



Right of Way Agreement

86105952

July 14th, 1986

2-11/18

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:

See Appendix "B"

① #

RECORDED RIGHT OF WAY NO. 34428
RECEIVED
86 JUL 29 12:18
LYNN D. ALLEN
CLERK-REGISTRY OF DEEDS

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, employes 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:

Grantors:

OKL
1700

Prepared By: Stuart Chipman
The Detroit Edison Company
30400 Telegraph Road, #264
Birmingham, MI 48010

Address: _____

RETURN TO DECO 2

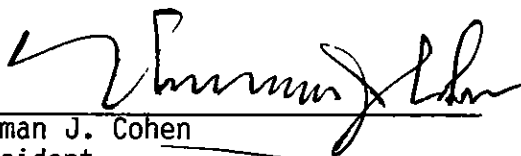
Biltmore Properties Corporation, a corporation duly organized and existing under the laws of the State of Michigan by Norman J. Cohen, President, and Bernard H. Stollman, Secretary/Treasurer, as Proprietor, has caused the land embraced in this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of public, that the public utility easements are private easements, and that all other easements are for the uses shown on the plat. Private park, Oak River Park, is for the use of lot owners in "Oak River Sub. No. 4" and other subdivisions of the same name where title is traceable to this owner. There shall be no direct vehicular access to Coolidge Road from Lots 225, 226, 227 & 228. Any areas of Oak River Park embracing any waters of the Rouge River are subject to the correlative rights of other riparian owners and to the public trust in these waters.

Biltmore Properties Corporation
A Michigan Corporation
2900 West Maple Road
Troy, Michigan 48084

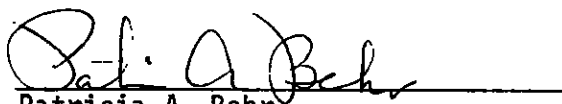
By:



Joyce E. Kuhn



Norman J. Cohen
President



Patricia A. Behr




Bernard H. Stollman
Secretary/Treasurer

ACKNOWLEDGEMENT

State of Michigan) SS.
County of Oakland)

Personally came before me this 14th day of July, 1986, **NORMAN J. COHEN**, President and **BERNARD H. STOLLMAN**, Secretary/Treasurer 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/Treasurer 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.

Notary Public  Oakland County, Michigan
Joyce E. Kuhn
My Commission Expires April 17, 1989

RECORDED RIGHT OF WAY NO.

36425

Appendix "A"

"OAK RIVER SUB. NO. 4" Part of the Northeast 1/4 of Section 18, T2N., R11E., City of Troy, Oakland County, Michigan. Beginning at a point which is S 02°29'20" E 545.00 ft. along the East line of Section 18 from the Northeast corner of Section 18, T2N., R11E., thence S 02°29'20" E 462.28 ft. along the East line of Section 18; thence, along the North line of "OAK RIVER SUB NO. 3" (Liber 187, Pages 4, 5, 6 & 7) S 87°30'40" W 160.00 ft. and N 64°34'20" W 543.43 ft.; thence, along the East line of "OAK RIVER SUB. NO. 1" (Liber 171, Pages 5, 6, 7 & 8), N 16°29'45" E 256.61 ft.; thence N 87°30'40" E 496.71 ft.; thence S 02°29'20" E 34.80 ft.; thence N 87°30'40" E 60.00 ft. to the point of beginning.

Containing 5.623 acres and comprising 6 Lots, numbered 225 through 230, both inclusive, and one private park.

Sidwell # 20-18-228-016 NE 1/4

RECORDED RIGHT OF WAY NO. 36428

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

TO Records Center

DATE 9-9-86 TIME _____

Please set up R/W file for: OAK RIVER SUBDIVISION NO 4
Being a part of NORTHEAST 1/4 of Section 18, CITY OF TROY.
Oakland County, Michigan

RECORDED RIGHT OF WAY NO.

304/28

COPIES TO _____

SIGNED

Omer V. Racine

Omer V. Racine
264 Oakland Div. Hqters.

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

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

TO OK KERR

DATE 7-18-86 TIME _____

RE: Underground Service - OAK RIVER SUB # 4
Agreement and Easements obtained - OK to proceed with construction.

COPIES TO _____

SIGNED

Stu Chipman
Stu Chipman, Representative
Real Estate, R/W & Claims

REPORT _____

264 Oakland Division Headquarters

DATE RETURNED _____

TIME _____

SIGNED _____

To (Supervisor, Rt. & R/W) JIM Mc DONALD	For Rt. & R/W Dept. Use	Date Received 7-9-86	EP Bill C.P. No. OE 86-22
Division OAKLAND	Date 7-3-86	Appraiser's No.	

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 OAK RIVER SUB #4	County OAKLAND
City/Township/Village TROY	Section No. 18
Type of Development <input checked="" type="checkbox"/> Proposed Subdivision <input checked="" type="checkbox"/> Subdivision <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Condominium <input type="checkbox"/> Other	Phone No.
2 Name of Owner BILT MORE PROPERTIES CO.	Phone No.
Address 2900 W MAPLE TROY MI 48084	Phone No. 643-8810
Owner's Representative LEON ZOLKOWER	Phone No.
Date Service is Wanted 8-18-86	

- 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

Phone Numbers

Addresses

6 Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner OLEN KERR	Signed (Service Planning Supervisor) [Signature] 7/7/86
Phone No.	Address

RECORDED RIGHT OF WAY NO.

30498

**Detroit
Edison**

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

July 10, 1986

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

Gentlemen:

RE: Oak River Subdivision #4

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:

[REDACTED ADDRESS]

Sincerely,

Stuart R. Chipman
Stuart R. Chipman, Representative
Real Estate, Rights of Way & Claims

SRC:lhq
Enclosures

RECORDED RIGHT OF WAY NO. 36428