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RIGHT OF WAY FILE #

R44041

GRANTOR NAME

[Empty grid for Grantor Name]

[Empty grid for Grantor Name]

STREET ADDRESS

[Empty grid for Street Address]

[Empty grid for City/Town]

ST [Empty grid]

CITY/TOWN

ZIP CODE

[Empty grid for City/Town]

[Empty grid for ZIP Code]

EASEMENT DESCRIPTION

AGREEMENT DATE

AGREEMENT TYPE

16

[Empty grid for Agreement Date]

R P C [Empty grid]

LIBER #

PAGE #

DRAWING R/W #

[Empty grid for Liber #]

[Empty grid for Page #]

[Empty grid for Drawing R/W #]

PVT CL#

SECTION

QUARTER SECTION 3

QUARTER SECTION 2

QUARTER SECTION 1

[Empty grid for PVT CL#]

[Empty grid for Section]

[Empty grid for Quarter Section 3]

1/4

1/2

[Empty grid for Quarter Section 2]

1/4

1/2

[Empty grid for Quarter Section 1]

1/4

1/2

TOWNSHIP

COUNTY

RTE OF LINE

[Empty grid for Township]

[Empty grid for County]

[Empty grid for RTE of Line]

TOWNSHIP RANGE

DIVISION CODE

[Empty grid for Township Range]

A D M O T W [Empty grid]

SUBDIVISION NAME

OUT LOT

[Empty grid for Subdivision Name]

[Empty grid for Out Lot]

EAST OF

BLOCK #1

[Empty grid for East of]

[Empty grid for Block #1]

WEST OF

LOT #1

[Empty grid for West of]

[Empty grid for Lot #1]

NORTH OF

BLOCK #2

[Empty grid for North of]

[Empty grid for Block #2]

SOUTH OF

LOT #2

[Empty grid for South of]

[Empty grid for Lot #2]

+

+

**UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9005751-01**

On August 5, 1992, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

Grantor is: Forest Creek Associates, Inc., a Michigan Corporation, 4086 Rochester Road, Troy, Michigan 48084

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226  
United Artists of Oakland County, Inc., a Michigan Corporation, 4500 Delemere, Royal Oak, Michigan 48073

"Grantor's Land" is in the City of Troy, Oakland County, described as:

Refer to attached Appendix "A" for description.

The "Right of Way Area" is a part of Grantor's Land and is described as:

As shown on Appendix "B" - Forest Creek Subdivision No. 5.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- 2. Access:** Grantee has the right of access to and from the Right of Way Area.
- 3. Buildings or other Permanent Structures:** No buildings or other permanent structures shall be placed in the Right of Way Area without Grantee's prior written consent.
- 4. Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
- 5. Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences shall be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of transformers and switching cabinet enclosures. Grantee shall not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
- 6. Restoration:** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
- 7 Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Forest Creek Associates, Inc.

By: Joel A. Garrett  
Joel A. Garrett

Its: President

A#36 REG/DEEDS PAID  
0001 OCT.29'92 01:25PM  
0884 MISC 13.00

13.00  
2.00  
44041

Robert H. Carey  
Robert H. Carey

Dolores J. Follis  
DOLORES J. FOLLIS

Acknowledged before me in OAKLAND County, Michigan, on August 5, 1992 by JOEL A. GARRETT, the President of FOREST CREEK ASSOCIATES, INC., a Michigan Corporation, for the Corporation.

A#36 REG/DEEDS PAID  
0001 OCT.29'92 01:25PM  
0884 RMT FEE 2.00

**DOLORES J. FOLLIS**  
Notary Public, Oakland County, MI  
My Commission Expires June 17, 1996

Notary's Stamp \_\_\_\_\_ Notary's Signature Dolores J. Follis

(Notary's name, county and date commission expires)

Prepared by and Return to: James D. McDonald, 30400 Telegraph Road, Suite 277, Birmingham, Michigan 48025/KAD

RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, SUITE 277  
BIRMINGHAM, MICHIGAN 48025

Exhibit "A"

