

73 095613

EASEMENT AGREEMENT2/11
24

FOR GOOD AND VALUABLE CONSIDERATIONS, the right is hereby granted to THE DETROIT EDISON COMPANY, 2000 Second Avenue, Detroit, Michigan 48226, and THE MICHIGAN BELL TELEPHONE COMPANY, 1365 Cass Avenue, Detroit, Michigan 48226, their licensees, lessees, successors and assigns, easements to construct underground line facilities for the purpose of providing underground electric and communication service, including the necessary underground lines, cables and equipment, and above ground cable poles, transformers and secondary service pedestals and telephone terminals, in, under, over, upon and across property in the City of Troy, Oakland County, Michigan, further described as follows:

The SE'ly 4 ft. of the NW'ly 37 ft of Lots 389 thru 392 incl. The SE'ly 4 ft. of the NW'ly 37 ft. of Lots 404 thru 410 inclusive and the NW'ly 4 ft. of the SE'ly 37 ft. of lots 400 thru 403 inclusive

"Beaver Trail Subdivision No. 3" being part of the SW 1/4 of Section 24, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 135 of Plats, pages 22, 23, and 24 of the O. C. R.

with full right of ingress and egress upon the said premises to the employes of appointees of the grantees, to construct, reconstruct, add to, modify, repair, operate and maintain said line facilities.

These easements are subject to all of the provisions and restrictions of a certain instrument between owners and EDISON AND BELL entitled "Beaver Trail Subdivision No. 3" dated July 13, 1972, and recorded in Liber 5926, pages 851-861.

Notwithstanding anything herein to the contrary, the undersigned, First Federal Savings and Loan Association of Detroit, joins in the execution hereof solely for the purpose of subordinating any mortgage it may have on the above described property, or any party thereof, to the terms and conditions of this Easement Agreement.

IN WITNESS WHEREOF, the undersigned have set their hands and

RETURN TO
J. A. ROBERTSON
THE DETROIT EDISON COMPANY
1970 ORCHARD LAKE ROAD
PONTIAC, MICHIGAN 48063

PROPERTY RIGHT OF MARY NO. 28430

17 00

seals this 3RD day of October, 1973.

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF DETROIT, A Federal Corporation 1001 Woodward Ave. 48226

WITNESS:

Witness signatures: Robert Lauten, Jane Moeller, Senior Vice President, Jean Cantrell, Mary Ann Kowalasky, Assistant Vice President.

STATE OF MICHIGAN)) SS) COUNTY OF WAYNE)

Personally came before me this 3RD day of October 1973,

Jane Moeller and Mary Ann Kowalasky

to me known to be the persons who executed the foregoing instrument and to me known to be such Senior Vice President and Assistant Vice President of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said association, by its authority.

Notary signature: Dorothy Jean Cantrell, Notary Public, Wayne County, Michigan

My Commission expires: August 2, 1977

Prepared by: John N. Waterloo, 1970 Orchard Lake Road, Pontiac, Michigan 48053

RECORDED. OAKLAND COUNTY MICHIGAN REGISTER OF DEEDS RECORDS OCT 24 PM 12:20 LYN D. ALLEN CLERK-REGISTER OF DEEDS

PHONE 642-6300
564-5477

BILTMORE HOMES COMPANY
2900 WEST MAPLE ROAD
TROY, MICHIGAN 48064

July 18, 1972

Mr. John N. Waterloo
Detroit Edison Company
1970 Orchard Lake Road
Pontiac, Michigan 48053

Re: Beaver Trail Subdivision No. 3
Section 24, City of Troy

Dear John:

Please find enclosed herewith three duly executed
"Agreement - Easement - Restrictions" for the above
named subdivision.

Please be advised that the subdivision will be
ready for underground Edison installations toward
the end of August, 1972.

Very truly yours,

BILTMORE HOMES COMPANY



Norman J. Cohen

Encls. 3

RECORDED INDEXED ON WAY NO. 218430

PHONE 642-6300
564-5477

PLEASE NOTE NEW TELEPHONE NO
643-8810

BILTMORE HOMES COMPANY
2900 WEST MAPLE ROAD
TROY, MICHIGAN 48064

June 28, 1972

Mr. John Waterloo
Detroit Edison Company
1970 Orchard Lake Road
Pontiac, Michigan 48053

Re: Beaver Trail Subdivision No. 3
Section 24
City of Troy, Michigan

Dear John:

At your request I am enclosing herewith a copy of the complete plat for the above-named subdivision.

I would appreciate your preparing the necessary documents for this subdivision.

