18°36'40"	N 80°12'37" W	33.50
3	12000	33.48	18°36'40"	S 80°12'37" W	33.50
4	12000	33.48	18°36'40"	S 80°10'25" W	33.50
5	2200	32.47	30°00'00"	N 45°28'45" W	32.32
6	2200	32.47	30°00'00"	S 45°28'45" W	32.32
7	30000	22.12	44°31'20"	S 47°28'28" W	217.00
8	30000	22.12	44°31'20"	S 10°28'08" E	217.00
9	2200	32.71	77°14'41"	N 17°09'40" E	31.21
10	2200	32.71	77°14'41"	S 34°12'51" E	100.00
11	2200	32.71	80°28'46"	N 80°11'27" W	32.12
12	2200	32.71	77°14'41"	N 07°04'00" W	322.97
13	2200	32.71	77°14'41"	N 07°04'00" W	322.97
14	2200	32.71	80°28'46"	S 27°12'00" W	220.01

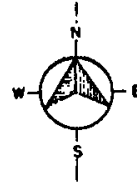
"HICKORY HEIGHTS NORTH"

BEING A SUBDIVISION OF PART OF THE W. 1/2 OF SECTION 7,
T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

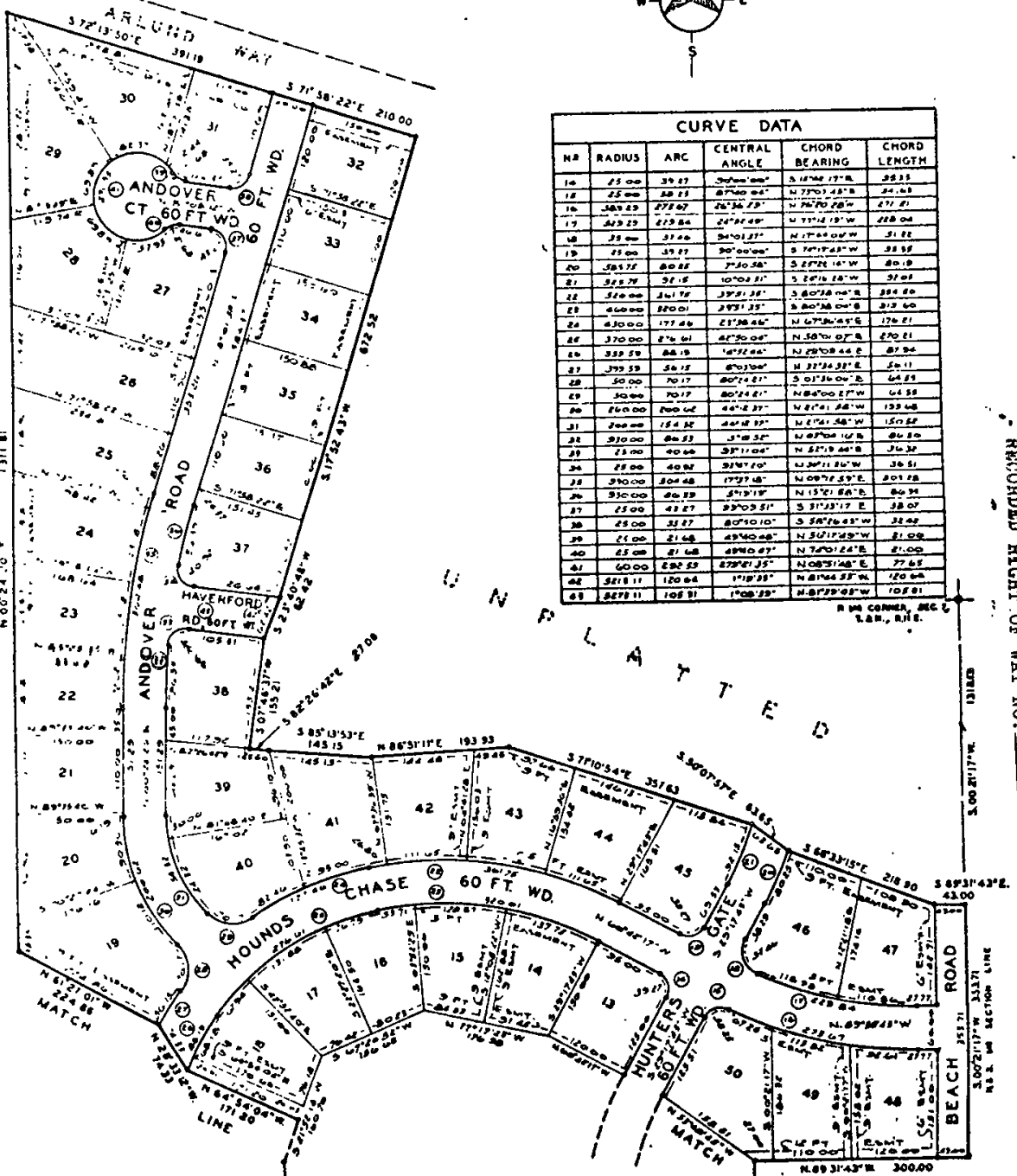


HEREBY ALIX, P.E. RES. CIVIL ENGINEER AND
LAND SURVEYOR, 30728 GREENFIELD ROAD
SOUTHFIELD, MICHIGAN, 48075

NOTE
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF
ALL CURVILinear DIMENSIONS ARE SHOWN ALONG ARC
R DENOTES RADIAL LINE
ALL EASEMENTS ARE PRIVATE EASEMENTS FOR PUBLIC
UTILITIES AND MAINTENANCE OF SURFACE DRAINAGE
OR AS OTHERWISE NOTED.



WILDLIFE COUNTY HOME SITE
 LIBER 44 PAGE 12
 18111
 10024 70 11111



CURVE DATA					
NR	RADIUS	ARC	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH
14	25.00	39.27	34°00'00"	S 16°00'12"W	28.23
15	25.00	39.27	87°00'00"	N 77°01'48"E	24.48
