



# Right of Way Agreement

86144939

LIBER 9564 PAGE 105

9-19, 1986

2-11  
23

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".

RECORDED  
86  
SEP 26  
13:34

# ①

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.

RECORDED RIGHT OF WAY NO. 36591

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:

*Susan Maria Kelly*  
SUSAN MARIA KELLY

*Janet R Staggars*  
JANET R STAGGERS

*Susan Maria Kelly*  
SUSAN MARIA KELLY

*Janet R Staggars*  
JANET R STAGGERS

*Asher Tadian*  
Asher Tadian

*Evelyn J. Tadian*  
Evelyn J. Tadian, his wife

Prepared By: Stuart Chipman *RETURN TO: DECOB*

The Detroit Edison Company  
30400 Telegraph, Suite #264  
Birmingham, Michigan 48010

Address: 3861 Adams Road  
Bloomfield Hills, Michigan 48013

900

*Dee*

STATE OF MICHIGAN )  
 ) SS:  
COUNTY OF OAKLAND)

Personally came before me this 19th day of SEPTEMBER 1986, the above named Asher Tadian and Evelyn J. Tadian, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

  
Susan Maria Kelly

My Commission Expires: October 19, 1988 Notary Public, Oakland County, Michigan

SUSAN MARIA KELLY  
Notary Public, Oakland County, Michigan  
My Commission Expires October 19, 1988

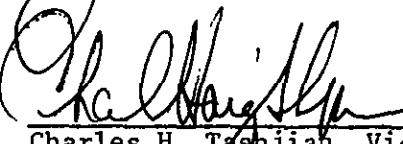
MANUFACTURERS NATIONAL BANK OF DETROIT  
A National Banking Association  
1166 North Woodward  
Birmingham, Michigan 48011

WITNESSES:

  
SUSAN MARIA KELLY

  
James A. Skotak, Vice President

  
JANET R. STAGGERS

  
Charles H. Tashjian, Vice President

RECORDED RIGHT OF WAY NO. 36571

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF Oakland )

Personally came before me this 19th day of SEPTEMBER 1986, James A. Skotak, Vice President, and Charles H. Tashjian, Vice President, of the above named association, to me known to be the persons who executed the foregoing instrument and to me known to be such Vice President's 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.

  
Susan Maria Kelly

My Commission Expires: October 19, 1988 Notary Public, Oakland County, Michigan

SUSAN MARIA KELLY  
Notary Public, Oakland County, Michigan  
My Commission Expires October 19, 1988

Proposed

APPENDIX "A"

"JUDY ESTATES SUBDIVISION", part of the northwest 1/4 of Section 23, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is South 00°12'22" East 1069.20 feet along the West line of Section 23 and North 89°44'32" East 420.60 feet from the northwest corner of said Section 23; thence North 00°12'22" West 331.63 feet; thence North 89°43'08" East 894.90 feet; thence along the following courses along the perimeter of "Raintree Village Sub. No. 3" (Liber 143, Pages 8 - 11, Oakland County Records) South 00°13'28" West 332.00 feet and South 89° 44'32" West 892.40 feet to the point of beginning. Containing 6.807 acres and comprising Lots 1 through 20, both inclusive.

SIDWELL NO 20-23-100-062

015

**Detroit Edison**

**Application for U.R.D. Easements**

DE 963-5145 9-73CS (RR :1)

To (Supervisor, RE & R/W) <i>JIM Mc DONALD</i>	For RE & R/W Dept Use	Date Received <i>8-14-86</i>	Ut. Bell/CP No. <i>0586-33</i>
Division <i>OAKLAND</i>	Date <i>8-13-86</i>	Application 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 <i>JUDY ESTATES SUB</i>	County <i>OAKLAND</i>
City/Township/Village <i>TROG</i>	Section No. <i>23</i>
Type of Development	
<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex
<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park
<input type="checkbox"/> Condominium	<input type="checkbox"/> Other
2. Name of Owner <i>GARY TADIAN</i>	Phone No. <i>645-1966</i>
Address <i>3861 ADAMS BLOOMFIELD HILLS 48013</i>	
Owner's Representative	Phone No.
Date Service is Wanted <i>9-2-86</i>	