Very truly yours,

BILTMORE HOMES COMPANY



Norman J. Cohen

NJC/hs

Enclosures

RECORDED
INDEXED
JUN 29 1972
58430

Edison #
B FAIRLESS CIR
Power SER

Send to: Stephen A. McNamee
226 G. O.

SUBDIVISIONS - UNDERGROUND SERVICE

1. Name of Subdivision BEAVER TRAIL SUB NO. 3
2. Name of Developer BILTMORE HOMES CO.
Address 2900 WEST MAPLE RD.
Phone MT 2-6300 643-8810
3. When is service wanted? SPRING 1972
4. Will part of Subdivision be fed from existing overhead service? NO
If so, which lots will receive overhead service? _____
5. Will we require underground easements in lots receiving overhead service, to serve lots beyond? _____
If so, what easements? (Example: In the Northerly 6 feet of Lot 1 in order to get underground service to Lot 12.) _____
6. Will Bell Telephone serve lots overhead with us from our existing overhead pole system or will Bell be underground at these locations? _____
7. Bell Engineer E BAYLEY Phone 542-9558
8. Will plat be recorded before we install service or after we install service? BEFORE
9. Will Developer provide trenching? NO
10. Name of Sales representative B FAIRLESS Phone 25-322

10-19/71 Chan
When copies of plat available they will be sent in to me. all plat sheets

RECORDED INDEX OF MAP NO. 28430

RHODE ISLAND D

1 PIR BEAVER TRAIL SUB. NO. 3
Liber 24, Page 14

PRELIMINARY PLAT OF _____

Beaver Trail Sub. No. 3

PART OF THE SOUTHWEST 1/4 OF SECTION 24, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

LOT AREA REQUIRED
APPROXIMATE AREA
AREA PROVIDED

LEGAL DESCRIPTION

Part of the S.W. 1/4 of Section 24, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at the West 1/4 Corner of Section 24, T.2N., R.11E.; thence along the East and West 1/4 line of Section 24, being also the South line of "Olde Forge Sub." (Liber 130, Pages 21, 22 and 23, C.C.R.) and its extension, S 89°51'40" E 2629.75 ft.; thence along the North and South 1/4 line of Section 24, S 00°53'48" W 1325.73 ft.; thence along the North line of "Big Beaver Poultry Farms" (Liber 23, Page 14, C.C.R.), N 89°40'45" E 2285.82 ft.; thence N 00°16'24" E 333.86 ft.; thence N 89°46'26" W 329.50 ft.; thence along the West line of Section 24, N 00°16'24" E 794.00 ft. to the point of beginning.
(75.523 Acres)

TOTAL LOTS 256

RECORDED RIGHT OF WAY NO. 28730

BEAVER TRAIL SUB No. 3
PROPOSED SUBDIVISIONS
(Not Platted)

AGREEMENT - EASEMENT - RESTRICTIONS

This instrument made this 13th day of JULY, 1972,
by and between the undersigned Owners and 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, hereinafter referred to
as "EDISON", and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 1365
Cass Avenue, Detroit, Michigan 48226, hereinafter referred to as "BELL."

W I T N E S S E T H :

WHEREAS, Owners are developing land for subdivision purposes in the
City of Troy, Oakland County,
Michigan, as described in Appendix "A", attached hereto and made a part hereof, and

WHEREAS, the plat of said subdivision will not be recorded until a
later date and Owners desire EDISON and BELL to install their underground lines
and facilities prior to said recording.

NOW, THEREFORE, in consideration of the mutual promises and covenants
for the installation of underground utility service made by the parties hereto,
it is hereby agreed:

(1) The installation, ownership and maintenance of electric services
and the charges to be made therefor shall be subject to and in accordance with the
Orders and Rules and Regulations adopted from time to time by the Michigan Public
Service Commission.

(2) Easements for installation of electric and communication
services are hereby granted by the Owners to EDISON and BELL as set forth in the
attached copy of proposed plat. Any additional easements needed by EDISON and
BELL shall be granted by Owners in a separate instrument.

(3) Owners will place survey stakes indicating property lot lines
before trenching.

(4) Where sewer lines will parallel electric and communication lines,
sewer taps must be extended into each lot for a distance of one (1') foot beyond
the easement limits. Underground sewer and water lines may cross but shall not be
installed parallel within the six (6') foot easements used by EDISON and BELL.

(5) Owners must certify to EDISON and BELL that the easements are
graded to within four (4") inches of final grade before the underground facilities
are installed.

(6) No excavations (except for public utility purposes) and no
structures or permanent apparatus of any kind (except line fences and driveways)
shall be allowed within the public utility easements used by EDISON and BELL.
EDISON and BELL shall have no liability to Owners for removal of trees or plant
life lying within said easements which, in the sole opinion of EDISON and BELL,
interferes with their facilities or when removal is necessary to repair and maintain
the underground service facilities.