16	267.29	278.67	26°36'28"	N 74°00'28"W	471.21
17	429.29	819.88	24°00'00"	N 77°12'19"W	228.04
18	29.00	37.66	34°00'00"	N 77°00'00"W	31.22
19	29.00	37.77	30°00'00"	S 77°00'00"W	28.52
20	261.72	80.22	7°30'28"	S 27°12'14"W	80.10
21	261.72	91.12	10°00'00"	S 27°12'14"W	91.01
22	260.00	261.72	37°21'38"	S 60°18'00"E	264.60
23	460.00	320.01	37°21'38"	S 60°18'00"E	312.60
24	420.00	177.26	21°36'46"	N 67°36'46"E	170.21
25	370.00	87.61	61°30'00"	N 30°00'00"E	270.21
26	329.29	88.19	14°22'00"	N 28°08'44"E	87.24
27	329.29	58.12	87°00'00"	N 27°36'38"E	26.11
28	30.00	70.17	80°14'21"	S 01°36'00"E	64.25
29	30.00	70.17	80°14'21"	N 88°00'00"W	64.25
30	260.00	260.00	44°2'27"	N 81°01'28"W	129.68
31	260.00	154.22	24°18'37"	N 81°01'28"W	129.68
32	230.00	88.23	3°08'32"	N 87°08'12"E	88.20
33	23.00	40.66	33°11'04"	N 27°19'44"E	26.32
34	23.00	40.66	33°11'04"	N 27°19'44"E	26.32
35	25.00	40.82	33°07'10"	N 26°11'26"W	26.31
36	25.00	40.82	17°27'18"	N 06°17'59"E	201.28
37	25.00	40.82	51°19'19"	N 15°01'26"E	80.34
38	25.00	42.27	22°03'51"	S 31°33'17"E	28.07
39	25.00	32.27	80°10'10"	S 58°26'43"E	22.42
40	25.00	21.68	49°40'48"	N 30°12'00"E	21.02
41	25.00	21.68	49°40'48"	N 74°01'24"E	21.02
42	20.00	202.25	87°00'00"	N 08°31'48"E	77.65
43	218.11	120.64	17°18'29"	N 87°04'37"W	120.64
44	207.11	102.91	1°08'29"	N 87°00'00"W	102.91

RECORDED RIGHT OF WAY NO. 36352
 11111
 10024 70 11111

R.M. CORNER, INC.
L.A.N., R.N.E.

