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BIRMINGHAM MANOR CONDOMINIUM

LIBER 8146 PAGE 528

LYNN D. ALLEN
CLERK-REGISTER OF DEEDS
RECORDED
OAKLAND COUNTY MICHIGAN
1981 MAY 5 PM 2 25

Detroit Edison

Right of Way Agreement

2-1/30

April 13, 19 81
LYNN D. ALLEN
CLERK-REGISTER OF DEEDS

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to 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 and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required in, under, upon, over and across the land located in the City of Birmingham, 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 Ten (10) feet in width unless otherwise indicated and their route is described as follows: The exact location of said easements will be shown on a drawing to be recorded within 90 days after construction.

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. No shrubs of 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.
4. If the lines of facilities of UTILITIES are damaged by the acts of Owners, their agents, employees 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.

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: RADNOR/BIRMINGHAM PROPERTIES
A Michigan Co-Partnership

Rose Nufer
Rose Nufer

Sarann Speagle
Sarann Speagle

BY: Peter J. Cubba
Peter J. Cubba, General Partner

34533

Prepared By: James D. McDonald
The Detroit Edison Company
30400 Telegraph Road
Birmingham, Michigan 48010

Address: 24900 Harper
St. Clair Shores, Michigan 48080

This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

DE 963-4187 10-79 CS (DE URD-MBT)

11/10
5.00

Personally came before me this 13th day of April 1981, Peter J. Cubba General Partner of the above named Michigan Co-Partnership, to me known to be the person who executed the foregoing instrument and to me known to be such General Partner of said Michigan Co-Partnership, and acknowledged that he executed the foregoing instrument as such General Partner as the free act and deed of said Michigan Co-Partnership, by its' authority.

Marie F. Diehl

Marie F. Diehl
Notary Public, Macomb County, Michigan

My Commission Expires: 4/29/81

WITNESSES:

GILMORE N. RUBIN

Rose Nufen
Rose Nufen

By: Maurice E. Rubin
Maurice E. Rubin, his agent and attorney-in-fact

BEVERLY RUBIN

Sarann Speagle
Sarann Speagle

By: Maurice E. Rubin
Maurice E. Rubin, his agent and attorney-in-fact

MARLENE J. LEBOWITZ

By: Maurice E. Rubin
Maurice E. Rubin, his agent and attorney-in-fact

Maurice E. Rubin
MAURICE E. RUBIN

STATE OF MICHIGAN)
COUNTY OF Macomb) SS:

The foregoing instrument was acknowledged before me this 21 day of April 1981, by Maurice E. Rubin on behalf of and as agent and attorney-in-fact for Gilmore N. Rubin, Beverly Rubin and Marlene J. Lebowitz pursuant to a written power of attorney from each.

Marie F. Diehl

Marie F. Diehl
Notary Public, Macomb County, Michigan

My Commission Expires: 4-29-81

APPENDIX "A"

Lots 1, 2 and 3 of "Birmingham Manor Subdivision" of part of the West 1/2 of Section 30, Town 2 North, Range 11 East, City of Troy, (Now City of Birmingham) Oakland County, Michigan, as recorded in Liber 95, Page 13 of Plats, Oakland County Records.

34533

95-13

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

FOR REVIEW DATE REC'D 2-13-81 DE-BELL NO. DE 81-6

TO: JIM ROBERTSON
REAL ESTATE AND RIGHTS OF WAY - SUPERVISOR

Application No. 0-7172

DISTRICT OAKLAND DIVISION

Date 2-6-81

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 BIRMINGHAM MANOR County OAKLAND

City/Township/Village BIRMINGHAM Section No. 30

Type of Development Subdivision Mobile Home Park
 Apartment Complex Other CONVERSION TO CONDOS.

2. Name of Owner RAYMOND R. JONES Phone No. 774-1551

Address RADNOR/BIRMINGHAM PROPERTIES 24900 HARPER AVE. ST. CLAIR SHORES, MI 48080

Owner's Representative PETER J. CUBBA Phone No. 774-1551

3. Date Service is Wanted APRIL 1, 1981

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 TELEPHONE CO.

b. Other utility engineer names, addresses, phone numbers: WARREN BERTOLET, M.B.T.
968-5811

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

Lot No. _____

8. Additional information or comments: THIS IS PRESENTLY AN O.H. FED APARTMENT COMPLEX
BEING CONVERTED TO U.G. UTILITIES FOR CONDO. CONVERSION.

NOTE: Trenching letter attached will be submitted later.

Signed [Signature]
SERVICE PLANNING DEPARTMENT

Address _____ Phone _____