(7) Owners to provide for clearing the easements of trees, large
stumps and obstructions sufficient to allow trenching equipment to operate.

DE FORM LE 13 9-71 CS

John J. ...
... (75.522M)
... #2)

James I. ...
L. B. ...
REGISTER OF DEEDS

1972 AUG 17 AM 11 14

RECORDED
OAKLAND COUNTY MICHIGAN
REGISTER OF DEEDS

RECORDED RIGHT OF WAY NO. 28430

(8) No shrubs or foliage shall be permitted on Owners property within five (5') feet of the front doors of transformers or switching cabinets.

(9) Owners further agree that if subsequent to the installation of the utility facilities of EDISON and BELL, it is necessary to repair, move, modify, rearrange or relocate any of their facilities to conform to a new plat plan or change of grade or for any cause or changes attributable to public authority having jurisdiction or to Owners action or request, Owners will pay the cost and expense of repairing, moving, rearrangement or relocating said facilities to EDISON or BELL upon receipt of a statement therefor. Further, if the lines or facilities of EDISON and BELL are damaged by acts of negligence on the part of the Owners or by contractors engaged by Owners, repairs shall be made by the utilities named herein at the cost and expense of the Owners upon receiving a statement therefor. Owners are defined as those persons owning the land at the time damage occurred.

(10) Owners hereby grant EDISON and BELL the right to install their secondary service and communication lines from termination of utility facilities to the meter or communication building entrance point as the case may be. Owners to pay the cost of conduit for electric and/or communication facilities to accomodate patios or similar site conditions.

(11) Owners of each lot will pay EDISON for service lateral conductors an amount equal to the straight line measurement in feet from the termination of utility facilities at the front or rear property line to Owners meter entrance multiplied by \$1.25. Where special routing is required, the charge of \$1.25 per foot will apply to the route of the line as installed. These charges are subject to change and modification by Orders, from time to time, by the Michigan Public Service Commission.

(12) The Owner will pay to utility concerned the extra trenching costs involved if trenching is required while the ground is frozen.

(13) EDISON and BELL will own and maintain the secondary service and communication laterals from the property line to Owners meter location except such costs or expenses incurred as set forth in Paragraph (9) above shall be borne by Owners.

(14) Upon the further acceptance and recording of the plat for the above described land, the easement herein granted and all the terms and conditions hereof shall merge with and be part of the private easements for public utilities indicated on said plat, only on condition that there is no dedication to the use of the public for said easements. The utility making use of such easements shall pay all the costs incurred by all prior public utility users in relocating or rearranging their facilities to make the easements available for subsequent use.

This Agreement-Easement-Restriction shall run with the land and 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 undersigned have set their hands and seals on the day and year first above written.

In the Presence of:

C. George Williams
C. GEORGE WILLIAMS

Irene C. Zata
IRENE C. ZATA

Linda M. Hoffman
LINDA M. LOFFMAN

Marsha Pavelka
MARSHA PAVELKA

THE DETROIT EDISON COMPANY
W. C. ARNOLD, DIRECTOR
Real Estate and Rights of Way Dept.

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

MICHIGAN BELL TELEPHONE COMPANY
By William F. Murray, Jr.
WILLIAM F. MURRAY, JR.
ACTING Staff Supervisor, Right of Way
(authorized signature)

RECORDED RIGHT OF WAY NO. 28430

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 20th day of July, 1972, before me the subscriber, a Notary Public in and for said County, appeared W. C. Arnold and Lillian J.H. Carroll, to me personally known, who being by me duly sworn did say they are the Director, RE & R/W Dept. and an Assistant Secretary of THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws 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 W. C. Arnold and Lillian J.H. Carroll acknowledged said instrument to be the free act and deed of said corporation.

Irene C. Kata
IRENE C. KATA
Notary Public, Wayne County, Michigan

My Commission Expires: May 14, 1976

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

On this 25th day of July, 1972, before me the subscriber, a Notary Public in and for said County, appeared WILLIAM F. MURRAY, JR. ^{ACTING} to me personally known, who being by me duly sworn did say that he is the Staff Supervisor of Right of Way authorized by and for MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, and that said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and WILLIAM F. MURRAY, JR. acknowledged said instrument to be the free act and deed of said corporation.