NOW, THEREFORE, the undersigned, hereby declare(s) that said premises shall be held, transferred, sold and conveyed subject to the restrictions, covenants, reservations, easements, charges, obligations and powers as follows:

1. Private easements for public utilities have been granted on the above described plat.

2. For the purpose of these Restrictions, "EDISON" shall mean THE DETROIT EDISON COMPANY and "BELL" shall mean MICHIGAN BELL TELEPHONE COMPANY.

3. No excavations (except for public utility purposes), no changes of finished grade, and no structures or apparatus of any kind, except line fences, shall be allowed within the public utility easements of the subdivision used by EDISON and BELL. Except as provided herein, the owners shall have the right to make any use of the land, subject to such easements, which is not inconsistent with the right of EDISON and BELL; provided, however, that the owners shall not plant trees or large shrubs within the public utility easements used by EDISON and BELL. EDISON and BELL shall have the right, without incurring any liability to the property owner for so doing, to trim or remove trees, bushes, or other plants of any kind within said easements and also shall have the right to trim the roots and foliage which grow into the easements belonging to trees, bushes or other plants of any kind lying outside of said easements and, which, in the sole opinion of EDISON and BELL, interferes with the facilities thereto or is necessary for the installation, reinstallation, modification, repair, maintenance or removal of their underground facilities in any public utility easement of the subdivision.

4. No shrubs or foliage shall be permitted on owner's property within five (5') feet of the front doors of the transformers or switching cabinets; nor shall such shrubs or foliage be permitted within five (5') feet of service connection pedestals.

5. The original or subsequent owners of Lots 1 THROUGH 5B

in this subdivision shall own and install underground, at their own expense, the single phase electric service conductors lying between the residences and the transformer of service connection pedestals located in said easements.

6. The installation of all underground electric service conductors shall be twenty-four (24") inches below finished grade and said conductors shall be at least

2 - #1/0 AWG and 1 - #2 AWG copper; or 2 - #2/0 AWG and 1 - #1 AWG aluminum conductors with RHW-USE insulation or with cross-linked polyethylene insulation. EDISON shall maintain the owners lines leading to the residences, provided, however, that should the electric service conductors of the owners or the lines of BELL be damaged by acts of negligence on the part of the owners or their agents or contractors, repairs shall be made by EDISON or BELL at the cost and expense of the owner(s) and paid forthwith to EDISON or BELL upon receiving a statement therefor.

7. The grade established by the undersigned in accordance with local governmental regulations at the time the utilities place their underground facilities in the easements shall be considered final or finished grade.

No property owner shall make any change in such grade in or near easements or alter any ground conditions, including drainage, when the change in grade or alteration of ground conditions, in the opinion of the utility concerned, interferes with the facilities already installed.

8. Property owners shall pay to the utility concerned the cost of relocation or rearrangement of utility equipment where in the opinion of the utility, such relocation or rearrangement is made necessary because of a violation by the property owner of any of the foregoing restrictions pertaining to utility underground installations.

9. The foregoing restrictions 1 through 8 shall be covenants running with the land and shall not be subject to termination without the consent of the utilities herein concerned.

10. Enforcement shall be by proceeding in a civil action against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages.

11. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF the undersigned (has)(have) set (its)(their) hand(s) and seal(s) on this 13th day of August, 1968.

