

LOT 7089 ME 632

OAK RIVER No. 1 Subdivision

**Detroit Edison**

# Right of Way Agreement

79 133840

2-11/18

NOVEMBER 26, 1979

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 Michigan Avenue, Jackson, Michigan, 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 and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 hereinafter referred to as "UTILITIES", the easement and right to erect, lay, maintain, reconstruct and replace underground facilities, consisting of wires, cables, conduits, fixtures, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required for transmitting and distributing electricity, providing communication services and gas facilities with the usual services connections and accessories in, under, upon, over and across the land located in the City of Troy, Oakland County, Michigan, and more particularly described on the attached Appendix "A"; with the full right to the UTILITIES of ingress and egress upon said land for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the easements herein described.

Said easements shall be 10 feet in width unless otherwise indicated and their route is described as follows:

See attached Appendix "B"

In order to provide for the proper maintenance and protection of UTILITIES, the undersigned covenant and agree that:

1. The easements will be graded to within four (4) inches of final grade before the UTILITIES lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around above ground UTILITIES equipment.
2. No buildings or structures other than UTILITIES equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easement without approval of UTILITIES.
3. If the lines or facilities of UTILITIES' are damaged by the acts of Owners, their agents, employes or contractors, repairs shall be made by the Utility company so damaged at the cost and expense of Owners. Owners are defined as those persons owning the land at the time the damage occurred.
4. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. UTILITIES shall not be responsible to Owners for damages to or removal of trees or plant life planted in front of said door or within the easement causing an interference with UTILITIES maintenance of their equipment.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licenses and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal on this date:

Witnesses:

Grantors:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Prepared By: Omer V. Racine  
 The Detroit Edison Company  
 30400 Telegraph Road  
 Birmingham, Michigan 48010

Address: \_\_\_\_\_  
 \_\_\_\_\_

RECEIVED  
 DAN LAMONT, CLERK  
 MICHIGAN REGISTER OF DEEDS  
 1979 DEC 6 PM 3 15  
 LYNN D. ALLEN  
 CLERK-REGISTER OF DEEDS

RECORDED RIGHT OF WAY NO. 32833

9.00

WITNESSES:

LIBER 7689 PAGE 633

BILTMORE PROPERTIES COMPANY  
A Michigan Co-Partnership  
2900 West Maple Road  
Troy, Michigan 48084

Gilbert L. Franklin

Register File No. 119-77  
County of Oakland, Filed January 25, 1977

Joyce E. Kuhn

By: Biltmore Homes Company  
Co-Partner, A Michigan Corporation

Norman J. Cohen  
Norman J. Cohen, President

Bernard H. Stollman  
Bernard H. Stollman, Secretary-Treasurer

By: Dover Homes Company  
Co-Partner, A Michigan Corporation

Max Stollman  
Max Stollman, President

Phillip Stollman  
Phillip Stollman, Secretary-Treasurer

STATE OF MICHIGAN )  
                          ) SS:  
COUNTY OF OAKLAND )

Personally came before me this 26th day of November 1979,  
Norman J. Cohen, President and Bernard H. Stollman, Secretary-Treasurer of  
Biltmore Homes Company, Co-Partner, and Max Stollman, President and Phillip  
Stollman, Secretary-Treasurer of Dover Homes Company, Co-Partner, of the  
above named co-partnership, to me known to be the persons who executed the  
foregoing instrument and to me known to be such co-partners of said co-  
partnership, and acknowledged that they executed the foregoing instrument  
as such co-partners as the free act and deed of said co-partnership, by its  
authority.

Joyce E. Kuhn  
Joyce E. Kuhn  
Notary Public, Oakland County, Michigan

My Commission Expires: April 14, 1981

APPENDIX "A"