Proposed "Forest Creek Subdivision No. 5", part of the Northwest one-quarter (1/4) of Section 5, Town 2 North, Range 11 East, described as commencing at the West one-quarter (1/4) corner of Section 5; thence along the East-West one-quarter (1/4) line South 89°29'25" East, 2080.56 feet to a point on the Westerly line of "Forest Creek Subdivision No. 3" (Liber 199, Page 39-44, Oakland County Records); thence following said line for six courses North 24°13'38" West, 216.27 feet; North 18°40'51" West, 60.00 feet; 25.87 feet along a curve to the left, radius 245.00 feet, chord bearing North 68°48'30" East, 25.86 feet; North 65°46'22" East, 116.53 feet; 1.29 feet along a curve to the left, radius 245.00 feet chord bearing North 65°37'20" East, 1.29 feet; and North 24°29'51" West, 139.82 feet to the Point of Beginning: thence South 73°13'35" West, 91.41 feet; thence South 79°37'11" West, 153.71 feet; thence North 89°28'44" West, 88.73 feet; thence North 06°05'10" West, 84.15 feet; thence North 16°55'44" West, 129.32 feet; thence North 48°23'29" West, 129.24 feet; thence North 49°38'41" West, 95.11 feet; thence North 40°21'19" East, 150.00 feet; thence South 49°38'41" East, 41.81 feet; thence 0.27 feet along a curve to the left, radius 345.00 feet, chord bearing South 49°40'02" East, 0.27 feet; thence North 43°22'31" East, 197.02 feet; thence South 83°22'14" East, 83.15 feet to a point on the Westerly line of "Forest Creek Subdivision No. 3" (Liber 199, Page 39-44, Oakland County Records); thence following said line for four courses South 67°19'57" East, 181.97 feet; South 78°41'15" East, 78.34 feet; South 00°26'01" East, 386.82 feet; and South 45°58'49" West, 71.79 feet to the Point of Beginning, containing 5.48 acres, Lots 237 through 247 inclusive. Part of Sidwell No.

(20-05-178-035.)

20-05-100-035 → 20-05-178-001 → NW 1/4

NW 1/4

Troy

RECORDED RIGHT OF WAY NO.

44041

RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, SUITE 277  
BIRMINGHAM, MICHIGAN 48025

## RIGHT OF WAY APPLICATION

DATE ISSUED	7-22-92				R/W NO.	R-9005751-01
DATE WANTED	8-14-92				PHONE	EX 4159
SERVICE PLANNER	DON YATES					

PROJECT NAME	FOREST CREEK SUB # 4 & 5				
TOWNSHIP/CITY	TROY				
ADDRESS	COOLIDGE & SOUTH BLVD				
CROSS STREET		SECTION	5		
SIDWELL NO.		QUARTER	N.W. 1/4		

### TYPE OF PROJECT

<input type="checkbox"/> OVERHEAD	<input checked="" type="checkbox"/> UNDERGROUND
ACREAGE	LOTS
COMMERCIAL BLDG	* SUB <input checked="" type="checkbox"/>
* SITE CONDO	* APT COMPLEX
* MOBILE HOME PK	* CONDO

JOINT USE REQUIRED	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
MBT	JOINT USE NO. J-9005751-01			
GTE	JOINT USE NO.			
CONS. PWR.	JOINT USE NO.			
CABLE TV CO. NAME				
CABLE TV	JOINT USE NO. J-9005751-02			

NAME OF OWNER/CUSTOMER	FOREST CREEK ASSOCIATES, INC., A MICH. CORP.		
CONTACT PERSON	JOEL A. GARRETT		
ADDRESS	4086 ROCHESTER RD, TROY MI 48084		
HOME PHONE		BUSINESS PHONE	524-2560
ADJACENT PROPERTY OWNER	—		
ADDRESS	—		
HOME PHONE		BUSINESS PHONE	—

### MATERIAL TO BE PROVIDED

1. SITE PLAN/SKETCH/FINAL PROPOSED PLAT\*
2. PROPERTY DESCRIPTION (SIDWELL NO.) (\*ACTUAL DESCRIPTION)
3. PROOF OF OWNERSHIP OF REQUESTING CUSTOMER: WARRANTY DEED, L/C, TITLE SEARCH, COMMITMENT
4. SIDWELL PAGE (COPY)
5. SIDWELL NO.
6. COPY OF FUTURE J/U MEMO

