



Right of Way Agreement

NOVEMBER 8, 19 85

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 hereinafter referred to as "EDISON", the easements 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 Troy Oakland County, Michigan, and more particularly described on the attached Appendix "A", with the full right to EDISON 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:

2-11/17

As shown on attached Appendix "B"

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

1. The easements will be graded to within four (4) inches of final grade before EDISON 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 EDISON equipment.

2. No buildings or structures other than EDISONS' equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easements without approval of EDISON.

3. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. EDISON 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 EDISONS' maintenance of their equipment.

4. If the lines of facilities of EDISON are damaged by the acts of Owners, their agents, employees or contractors, repairs shall be made by EDISON 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, licensees and assigns of the parties hereto.

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

Witnesses:

Gregory F. Clark
Thelma I. Teeple

Grantors:

Gordon Carl Lick
John P. Ray

RECORDED
OAKLAND COUNTY, MI
NOV 19 1985

RECORDED RIGHT OF WAY NO. 359217

1100

Prepared By: Omer V. Racine
The Detroit Edison Company
30400 Telegraph Rd. 264 ODHq
Birmingham, MI 48010

Address:

Decoz RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 264 OAKDM
BIRMINGHAM, MICHIGAN 48010

John

Biltmore Properties Company
A Michigan Co-Partnership
2900 West Maple Road
Troy, Michigan 48084

Register File No. 181-82
County of Oakland
File February 4, 1982

Witness:

By
Biltmore Homes Company
A Michigan Corporation,
Co-Partner
2900 West Maple Road
Troy, Michigan 48084

Patricia Neighbors
PATRICIA NEIGHBORS

Norman J. Cohen

Norman J. Cohen
President

Joyce E. Kuhn
JOYCE E. KUHN

Bernard H. Stollman

Bernard H. Stollman
Secretary/Treasurer

RECORDED RIGHT OF WAY NO. 35927

ACKNOWLEDGEMENT

STATE OF MICHIGAN) S.S.
COUNTY OF OAKLAND)

Personally came before me this 8th day of NOVEMBER, 1985, Norman J. Cohen, President, and Bernard H. Stollman, Secretary/Treasurer of the Biltmore Homes Company, a Michigan Corporation, 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-partner of said co-partnership, and acknowledged that they executed the foregoing instrument as such co-partner as the free act and deed of said co-partnership by its authority.

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

My Commission Expires: April 17, 1989

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 264 OAKDH
BIRMINGHAM, MICHIGAN 48010

Standard Federal Bank
A Federal Savings Bank
2401 West Big Beaver Road
Troy, Michigan 48084

Witness:

Thelma I. Teeple
Thelma I. Teeple

John P. Ray
John P. Ray
Executive Vice President

Gregory F. Clark
Gregory F. Clark

Gordon Garlick
Gordon Garlick
Vice President

ACKNOWLEDGEMENT

STATE OF MICHIGAN) S.S.
COUNTY OF OAKLAND)

Personally came before me this 8th day of November, 1985, John P. Ray, Executive Vice President, and Gordon Garlick, Vice President, of the above-named Federal Savings Bank, to me known to be the persons who executed the foregoing instrument and to me known to be such Executive Vice President and Vice President of said Federal Savings Bank and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said Federal Savings Bank, by its authority.

Notary Public Gregory F. Clark Oakland County, Michigan
Gregory F. Clark

My Commission Expires: 9/11/89

APPENDIX "A"