Land in the City of Troy, Oakland County, Michigan described as:  
Proposed Oak River Subdivision No. 1, being a part of the northeast 1/4  
of Section 18, Town 2 North, Range 11 East, described as: Beginning at the  
North 1/4 corner of Section 18, Town 2 North, Range 11 East; thence North  
87°19'28" East 2245.99 feet along the North line of Section 18; thence  
South 00°32'55" West 73.08 feet; thence South 16°20'29" West 310.15 feet;  
thence South 16°29'45" West 600.33 feet; thence South 35°48'33" West 349.03  
feet; thence South 55°50'17" West 545.65 feet; thence North 57°42'53" West  
257.28 feet; thence North 57°45'11" West 156.00 feet; thence South 32°14'  
49" West 2.50 feet; thence North 57°45'11" West 184.28 feet; thence North  
67°24'49" West 74.95 feet; thence South 87°11'05" West 291.36 feet; thence  
North 02°48'55" West 21.25 feet; thence South 87°11'05" West 150.00 feet;  
thence North 02°48'55" West 138.03 feet; thence North 79°24'20" West 13.04  
feet; thence westerly 50.22 feet along a curve concave to the South (radius  
of 250.00 feet, central angle of 11°30'35", long chord bears North 85°09'  
38" West 50.14 feet); thence South 89°05'05" West 195.73 feet; thence North  
02°48'55" West 945.50 feet along the North and South 1/4 line of Section  
18 to the point of beginning, being proposed Oak River Subdivision No. 1.  
Subject to the rights of the public and of any governmental unit in any  
part thereof taken, used or deeded for street, road or highway purposes.

PREPARED BY:  
Omer V. Racine  
The Detroit Edison Company.  
30400 Telegraph Road  
Birmingham, Michigan 48010.

RECORDED FILED IN DEPT. OF STATE

32833

MEMORANDUM ORDER  
FOR GENERAL USE  
05 FORM 88 77 12-65

TO REPORT HAACK DATE 11-29-79 TIME \_\_\_\_\_

Re: Underground Service - OAK RIVER No 1 SUBDIVISION  
Agreement and Easements obtained - OK to proceed with construction.

COPIES TO FILE SIGNED [Signature]  
REPORT R. Haack, Service Plans Omer V. Racine, Representative  
Real Estate, Rights of Way & Claims  
272 Oakland Division Headquarters

DATE RETURNED \_\_\_\_\_ TIME \_\_\_\_\_ SIGNED \_\_\_\_\_

APPLICATION FOR U.R.D. EASEMENTS  
DE FORM OR 11 5-73

FORM 11 5-73  
DATE REC'D 11-7-79  
SI-BELL NO. 069-125

TO: JAMES A. ROBERTSON - SUPERVISOR  
REAL ESTATE AND RIGHTS OF WAY - SUPERVISOR

Application No. \_\_\_\_\_

DISTRICT OAKLAND

Date 11-8-79

We have included the following necessary material and information:

MATERIAL:

A. Subdivision

- 1. Copy of complete final proposed plat, or
- 2. Recorded plat
  - a. Site plan
  - b. Title information (deed, title commitment, contract, or title search)

or

B. Other than subdivision

- 1. Property description.
- 2. Site plan.
- 3. Title information (deed, title commitment, contract with title commitment, or title search).

INFORMATION:

1. Project name OAK RIVER SUB #1 County OAKLAND

City/Township/Village TROY Section No. 18

Type of Development       Subdivision       Mobile Home Park  
     Apartment Complex       Other

2. Name of Owner BILTMORE PROPERTIES Phone No. 643-8810

Address 2900 W. MAPLE RD. TROY, MICHIGAN 48064

Owner's Representative LEON ZOLKOWER Phone No. 643-8810

3. Date Service is Wanted 12-3-79

4. Entire project will be developed at one time . . . . .  YES       NO

5. Cable poles on property . . . . .  YES       NO

6. Joint easements required . . . . .  YES       NO

a. Name of other utilities MICHIGAN BELL, CONSUMERS POWER

b. Other utility engineer names, addresses, phone numbers: MBT - BOB BEVERIDGE 90 LAKE ST. PONTIAC 338-4385  
CONSUMERS POWER CO. - DENNIS MEASEL 4600 COLLIDGE HWY RFD #8022 549-8000 EXT. 260

7. Part of subdivision is fed from overhead service . . . . .  YES       NO

Lot No. \_\_\_\_\_

8. Additional information or comments: \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 32833

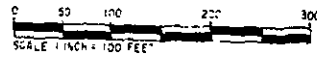
NOTE: Trenching letter  attached  will be submitted later.