Melford Hartman
Notary Public, Oakland County, Michigan

My Commission Expires: _____

MELFORD HARTMAN
Notary Public, Wayne County, Michigan
Acting In Oakland County
My Commission Expires Sept. 15, 1975

RECORDED RIGHT OF WAY NO. 28430

BILTMORE HOMES COMPANY
A Michigan Corporation
2900 West Maple Road
Troy, Michigan 48064

Witness:

Hazel Schooley
Hazel Schooley
Phyllis Ziegenfelder
Phyllis Ziegenfelder

Norman J. Cohen
NORMAN J. COHEN - President
Bernard H. Stollman
BERNARD H. STOLLMAN - Secretary

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Personally came before me this 13 day of July, 1972, NORMAN J. COHEN, President, and BERNARD H. STOLLMAN, Secretary, of the above named corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such President and Secretary of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said corporation, by its authority.

My Commission Expires: June 3, 1973

Phyllis Ziegenfelder
Notary Public, Wayne County, Michigan
Acting in Oakland County
PHYLLIS ZIEGENFELDER

MANUFACTURERS NATIONAL BANK OF DETROIT
A National Banking Association
151 West Fort Street
Detroit, Michigan 48226

Witness:

Edward A. Kwiatkowski
Edward A. Kwiatkowski, Manager
Mary A. George
Mary A. George

Daniel E. MacDougall
Daniel E. MacDougall, Vice President
James D. Preston
James D. Preston, Mortgage Officer

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

Personally came before me this 17th day of July, 1972, Daniel E. MacDougall and James D. Preston of the above named National Banking Association, to me known to be the persons who executed the foregoing instrument and to me known to be such Vice President and Mortgage Officer of said association, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said association by its authority.

EDWARD A. KWIAKOWSKI
Notary Public Wayne County, Mich.
My Commission Expires May 13, 1976
My Commission Expires: _____

Edward A. Kwiatkowski
Notary Public, WAYNE County, Michigan

RECORDED RIGHT OF WAY NO. 58730

APPENDIX "A"

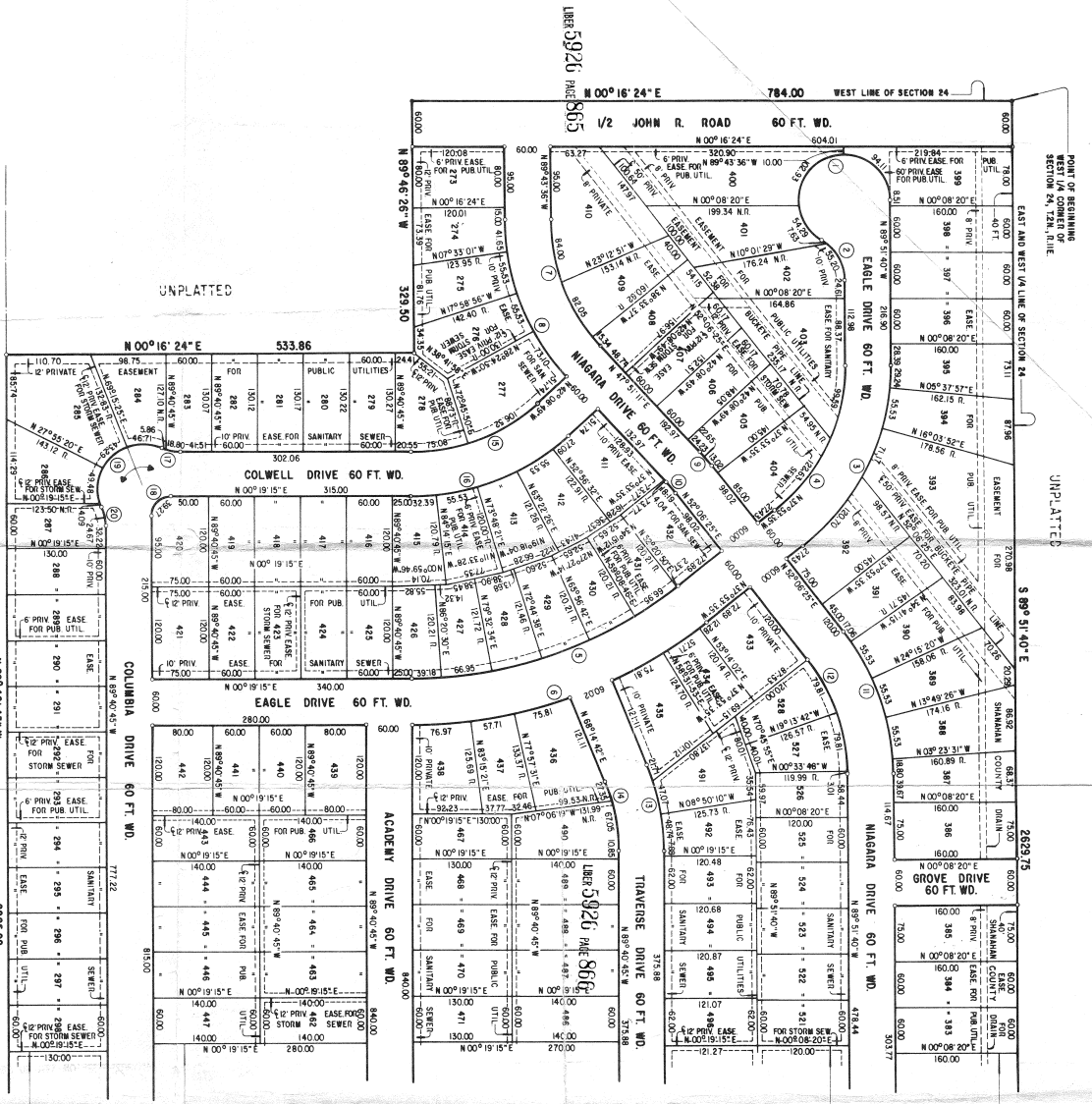
Part of the S.W. $\frac{1}{4}$ of Section 24, T2N-R11E, City of Troy, Oakland County, Michigan, described as: Beginning at the West $\frac{1}{4}$ corner of Section 24, T2N-R11E; th along the East and West $\frac{1}{4}$ line of Section 24, being also in part along the boundary of Olde Forge Sub. (Liber 130, Pages 21, 22, and 23, O.C.R.) S. $89^{\circ}51'40''$ E. 2629.75 ft; th along the boundary of Beaver Trail Sub. No. 2 (Liber 134 Pages 20, 21, 22 and 23 O.C.R.), being also along the North and South $\frac{1}{4}$ line of Section 24, S. $00^{\circ}53'48''$ W. 1325.73 ft; th along the boundary of Big Beaver Poultry Farms (Liber 23, Page 14, O.C.R.) N. $89^{\circ}40'45''$ W. 2285.82 ft; th N. $00^{\circ}16'24''$ E. 533.86 ft; th N. $89^{\circ}46'26''$ W. 329.50 ft; th along the West line of Section 24, N. $00^{\circ}16'24''$ E. 784.00 ft to the point of beginning containing 75.523 acres.