① # Proposed "MERIHILL ACRES SUB. NO. 2" Part of the East 1/2 of Section 17, T2N, R11E, City of Troy, Oakland County, Michigan. Beginning at a point which is S 88°09'03" W 60.01 ft. along the East and West 1/4 line of Section 17 from the East 1/4 corner of Section 17, T2N, R11E, thence S 02°49'24" E 83.13 ft.; thence, along the boundary of "MERIHILL ACRES SUB." (Liber 169, Pages 3,4,5,6, & 7) S 87°34'53" W 420.18 ft. and N 47°19'56" W 1565.98 ft. and N 20°19'49" E 60.00 ft. and N 69°40'11" W 216.00 ft. and N 00°57'10" W 219.93 ft.; thence N 01°13'18" E 315.51 ft.; thence N 87°15'02" E 310.11 ft.; thence southeasterly 911.86 ft. along the arc of a curve to the left (Radius of 1768.01 ft., central angle of 29°33'02", long chord bears S 32°33'25" E 901.79 ft.); thence S 47°19'56" E 946.75 ft.; thence Southeasterly 302.46 ft. along the arc of a curve to the right (Radius of 770.21 ft., central angle of 22°30'00", long chord bears S 36°04'56" E 300.52 ft.); thence N 88°09'03" E 77.67 ft along the East and West 1/4 line of Section 17 to the point of beginning. Containing 19.607 Acres and comprising 44 lots, numbered 222 through 265, both inclusive.

20-17-200 (C16) NE 1/4 +
- 018 SE 1/4

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 264 OAKDH
BIRMINGHAM, MICHIGAN 48010

RECORDED RIGHT OF WAY NO. 35927

**Detroit
Edison**

Oakland Division
30400 Telegraph Road
Birmingham, Michigan 48010
(313) 645 4000

Phone 645-4388

October 28, 1985

Biltmore Properties Co.
Mr. Leon Zolkower
2900 W. Maple Rd.
Troy, MI 48084

Gentlemen:

Re: Merihill Acres No. 2 Sub.


Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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. 4 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 this instrument, fully completed, will assist in prompt scheduling of our work to be completed in your project. Please return all documents addressed to: The Detroit Edison Company, 30400 Telegraph Road, Birmingham, Michigan, 48010. Attn: Omer V. Racine, Room 264.

Sincerely,


Omer V. Racine, Representative
Real Estate, Rights of Way & Claims

OVR/kw
Enclosures

RECORDED RIGHT OF WAY NO. 35437

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM MS 77 12 53

TO BOB HAACK DATE 11-13-85 TIME _____

R e: Underground Service - Mer. Hill Acres No 2 Sub.

Agreement and Easements obtained - OK to proceed with construction.

COPIES TO _____

SIGNED

Omer V. Racine

Omer V. Racine, Representative
Real Estate, Rights of Way & Claim.
264 Oakland Division Headquarters

REPORT _____

TIME _____

SIGNED _____

RECORDED
RIGHT OF
WAY

35427

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

TO Records Center

DATE 12-16-85 TIME

Please set up r/w file for: MERI HILL ACRES No 2 SUBDIVISION
Being a part of East 1/2 of Section 17, City of Troy,
Oakland County, Michigan

COPIES TO

SIGNED

Omer V. Racine

Omer V. Racine
272 Oakland Div. Hqtrs.

REPORT

INDEXED
RIGHT OF WAY
NO. 354217

DATE RETURNED

TIME

SIGNED

To (Supervisor, Rt. & R/W)	For Rt. & R/W Dept. Use	Date Received	DR B. S. P. No.
JAMES McDONALD		10-23-85	OE 85-24
Division	Date	Application No.	
OAKLAND	10-23-85		

We have included the following necessary material and information:

Material:

- A Proposed Subdivision
 - 1 copy of complete final proposed plat - All pages
- or
- B Other than proposed subdivision (condo, apts, mobile home park - other)
 - 1 Property description
 - 2 Site plan
 - 3 title information (deed, title commitment, contract with title commitment, or title search)

Note: Do not submit application for URD easements until all above material has been acquired