Signed Bob Haack

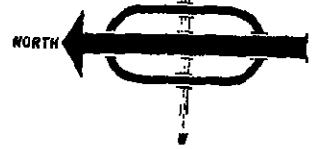
# Oak River Sub. No. 1 "PROPOSED"

PART OF THE NORTHEAST 1/4 OF SECTION 18, T.2N., R.11E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 32833

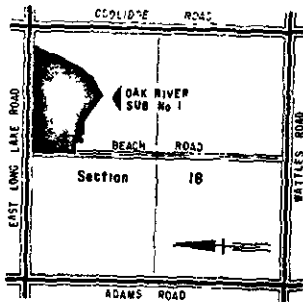


SHEET 1 OF SHEETS



### PLAT LEGEND

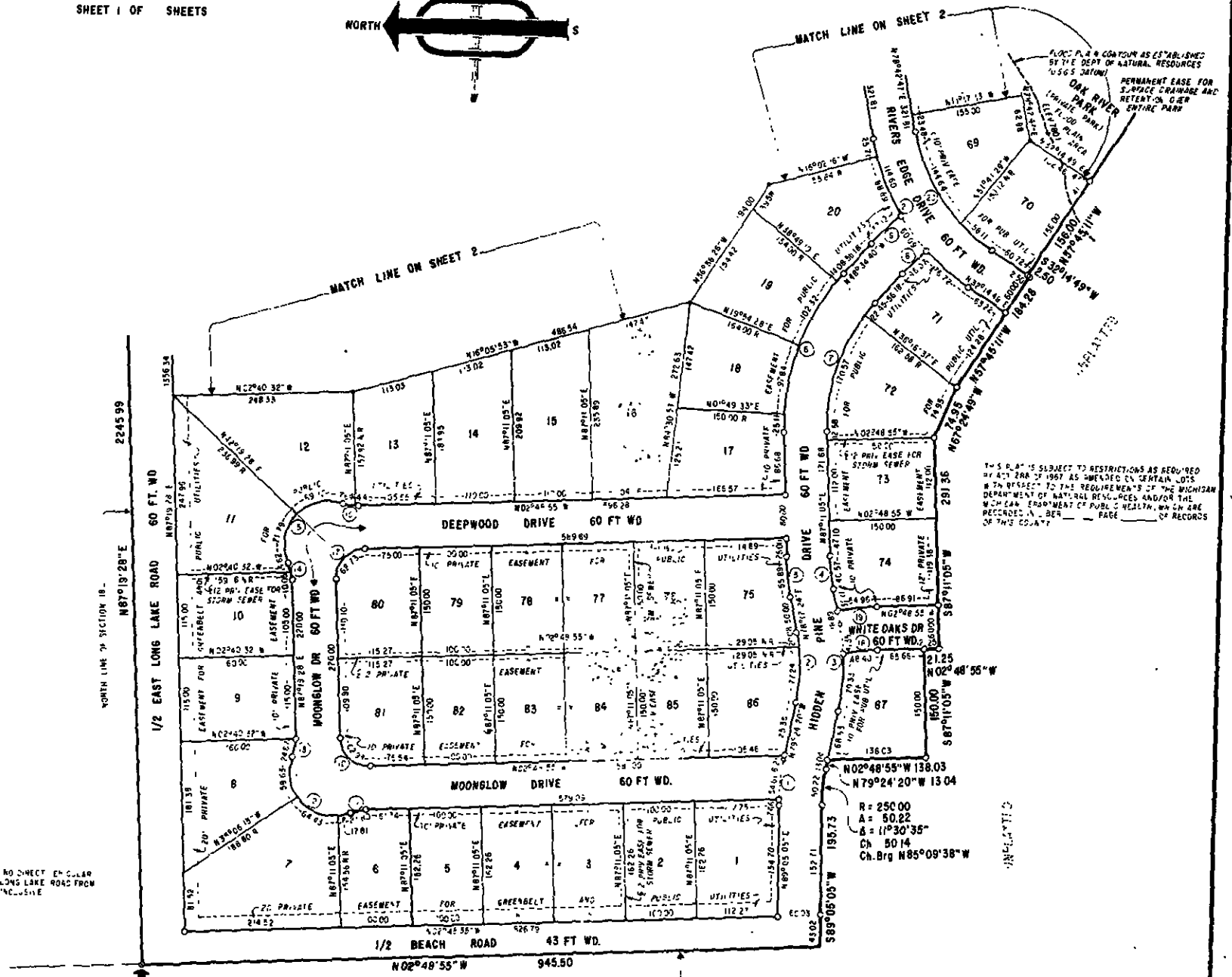
ALL DIMENSIONS ARE IN FEET  
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC  
R DENOTES RADIAL AND DEGREES IS RADIAL  
THE SYMBOL "O" INDICATES A CONCRETE MONUMENT  
ALL LOT MARKERS ARE 2" IRON PIPES AND ARE 18" LONG  
ALL BEARINGS ARE IN RELATION TO THE BEARING OF THE  
SOUTH LINE OF CHELSEA VILLAGE S. DIVISION NO. 1 AS  
RECORDED IN LIBER 155, PAGES 31, 32, 33 AND 34, 00 R