PREPARED BY: John N. Waterloo
1970 Orchard Lake Road
Pontiac, Michigan 48053

RECORDED RIGHT OF WAY NO. 212/30

PROPOSED -- "Beaver Trail Sub. No. 3"

PART OF THE SOUTHWEST 1/4 OF SECTION 24, 12N., 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN



BIG BEAVER POULTRY FARMS (LIBER 23, PAGE 14)

RECORDED B/W FILE NO. 28430



CURVE DATA (1 THIRD 80)

NO	RADIUS	ARC	DELTA	CHORD	CHORD BEARINGS
1	60.00	251.33	84°00'00"	103.92	N 29° 51' 40" W
2	60.00	62.83	60°00'00"	60.00	N 60°08'20" E
3	505.00	276.84	51° 58' 05"	261.25	N 83° 52' 36" E
4	548.20	336.32	38° 12' 50"	303.56	N 86° 47' 00" E
5	624.20	416.31	30° 12' 50"	406.64	N 86° 47' 00" E
6	624.20	416.31	42° 23' 15"	422.09	N 89° 03' 47" E
7	248.00	181.39	42° 23' 15"	177.28	N 89° 03' 47" E
8	505.00	225.65	42° 23' 15"	220.09	N 89° 03' 47" E
9	248.00	181.39	54° 15' 14"	181.9	N 89° 58' 36" E
10	248.00	181.39	54° 15' 14"	181.9	N 89° 58' 36" E
11	248.00	181.39	54° 15' 14"	181.9	N 89° 58' 36" E
12	248.00	181.39	54° 15' 14"	181.9	N 89° 58' 36" E
13	505.00	162.55	38° 07' 55"	156.6	N 87° 07' 20" E
14	248.00	181.39	22° 04' 33"	161.79	N 79° 06' 38" E
15	248.00	181.39	22° 04' 33"	161.79	N 79° 06' 38" E
16	505.00	181.39	42° 28' 04"	220.03	N 89° 54' 47" W
17	60.00	248.00	23° 32' 44"	248.00	N 82° 05' 21" E
18	60.00	248.00	23° 32' 44"	248.00	N 82° 05' 21" E
19	60.00	248.00	23° 32' 44"	248.00	N 82° 05' 21" E
20	60.00	248.00	23° 32' 44"	248.00	N 82° 05' 21" E

SHEET 1 OF 3 SHEETS

METRO COMMUNITY SERVICE CORPORATION,
A Michigan Corporation
31550 Northwestern Highway
Farmington, Michigan 48024