SUPERVISOR		R/W SECURED	Jan McDonald
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8-10-92

RECORDED RIGHT OF WAY NO. 44041

R-9005751-01

# PROPOSED FOREST CREEK SUB. #5

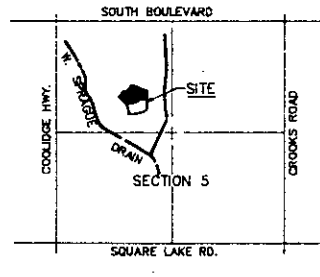
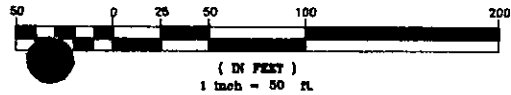
PART OF THE N.W. 1/4 OF SECTION 5, T.2 N., R.11 E.  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

## APPENDIX "B"

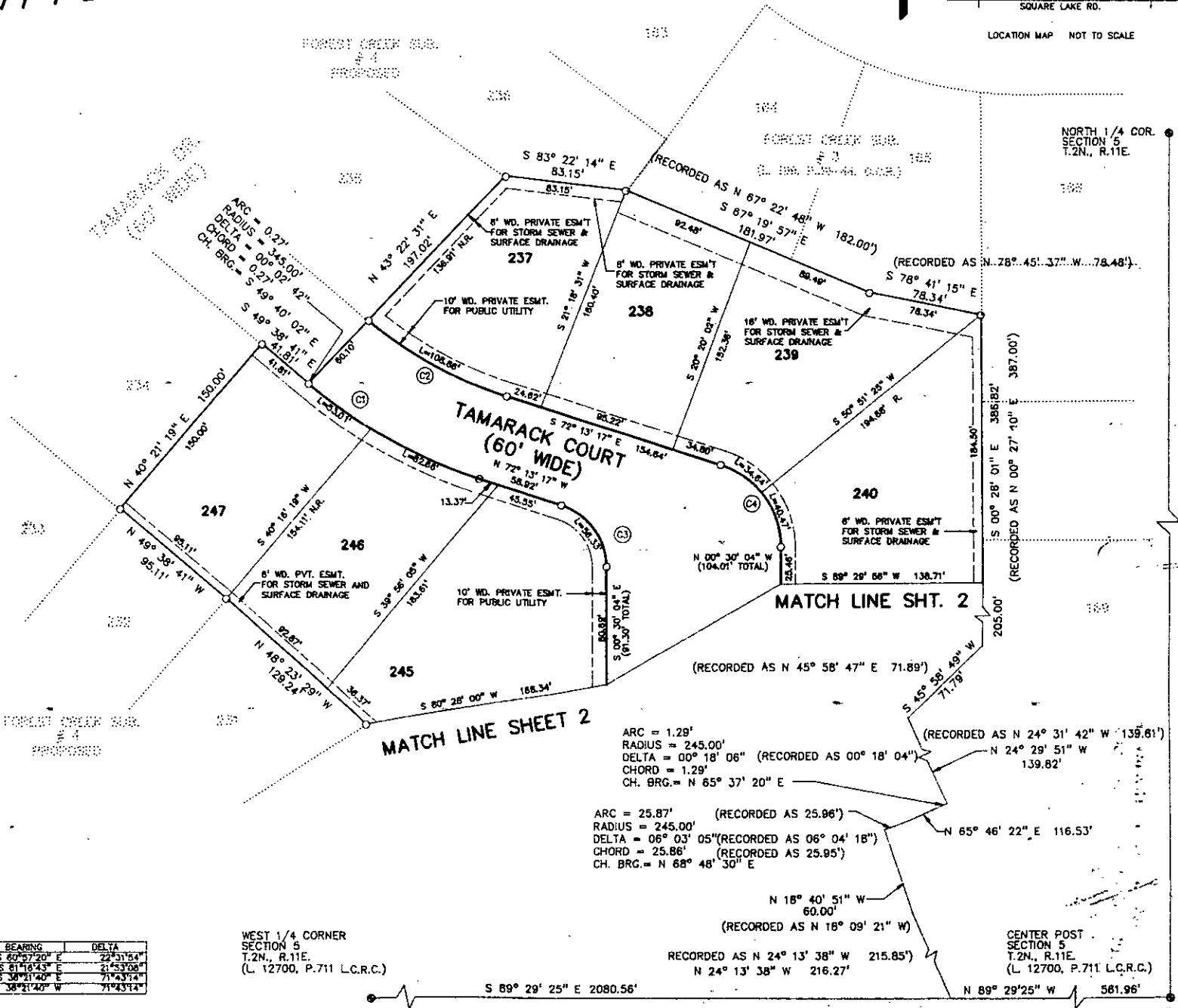
### LEGEND

ALL DIMENSIONS ARE IN FEET.  
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.  
R. DENOTES RADIAL. N.R. DENOTES NON-RADIAL.  
THE SYMBOL "O" INDICATES A MONUMENT CONSISTING OF A 1/2" IRON ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER, 36" IN LENGTH.  
ALL LOT MARKERS ARE 1/2" IRON PIPES AND ARE 18" LONG.  
ALL BEARINGS ARE IN RELATION TO THE SOUTHWEST LINE OF FOREST CREEK SUB. NO. 3" AS RECORDED IN LIBER 189, PAGE 39-44 INCLUSIVE, O.C.R.

### GRAPHIC SCALE



LOCATION MAP NOT TO SCALE



NORTH 1/4 COR. SECTION 5 T.2N., R.11E.

MATCH LINE SHEET 2

MATCH LINE SHT. 2

ARC = 1.29'  
RADIUS = 245.00'  
DELTA = 00° 18' 06" (RECORDED AS 00° 18' 04")  