Location Map  
NOT TO SCALE

CU	CHORD
1	27.72
2	94.71
3	136.92
4	46.53
5	55.83
6	239.45
7	186.20
8	45.30
9	17.72
10	56.74
11	4.68
12	2.57
13	243.5
14	24.5
15	0.75
16	22.02
17	14.87
18	48.31
19	24.40
20	47.24
21	244.57

NOTE  
THERE SHALL BE NO DIRECT OR CLEAR  
ACCESS TO EAST LONG LAKE ROAD FROM  
LOTS 7 AND 11, INCLUSIVE



POINT OF BEGINNING  
NORTH 1/4 CORNER OF  
SEC 18 T.2N., R.11E.

NOTE  
THERE SHALL BE NO DIRECT VEHICULAR  
ACCESS TO BEACH ROAD FROM LOTS  
7 AND 11, INCLUSIVE

THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED  
BY ACT 206 OF 1967 AS AMENDED IN CERTAIN LOTS  
IN THIS SECTION TO THE REQUIREMENTS OF THE MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES AND/OR THE  
MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE  
RECORDED IN LIBER 155, PAGE 31, 32, 33 AND 34, 00 R  
OF RECORDS OF THIS COUNTY

R = 250.00  
A = 50.22  
Δ = 119°30'35"  
CB = 50.14  
Ch. Br. N85°09'38"W

LIBER 7689 PAGE 634

# "PROPOSED" "Oak River Sub. No. 1"

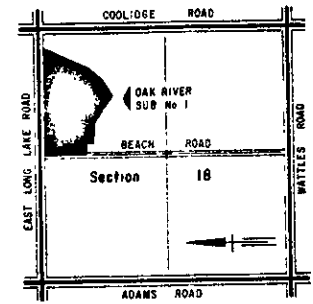
PART OF THE NORTHEAST 1/4 OF SECTION 18, T.2 N., R.11 E.,  
RECORDED IN DEED AND COUNTY, MICHIGAN