WITNESS:

Kathryn Cory
Kathryn Cory
Madeleine Mugerdichian
Madeleine Mugerdichian

Victor Miller J.P.
Victor Miller, Vice President
Roger C. Richards
Roger C. Richards, President

STATE OF MICHIGAN }
COUNTY OF Oakland } SS

Personally came before me this 16th day of October, 1973, 1973
Victor Miller and Roger C. Richards
of the above named corporation, to me known to be the persons who
executed the foregoing instrument and to me known to be such and
Vice President and President of said corporation, and
acknowledged that they executed the foregoing instrument as such
officers as the free act and deed of said corporation, by its au-
thority.

Kathryn L. Cory
Kathryn L. Cory
Notary Public, Wayne County, Mich.
acting in Oakland

My Commission Expires: 6-18-74

RECORDED RIGHT OF WAY NO. 28430

PROPOSED - Beaver Trail Sub. No. 3

PART OF THE SOUTHWEST 1/4 OF SECTION 24, T24N, R11E,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

UNPLATTED

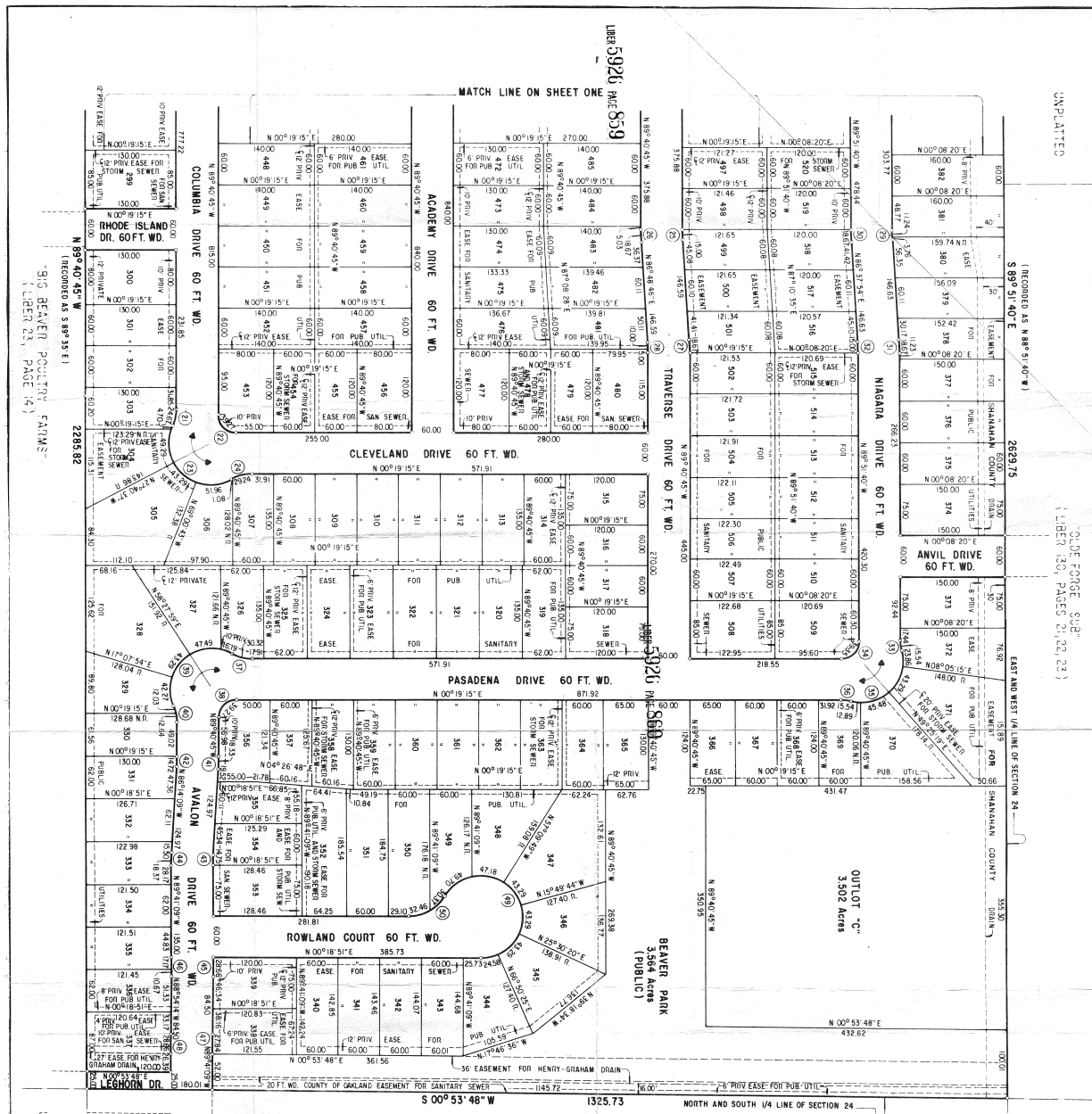
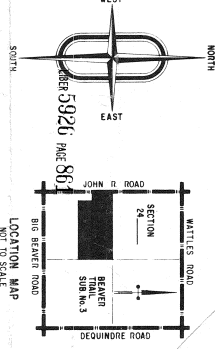
2 OF 3 PAGES (SHEETS 21, 22, 23)