CHORD = 1.29'  
CH. BRG. = N 65° 37' 20" E

(RECORDED AS N 24° 31' 42" W 139.81')  
N 24° 29' 51" W 139.82'

ARC = 25.87' (RECORDED AS 25.96')  
RADIUS = 245.00'  
DELTA = 06° 03' 05" (RECORDED AS 06° 04' 18")  
CHORD = 25.86' (RECORDED AS 25.95')  
CH. BRG. = N 68° 48' 30" E

N 18° 40' 51" W 60.00'  
(RECORDED AS N 18° 09' 21" W)

RECORDED AS N 24° 13' 38" W 215.85'  
N 24° 13' 38" W 216.27'

CENTER POST SECTION 5 T.2N., R.11E. (L 12700, P.711 L.C.R.C.)

WEST 1/4 CORNER SECTION 5 T.2N., R.11E. (L 12700, P.711 L.C.R.C.)

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	345.00'	134.67'	134.80'	S 60° 57' 20" E	22° 53' 16"
C2	245.00'	104.86'	104.20'	S 61° 18' 43" E	21° 53' 06"
C3	45.00'	36.43'	36.72'	S 30° 11' 40" E	71° 43' 14"
C4	80.00'	75.11'	70.30'	S 38° 21' 40" W	71° 43' 14"

LIBER 130447881



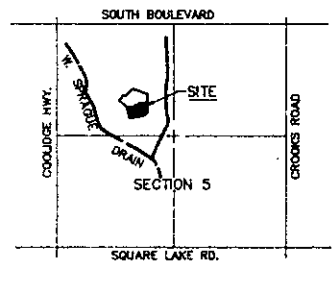
RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, SUITE 277  
BIRMINGHAM, MICHIGAN 48025



# PROPOSED FOREST CREEK SUB. #5

RECORDED RIGHT OF WAY NO. 44041

LAND IN THE N.E. 1/4 OF SECTION 5, T.2 N., R.11 E.  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