32233

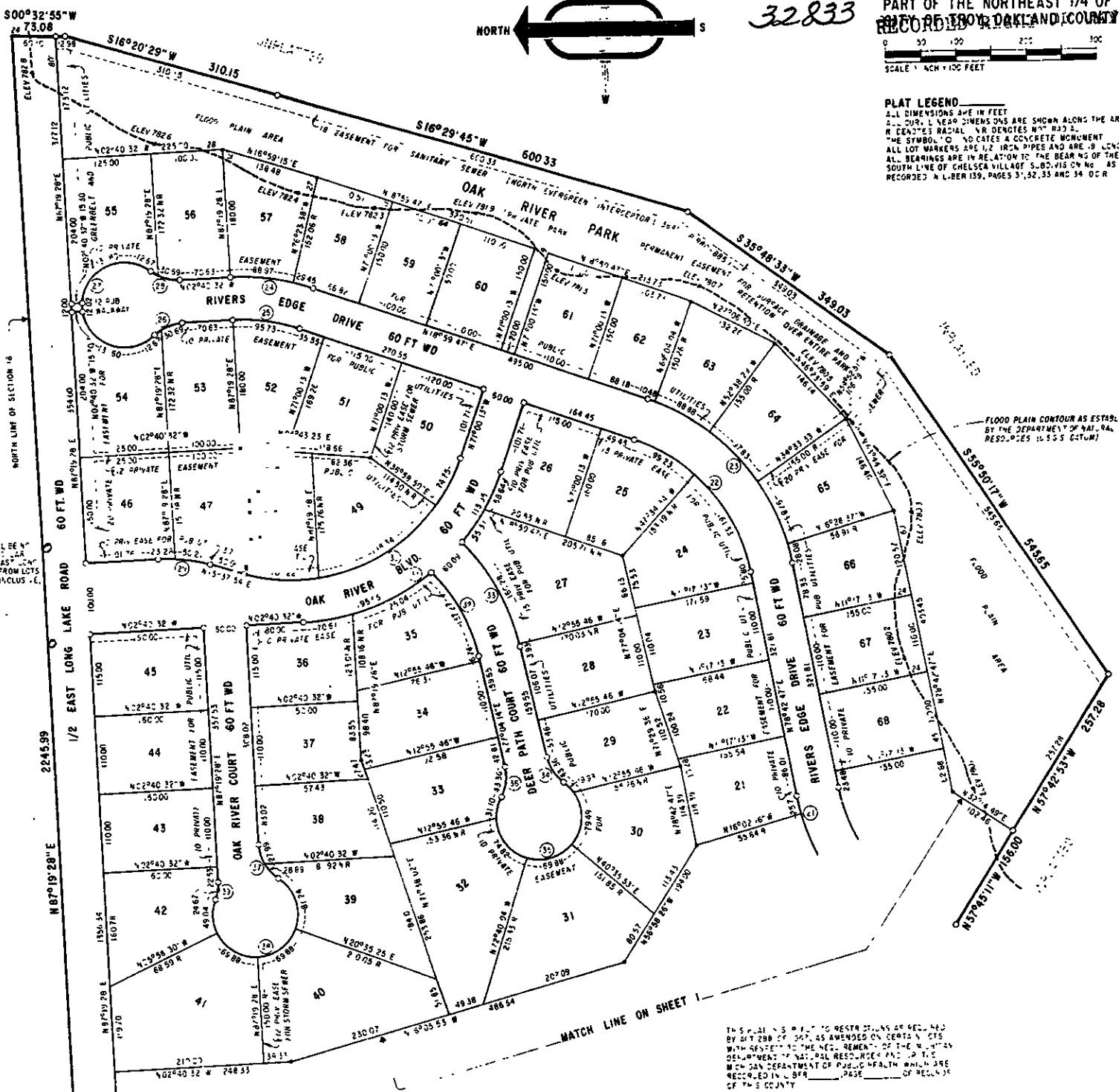
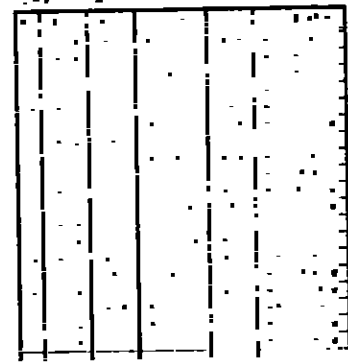


SHEET 2 OF SHEETS

**PLAT LEGEND**  
 ALL DIMENSIONS ARE IN FEET  
 ALL CURVES ARE SHOWN ALONG THE ARC  
 R DENOTES RADIAL R DENOTES W/ R  
 THE SYMBOL 'C' DENOTES A CONCRETE MONUMENT  
 ALL LOT MARKERS ARE 1/2" IRON PIPES AND ARE 18" LONG  
 ALL BEARINGS ARE IN REFERENCE TO THE BEAR NO OF THE  
 SOUTH LINE OF CHELSEA VILLAGE S.D. 115 C.V. NO. 45  
 AS RECORDED IN L.B. 139, PAGES 31, 32, 33 AND 34 D.C.R.



Location Map  
NOT TO SCALE



**NOTE**  
 THE WE SHALL BE A  
 DIRECT VENTURE  
 ACCESS T. EAST  
 LAKE 4222 FROM LOTS  
 4 & 104.45 INCLUS - C.  
 54 24055

MATCH LINE ON SHEET 1

THIS PLAT IS SUBJECT TO RESTRICTIONS OR RECORDS  
 BY DEED OR AS AMENDED ON CERTAIN LOTS  
 WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN  
 DEPARTMENT OF NATURAL RESOURCES AND THE  
 MICHIGAN DEPARTMENT OF PUBLIC HEALTH WHICH ARE  
 RECORDED IN DEED AND COUNTY OF RECORD OF  
 DEEDS COUNTY

COMMITMENT FOR TITLE INSURANCE NUMBER 63-82590  
CHICAGO TITLE INSURANCE COMPANY

CHICAGO, ILLINOIS 60602  
THE PHILIP F. GRECO TITLE COMPANY  
118 CASS AVENUE • MT. CLEMENS, MICHIGAN 48043 • (313) 463-1582

CHICAGO TITLE INSURANCE COMPANY, a Missouri Corporation, hereby agrees to issue a policy of title insurance as hereinafter set forth upon satisfactory compliance with the requirements herein set forth and upon payment of the prescribed premium. If any requirement is not satisfied, the title policy will be issued subject to the exception which would otherwise be eliminated by compliance with such requirement. The policy will also contain exceptions as to matters affecting the title to subject property which may arise after the date hereof and which have not been eliminated to our satisfaction. All policies are subject to the printed conditions contained in the policy form. Owners' and Loan Policies With Exceptions will be issued with general exceptions as shown on the reverse side hereof.