MELFRID J. JENNAN
2500 NORTHWEST PARKWAY
SOUTHFIELD, MICHIGAN

IN THE PRESENCE OF:

ROBERTSON JAMIESON CORPORATION,
A Michigan Corporation
4330 N. Woodward, Royal Oak, Michigan

Helen M. Bradford
Helen M. Bradford

BY: Paul C. Robertson
Paul C. Robertson, President

John C. Rogers
John C. Rogers

BY: Richard K. Jamieson
Richard K. Jamieson, Secretary

STATE OF MICHIGAN)
COUNTY OF Aakland)SS

On this 13th day of August, 1968, before me appeared PAUL C. ROBERTSON and RICHARD K. JAMIESON, to me personally known, who being by me duly sworn, did say that they are respectively PRESIDENT and SECRETARY of ROBERTSON JAMIESON CORPORATION, a corporation created and existing under the laws of the State of Michigan and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said PRESIDENT and SECRETARY acknowledged the said instrument to be the free act and deed of the said Corporation.

My Commission expires: May 23, 1972

Helen M. Combs Bradford
Notary Public
Helen M. Combs Bradford

Aakland Co., Michigan

RECORDED RIGHT OF WAY NO. 25252

AGREEMENT

THIS AGREEMENT, made this 29th day of July 1968 between ROBERTSON JAMIESON CORPORATION, a Michigan Corporation, 4330 N. Woodward, Royal Oak, Michigan, hereinafter referred to as "DEVELOPER", and THE DETROIT EDISON COMPANY, a New York Corporation, with offices at 2000 Second Avenue, Detroit, Michigan 48226, hereinafter referred to as "EDISON", and MICHIGAN BELL TELEPHONE COMPANY, a Michigan Corporation with offices at 1365 Cass Avenue, Detroit, Michigan 48226, hereinafter referred to as "BELL".

WITNESSETH:

WHEREAS, DEVELOPER has developed land in the City of Troy, County of Oakland, State of Michigan, described as:

"HICKORY HEIGHTS NORTH SUBDIVISION", being a subdivision of part of the West $\frac{1}{2}$ of Section 7, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 123, Pages 21, 22, and 23 of Oakland County Records.

WHEREAS, DEVELOPER has submitted the plat of a subdivision to EDISON and BELL for their respective approvals of private easements for public utilities described thereon and desires that EDISON and BELL install their lines underground (except necessary cable poles and above ground facilities necessary to such underground installations, and except existing overhead lines) for communication and single phase electric service in said easements,

~~except lots~~

~~which are to receive overhead electric and communication service.~~

RECORDED RIGHT OF WAY NO. 25257-4

*Iron Days
Sec 7
W 1/2 of Hickory Heights
- 11/27/68 - Sub.*

Easements in, over, and under the subdivision shall have underground lines installed for service beyond said lots.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein made between DEVELOPER and EDISON and BELL, it is hereby agreed as follows:

I. DEVELOPER AGREES

1. To record, prior to utility installation, the plat of subdivision with private easements for public utilities, including streetlight cables acceptable to EDISON and BELL, and/or record a separate instrument granting any additional private easements for public utilities deemed necessary by EDISON and BELL.

2. To execute a restriction agreement containing language satisfactory to EDISON and BELL for their underground installations.

3. To install sanitary sewers when required by governmental authority with sewer taps extending three (3') feet beyond easement limits for each lot prior to installation of electrical underground or communication lines in easements so that sewer connections can be made, without undermining electrical system or communication lines. Sewer, water and gas lines may cross but may not be installed within the six (6') foot easements used for electric and communication utility facilities.

4. To grade easements to finished grade in accordance with local governmental regulations prior to installation of underground lines so that said lines can be properly installed in relation to finished grade. The grade established for the sub-

RECORDED RIGHT OF WAY NO. 25255

division at the time the utilities place their facilities in the easements shall be considered finished grade.

5. To place survey stakes indicating property lot lines before and after trenching to enable EDISON and BELL to properly locate their facilities including lines, transformers and pedestals.