Information

1 Project Name	City	Service No.
MERIHILL ACRES SUB. No. 2	OAKLAND	17
City Telephone No.	Type of Development	
TROY	<input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Condominium <input checked="" type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other	
2 Name of Owner	Phone No.	
BILTMORE PROPERTIES Co.	643-8810	
Address	Phone No.	
2900 W. MAPLE RD. TROY, MI. 48084	643-8810	
Owner's Representative	Date Service is Wanted	
LEON ZOLKOWER	NOVEMBER 14, 1985	

RECORDED RIGHT OF WAY NO. 3527

- 4 Entire Project will be developed at one time Yes No
- 5 Joint easements required — Michigan Bell Telephone Yes No
 — Consumers Power Yes No

a Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power

b Other Utility Engineer Names

MARV NADOLNY (MBT)	DENNIS CARTER (C.P.)	Phone Numbers
		MBT 540-0201 X24 C.P. 549-5000 X258

Address:

30700 TELEGRAPH RM 3400
BIRMINGHAM, MI. 48010

6 Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner	Signed (Service Planning Supervisor)
BOB HAACK	<i>David Foley</i>
Phone No.	Address
645-4122	30400 TELEGRAPH RM 240 B'HAM MI. 48010

10-23

RECORDED RIGHT OF WAY NO. 35927

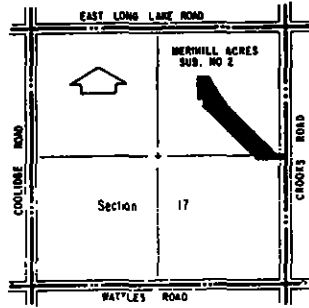
"Merihill Acres Sub. No. 2" PROPOSED

PART OF THE EAST 1/2 OF SECTION 17, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

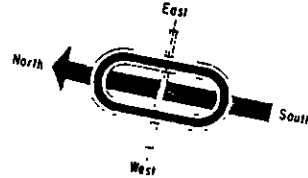


PLAT LEGEND
 ALL DIMENSIONS ARE IN FEET.
 ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
 R. DENOTES RADIAL, N.R. DENOTES NOT RADIAL.
 THE SYMBOL "O" INDICATES A CONCRETE MONUMENT.
 ALL LOT MARKERS ARE 1/2" IRON PIPES AND ARE 18" LONG.
 ALL BEARINGS ARE IN RELATION TO THE BEARING OF THE
 NORTHEAST LINE OF MERIHILL ACRES SUB. AS RECORDED IN
 LIBER 169, PAGES 3 THRU 7, INCLUSIVE, O.C.R.