FORM OF POLICY TO BE ISSUED

ALTA OWNER'S POLICY  
FORM B-1970 (AMENDED 10-17-70)  
\$

ALTA LOAN POLICY  
FORM B-1970 (AMENDED 10-17-70)  
WITHOUT EXCEPTIONS  
\$ 1,850,000.00

ALTA LOAN POLICY  
FORM B-1970 (AMENDED 10-17-70)  
WITH EXCEPTIONS  
\$

PARTY TO BE INSURED

STANDARD FEDERAL SAVINGS AND LOAN ASSOCIATION

DESCRIPTION OF REAL ESTATE

Situated in City of Troy, Oakland County, Michigan

(SEE RIDER ATTACHED FOR FULL LEGAL DESCRIPTION OF REAL ESTATE)

OWNER, ENCUMBRANCES, EXCEPTIONS TO TITLE, UNPAID TAXES AND REQUIREMENTS FOR ISSUANCE OF POLICY

1. Owner: Biltmore Properties Company, a Michigan Co-Partnership
2. RECORD MORTGAGE TO BE INSURED.
3. Mortgage for \$2,665,000.00 executed by Phillip Stollman and Max Stollman, to National Bank of Detroit, as Executor of the Estate of Victor A. C. Koch and as Executor of the Estate of Gladys E. Koch, dated December 13, 1978 and recorded December 15, 1978 in liber 7396, page 709, Oakland County Records.
4. Mortgage for \$8,850,000.00 executed by Biltmore Properties Company to Manufacturers National Bank of Detroit, dated April 6, 1979 and recorded April 12, 1979 in liber 7483, page 574, Oakland County Records. ALSO COVERS OTHER LAND

RECORD A PARTIAL DISCHARGE OF SAID MORTGAGE, RELEASING SUBJECT PROPERTY FROM THE LIEN THEREOF.

(SEE RIDER NO. 1)

Countersigned: \_\_\_\_\_  
J. P. Guastella Authorized Signatory

Dated at Mount Clemens Michigan,  
October 10, 1979 at 8 A.M.  
P.M.

This Commitment is valid and binding for a period of 90 days from the date hereof.



CHICAGO TITLE INSURANCE COMPANY

By: Alvin W. Long  
President.

ATTEST: Chester C. McCullough  
Secretary.

pvs

RECORDED RISEN OF WAY NO. 32833

REQUIREMENTS FOR ISSUANCE OF LOAN POLICIES:

FOR ALL LOAN POLICIES:

Requirement: Estoppel certificate on form provided by this company signed by or on behalf of all mortgagors acknowledging receipt of the mortgage consideration and making representations as to the ages of individual mortgagors and such other matters as are therein set forth.

FOR ALTA LOAN POLICIES WITHOUT EXCEPTIONS:

Requirement: Proper sworn statements and waivers showing payment or release of all lien rights covering improvements made on subject land in the last 90 days or satisfactory proof that no improvements have been made within the last 90 days.

Requirement: Satisfactory survey by an approved surveyor showing no variation in location or dimensions, encroachments, or adverse rights, and such evidence of possession as may be required.

PROVISIONS APPLICABLE TO ALL COMMITMENTS:

This Commitment is delivered and accepted upon the understanding that the party to be insured has no personal knowledge or intimation of any defect, objection, lien or encumbrance affecting subject property other than those set forth herein and in the title insurance application. Failure to disclose such information shall render this Commitment and any policy issued pursuant thereto, null and void as to such defect, objection, lien or encumbrance.

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company: defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.

GENERAL EXCEPTIONS WHICH APPEAR UNDER SCHEDULE B ON:

Owners' Policies:

- (1) Rights or claims of parties in possession not shown by the public record.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be discovered by an accurate survey and inspection of the premises.
- (3) Easements or claims of easements not shown by the public records and existing water, mineral, oil and exploitation rights.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished imposed by law and not shown by the public records.
- (5) Taxes or special assessments which are not shown as existing liens by the public records.
- (6) Restrictions upon the use of the premises not appearing in the chain of title.