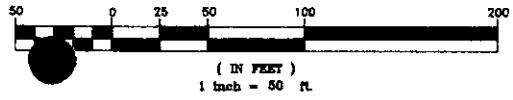


## APPENDIX "B"

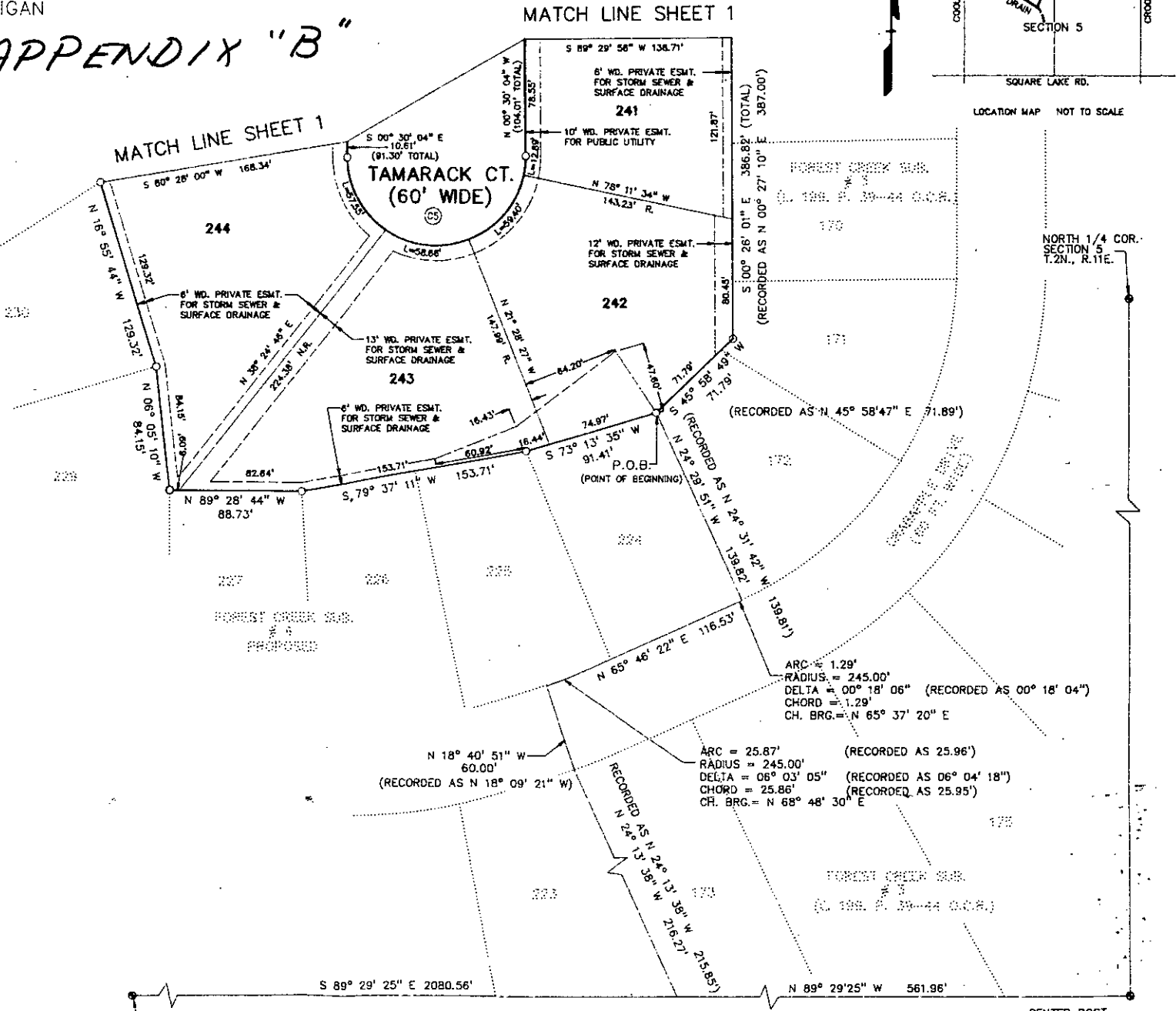
### LEGEND

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R. DENOTES RADIAL N.R. DENOTES NON-RADIAL.  
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ALL BEARINGS ARE IN RELATION TO THE SOUTHWEST LINE OF FOREST CREEK SUB. NO. 3" AS RECORDED IN LIBER 199, PAGE 39-44 INCLUSIVE, O.C.R.

### GRAPHIC SCALE



LIBER 130441882



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C5	60.00'	168.30'	120.00'	N 89° 29' 56" E	180° 00' 00"

WEST 1/4 CORNER SECTION 5, T.2N., R.11E. (L. 12700, P.711 L.C.R.C.)

CENTER POST SECTION 5, T.2N., R.11E. (L. 12700, P.711 L.C.R.C.)

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