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

RECORDED IN DEPT OF WAY NO. *34571*

Note Trenching letter  attached  will be submitted later

Service Planner <i>OLEN KEAR</i>	Signed (Service Planning Supervisor) <i>[Signature]</i> <i>8/15/86</i>
Phone No.	Address

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

TO Records Center

DATE 11-12-86 TIME \_\_\_\_\_

Please set up R/W file for: JUDY ESTATES SUBDIVISION  
Being a part of N.W. 1/4 of Section 23; CITY OF TROY  
Oakland County, Michigan

RECORDED  
RIGHT OF WAY  
NO.

365711

COPIES TO \_\_\_\_\_

SIGNED

*Omer V. Racine*

Omer V. Racine  
264 Oakland Div. Hqtrs.

REPORT \_\_\_\_\_

DATE RETURNED \_\_\_\_\_

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_

MEMORANDUM ORDER  
FOR GENERAL USE  
DE FORM 963-0808 (MS-77) 12-53

TO OKERIZ

DATE 9-22-86 TIME \_\_\_\_\_

Re: Underground Service JUDY ESTATES SUBDIVISION  
Agreement and Easements obtained - OK to proceed with construction.

RECORDED  
RIGHT OF WAY  
NO.

365711

COPIES TO \_\_\_\_\_

SIGNED

*Omer V. Racine*

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

REPORT \_\_\_\_\_

DATE RETURNED \_\_\_\_\_

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_

**Detroit  
Edison**

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

Phone 645-4385

September 2, 1986

Cary Tadian  
3861 Adams  
Bloomfield Hills, Michigan 48013

Gentlemen:

RE: JUDY ESTATES SUBDIVISION

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: Stuart R. Chipman, Room 264.

Sincerely,

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

SRC:lhq  
Enclosures

RECORDED RIGHT OF WAY NO. 30571

# "JUDY ESTATES SUBDIVISION"

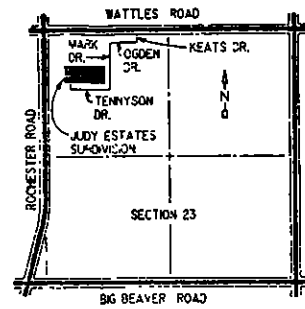
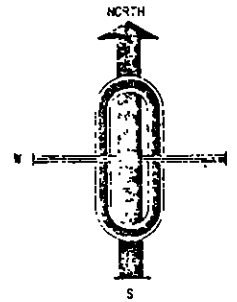
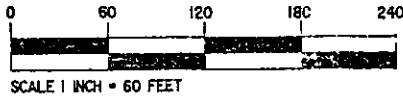
PART OF THE NORTHWEST 1/4 OF SECTION 23, T.2N., R.1E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

## APPENDIX "B"

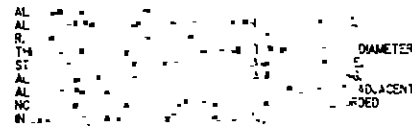
RECORDED RIGHT OF WAY NO. 36571

### CURVE DATA

NO.	RADIUS	ARC	CHORD	CHORD BEARING
1	30.00	47.12	42.43	N 44°44'32" E
2	70.00	185.71	135.84	N 44°44'32" E
3	30.00	47.12	42.43	N 44°44'32" E
4	70.00	185.71	135.84	N 44°44'32" E