Loan Policies With Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be discovered by an accurate survey and inspection of the premises.
- (3) Any lien, or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.



RIDER

Land in the City of Troy, Oakland County, Michigan described as:

Part of the northeast 1/4 of section 18, town 2 north, range 11 east described as: Beginning at the north 1/4 corner of section 18, town 2 north, range 11 east; thence north 87 degrees 19 minutes 28 seconds east 2245.99 feet along the north line of section 18; thence south 00 degrees 32 minutes 55 seconds west 73.08 feet; thence south 16 degrees 20 minutes 29 seconds west 310.15 feet; thence south 16 degrees 29 minutes 45 seconds west 600.33 feet; thence south 35 degrees 48 minutes 33 seconds west 349.03 feet; thence south 55 degrees 50 minutes 17 seconds west 545.65 feet; thence north 57 degrees 42 minutes 53 seconds west 257.28 feet; thence north 57 degrees 45 minutes 11 seconds west 156.00 feet; thence south 32 degrees 14 minutes 49 seconds west 2.50 feet; thence north 57 degrees 45 minutes 11 seconds west 184.28 feet; thence north 67 degrees 24 minutes 49 seconds west 74.95 feet; thence south 87 degrees 11 minutes 05 seconds west 291.36 feet; thence north 02 degrees 48 minutes 55 seconds west 21.25 feet; thence south 87 degrees 11 minutes 05 seconds west 150.00 feet; thence north 02 degrees 48 minutes 55 seconds west 138.03 feet; thence north 79 degrees 24 minutes 20 seconds west 13.04 feet; thence westerly 50.22 feet along a curve concave to the south (radius of 250.00 feet, central angle of 11 degrees 30 minutes 35 seconds, long chord bears north 85 degrees 09 minutes 38 seconds west 50.14 feet); thence south 89 degrees 05 minutes 05 seconds west 195.73 feet; thence north 02 degrees 48 minutes 55 seconds west 945.50 feet along the north and south 1/4 line of section 18 to the point of beginning, being proposed Oak River Subdivision No. 1. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

32833

Rider attached to and forming part of Commitment No. 63-82590.

Philip F. Greco Title Company

By \_\_\_\_\_

RIDER NO. 1

5. Subject to an easement in favor of the North Evergreen Sewage Disposal Authority, a Michigan Public Corporation, as set forth in instrument recorded in liber 3794, page 28 and in liber 3841, page 880, Oakland County Records.

6. Subject to the terms of an Easement Agreement in favor of the City of Troy, as set forth in instrument recorded in liber 4650, page 727 and in liber 4650, page 730, Oakland County Records.

NOTE: There are no building and use restrictions of record covering subject property.

7. 1978 County Taxes: Paid, \$330.15 as to Parcel Identification No. 20-18-200-001; Paid, \$304.54 as to Parcel Identification No. 20-18-200-002; Paid, \$1,094.32 as to Parcel Identification No. 20-18-200-003 (also covers other land); Paid, \$6,298.42 as to Parcel Identification No. 20-18-200-005 (also covers other land); Paid, \$6,584.45 as to Parcel Identification No. 20-18-200-006 (also covers other land).

1979 City Taxes: Unpaid, \$604.72 as to Parcel Identification No. 20-18-200-001; Unpaid, \$468.52 as to Parcel Identification No. 20-18-200-002; Unpaid, \$1,682.87 as to Parcel Identification No. 20-18-200-003 (also covers other land); Unpaid \$9,682.09 as to Parcel Identification No. 20-18-200-005 (also covers other land); Unpaid, \$10,121.32 as to Parcel Identification No. 20-18-200-006 (also covers other land), all of the above unpaid amounts do not include penalties and interest.

Water Main #72.505.1 as to Parcel Identification No. 20-18-200-006 only: Part 8, Unpaid, due July 1, 1979; Parts 9 to 20, Unpaid, not delinquent, due July 1, 1980 to July 1, 1991.

RECORDED INDEX OF RIDER NO. 32833

Rider attached to and forming part of Commitment No. 63-82590.

Philip F. Greco Title Company

By \_\_\_\_\_

pvs