LIBER 9188 PAGE 143

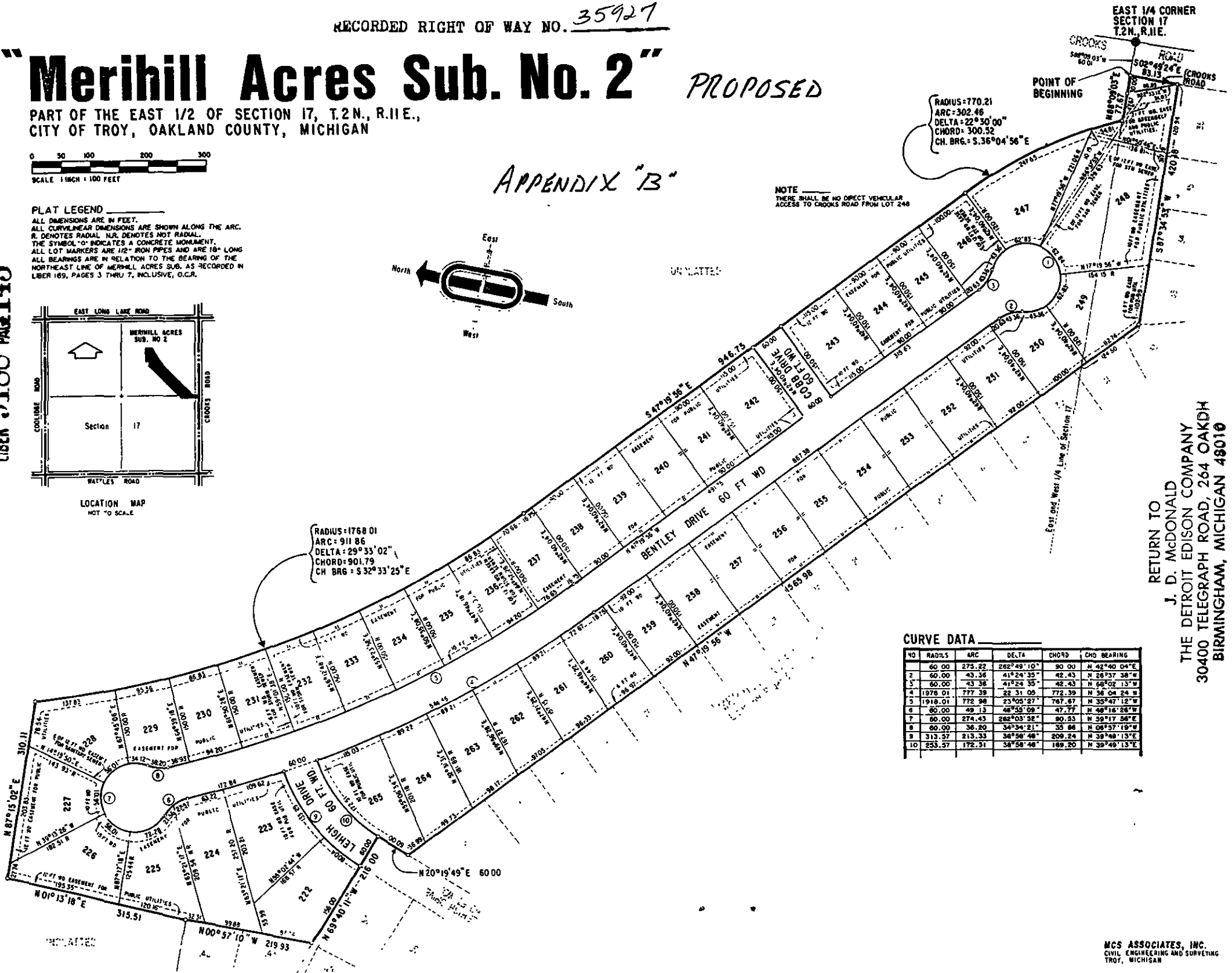


LOCATION MAP
NOT TO SCALE



APPENDIX "B"

NOTE
THERE SHALL BE NO DIRECT VEHICULAR
ACCESS TO CROOKS ROAD FROM LOT 248



RADIUS=1768.01
 ARC=911.86
 DELTA=29°33'02"
 CHORD=901.79
 CH BRG = S 32°33'25"E

CURVE DATA

NO	RADUS	ARC	DELTA	CHORD	CHD BEARING
1	60.00	275.22	262°49'10"	90.00	N 42°40'04"E
2	60.00	43.36	41°24'35"	42.43	N 26°37'38"W
3	60.00	43.36	41°24'35"	42.43	N 68°02'13"W
4	1976.01	777.39	22°31'05"	772.39	N 36°04'24"W
5	1918.01	772.98	23°05'27"	767.67	N 35°47'12"W
6	60.00	49.13	48°55'09"	47.77	N 48°18'28"W
7	60.00	274.43	262°03'32"	90.53	N 39°17'26"E
8	60.00	36.20	34°34'21"	35.66	N 08°57'19"W
9	313.57	213.33	36°26'48"	209.24	N 39°48'13"E
10	253.57	172.31	38°26'48"	169.20	N 39°49'13"E

RETURN TO
 J. D. McDONALD
 THE DETROIT EDISON COMPANY
 30400 TELEGRAPH ROAD, 264 OAKDH
 BIRMINGHAM, MICHIGAN 48010