6. DEVELOPER further agrees that if subsequent to the installation of the utility's facilities by EDISON or BELL, it is necessary to repair, move, modify, rearrange or relocate any of their facilities to conform to a new plot plan or change of grade made by DEVELOPER, or for any cause or changes attributable to public authority having jurisdiction or to DEVELOPER's action or request, DEVELOPER will forthwith pay the cost and expense of repairing, moving, modifying, rearranging or relocating said facilities to EDISON or BELL upon receipt of a statement therefor. Further, that if the electric or communication utility facilities of EDISON or BELL, or the electric service conductors owned and installed by DEVELOPER or its successors or assigns and which EDISON will maintain are damaged by acts of negligence on the part of the DEVELOPER, or by contractors engaged by DEVELOPER or its successors or assigns, repairs shall be made by the utilities named herein at the cost and expense of DEVELOPER or its successors and assigns and shall be paid forthwith to EDISON or BELL by DEVELOPER or its successors and assigns upon receiving a statement therefore.

Successors and assigns of the DEVELOPER, as used in this Agreement shall include the owners of lots in Hickory Heights North Subdivision. Any ^{charges} ~~charges~~ imposed by EDISON and BELL here-

RECORDED RIGHT OF WAY NO. 25255

under against DEVELOPER or its successors or assigns shall be imposed only against the owners of lots affected by the repair, moval, modification, rearrangement or relocation of the facilities anything herein to the contrary notwithstanding.

7. To remove at DEVELOPER's expense all trees, shrubbery or obstructions which may be necessary or required for installation of electric and communication facilities in the easements, and to provide for trenching in accordance with separate letter agreement between EDISON and DEVELOPER. ~~The DEVELOPER assures EDISON and BELL that the backfill shall be free of rubble and clods of hard or frozen dirt and shall not contain material which can damage enclosed lines.~~

8. In the event electric service conductors to residences are furnished and installed by DEVELOPER, between the transformers or service connection pedestals and the residences, the DEVELOPER shall install at least 2 - #1/0 AWG and 1 - #2 AWG copper; or, 2- #2/0 AWG and 1- #1 AWG aluminum conductors with RHW-USE insulation or with cross-linked polyethylene insulation. Services to be installed twenty-four (24") inches below finished grade.

II.

UTILITIES AGREE:

1. Upon completion of the above requirements to furnish, install, own and maintain, at their own expense, (except costs and expenses set forth in Paragraphs numbered 6, 7, and 8 above), all electric and telephone communication facilities in the private easements for public utilities located in the lands described. EDISON will maintain, at its expense, the electric service con-

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ductors lying between its facilities in said private easements for public utilities and the residences erected on said lots subject to provisions of Paragraph 6 above.

This agreement shall inure to the benefit of and be binding upon the respective heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

In the Presence of:

Helen M. Bradford
Helen M. Bradford

John C. Rogers
John C. Rogers

In the Presence of:

Stephen A. McNamee
Stephen A. McNamee

Irene C. Kata
IRENE C. KATA

ROBERTSON JAMIESON CORPORATION,
a Michigan Corporation

By: Paul C. Robertson
Paul C. Robertson, President

By: Richard K. Jamieson
Richard K. Jamieson, Secretary

THE DETROIT EDISON COMPANY

By: R. Q. Duke
R. Q. DUKE, DIRECTOR
Properties and Rights of Way Dept.

By: Lillian J. H. Carroll
LILLIAN J. H. CARROLL ASST. SECRETARY

MICHIGAN BELL TELEPHONE COMPANY

Barbara D'Agostino
BARBARA D'AGOSTINO

Carol A. Moore
CAROL A. MOORE

BY Paul T. Hall
Staff Supervisor, Right-of-Way
(Authorized signature)

APPROVED AS TO FORM
M. M. Conrad
ATTORNEY
MICH. BELL TELEPHONE CO.