### PLAT LEGEND



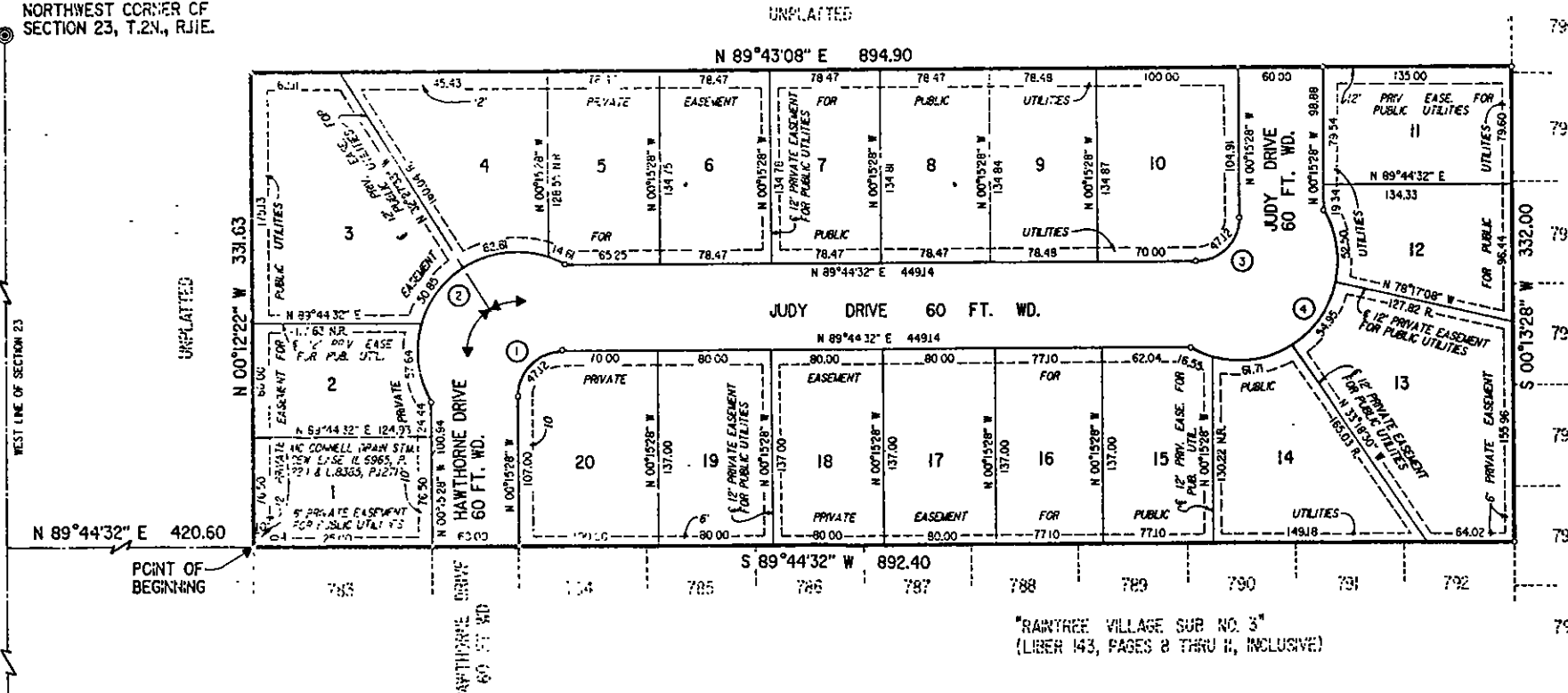
LOCATION MAP  
NOT TO SCALE

LIBER 9564 PAGE 107

NORTHWEST CORNER OF  
SECTION 23, T.2N., R.1E.

UNPLATTED

N 89°43'08" E 894.90



"RAINYREE VILLAGE SUB NO. 3"  
(LIBER 143, PAGES 2 THRU 11, INCLUSIVE)



MCS ASSOCIATES, INC.  
CIVIL ENGINEERING AND SURVEYING  
STERLING HEIGHTS, MICHIGAN

WEST LINE OF SECTION 23  
S 00°12'22" E 1,069.20

WEST 1/4 CORNER OF  
SECTION 23, T.2N., R.1E.  
N 00°12'22" W 1,737.63