M.C.S. MUNICIPAL CONSULTANT SERVICE
CIVIL ENGINEERS AND SURVEYORS
TROY, MICHIGAN

PLAT LEGEND:
ALL DIMENSIONS ARE IN FEET
THE SHEDDING AREAS SHOWN ALONG THE A.C.
LINE INDICATE THE LOCATION OF THE A.C.
LINE BRIDGES. BRIDGES ARE NOT INDICATED.
THE SYMBOL 'C' INDICATES A CONCRETE MONUMENT LONG
ALL BEARINGS ARE IN RELATION TO THE BEGINNING OF THE
WEST LINE OF BEAVER TRAIL SUB. NO. 2 AS RECORDED IN
LIBER 5926

SHEET 2 OF 3 SHEETS



CURVE DATA (21 THRU 50)			
NO	CHORD	ARC	BEARING
21	62.000	1.427	N 23° 32' 52" E
22	25.000	3.022	N 00° 00' 00" E
23	62.000	1.427	N 23° 32' 52" E
24	62.000	1.427	N 23° 32' 52" E
25	245.000	15.000	N 00° 00' 00" E
26	305.000	18.671	N 03° 30' 29" E
27	305.000	18.671	N 03° 30' 29" E
28	305.000	18.671	N 03° 30' 29" E
29	305.000	18.671	N 03° 30' 29" E
30	305.000	18.671	N 03° 30' 29" E
31	305.000	18.671	N 03° 30' 29" E
32	245.000	15.000	N 00° 00' 00" E
33	62.000	1.427	N 23° 32' 52" E
34	62.000	1.427	N 23° 32' 52" E
35	62.000	1.427	N 23° 32' 52" E
36	62.000	1.427	N 23° 32' 52" E
37	62.000	1.427	N 23° 32' 52" E
38	25.000	3.022	N 00° 00' 00" E
39	62.000	1.427	N 23° 32' 52" E
40	62.000	1.427	N 23° 32' 52" E
41	62.000	1.427	N 23° 32' 52" E
42	62.000	1.427	N 23° 32' 52" E
43	62.000	1.427	N 23° 32' 52" E
44	62.000	1.427	N 23° 32' 52" E
45	62.000	1.427	N 23° 32' 52" E
46	62.000	1.427	N 23° 32' 52" E
47	62.000	1.427	N 23° 32' 52" E
48	62.000	1.427	N 23° 32' 52" E
49	62.000	1.427	N 23° 32' 52" E
50	62.000	1.427	N 23° 32' 52" E

UNPLATTED

RECORDED R/W FILE NO. 28938

THE DETROIT EDISON COMPANY

1970 ORCHARD LAKE ROAD

PONTIAC, MICHIGAN 48053

October 29, 1973

Biltmore Homes Company
2900 West Maple Road
Troy, Michigan - 48064

Mr. Richard Komer:

RE: Additional Easements; "Beaver Trail Subdivision No. 3"

Gentlemen:

We are enclosing herewith a fully executed copy of
the Agreement dated October 3, 1973 for the
underground electric and communication services for the above
named project.

Yours very truly,

John N. Waterloo

John N. Waterloo
Real Estate and Rights of Way Dept.,

Enclosure

RECORDED RIGHT OF WAY NO. 28430



BILTMORE HOMES COMPANY, 2900 WEST MAPLE ROAD, TROY, MICHIGAN 48084 TEL. (313) 643-8810

October 18, 1973

Mr. John N. Waterloo
Detroit Edison Company
1970 Orchard Lake Road
Pontiac, Michigan

Re: Easement Agreement
Beaver Trail Subdivision No. 3
Troy, Michigan

Dear Mr. Waterloo:

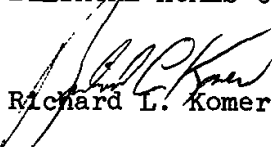
Please find enclosed the original and three fully executed copies of the above-captioned Easement. Kindly note that our company has not executed this Easement for the reason that we no longer have interest in said property. We have obtained the signatures of Metro Community Service Corporation to whom we assigned our interest.

We assume that you will proceed to record this document immediately and will send us a copy of the recorded instrument.

Thank you for your cooperation in this matter.

Very truly yours,

BILTMORE HOMES COMPANY


Richard L. Komer

RLK:jmg
Encls.

28430

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

TO Engineering Coordinator Supervisor DATE 7-19-72 TIME _____

Hdg. Room 250 W.S.C.

RE: Underground Service - Beaver Trail Sub #3 Troy, Oakland County

Agreements and Easements obtained - OK to proceed with construction

COPIES TO B. Fairless

SIGNED

John N. Waterloo
John N. Waterloo
Real Estate and R/W Dept

REPORT File

DATE RETURNED _____

TIME _____

SIGNED _____

THE DETROIT EDISON COMPANY

August 25, 1972

BILTMORE HOMES CO.
2900 W. Maple Rd
Troy, Michigan 48064

RE: BEAVER TRAIL SUB NO. 3

Mr. Norman Cohen:

We are enclosing herewith a fully executed copy of the Agreement dated July 13, 1972 for the underground electric and communication services for the above named project.

Very truly yours,

John N. Waterloo

John N. Waterloo
Real Estate and R/W Dept
1970 Orchard Lk Rd
Pontiac, Michigan 48053

JNW/jcg

RECORDS CENTER	
RECEIVED FEB 1 73	<i>Je.</i>
TICKLER MADE	
CLASSIFIED	

RECORDED RIGHT OF WAY NO. 28430

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

Date **July 25, 1972**

BILTMORE

DIWYAK Homes Company

2900 W. Maple

Troy, Michigan 48064

Regarding Beaver Trail Subdivision No. 3

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 feet (6') in width, which will be subsequently platted or provided by a separate easement instrument. Location of the lines and equipment will be as shown on the combined utility plan as approved by you on June 1972.

The cost to you for said electric line installation is \$16,118.04 based on 0 trench feet or 16,118.04 lot front feet. Extra charges in addition to the above will be \$ 0 as your contribution for such items as providing primary mains, distribution laterals and primary switching cabinets. These extra charges will only be assessed if involved. All charges are based on rules and rates as filed with the Michigan Public Service Commission and as shown in our current rate book. We will require full payment of the aforementioned charges prior to energizing the system.

Service cable requirements will be fulfilled as per our rules and rates as filed with the Michigan Public Service Commission, and in the case of Multiple Occupancy buildings are included in the above costs.

Community antenna systems or other cable systems shall not be installed in the same trench with Company and telephone cables without a separate signed agreement.

If adverse soil or field conditions such as rock, frozen ground or other are encountered, and you require us to trench through, additional charges will be assessed and may be billed at a later date. Additional charges will also be assessed if it is necessary to bore under paved streets or other paved areas.

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Page 2
The Detroit Edison Company
Date July 28, 1972

Beaver Trail Subdivision No. 3

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 assignees. If such damage should occur, we will require reimbursement for any such damage.

Notwithstanding anything herein to the contrary, the installation, ownership and maintenance of electric services and the rates, fees, and charges to be made shall be subject to and in accordance with the orders and rules and regulations adopted and approved from time to time by the Michigan Public Service Commission.

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

Very truly yours,

Ralph R Bond
Service Planner

ACCEPTED:

Name *Norman J Cohen*
Norman J Cohen
Title President

Name _____

Title _____

Date July 28, 1972

RB/ep

RECORDED HIGHWAY NO. 28450

Area Code 313
Telephone 332-1837

THE DETROIT EDISON COMPANY

1970 Orchard Lake Road

PONTIAC, MICHIGAN 48053

July 11, 1972

Mr. Norman Cohen
Biltmore Homes Co.
2900 W. Maple Rd
Troy, Michigan 48064

Mr. Cohen:

RE: BEAVER TRAIL SUB. No. 3

Enclosed is the original and three copies of the Agreement-Easement Restrictions for the above described project. Please have the original and two copies executed and returned to us. We will have the Agreement executed by Bell and Edison and return a fully executed copy to you. The fourth copy should be retained by you until you receive the fully executed copy from us.

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. 9 of this Agreement, whereby you would be responsible for any damages which might occur to the Company's 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 these instruments, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return all documents to: John Waterloo, at 1970 Orchard Lake Road, Pontiac, Michigan 48053.

Yours very truly,

John N. Waterloo

John N. Waterloo
Real Estate and R/W Dept

JNW/jcg

:
Enclosures

RECORDED INDEX CT MAY NO. 28430