

Detroit Edison

Right of Way Agreement

87217155

3-10/18

March 5, 19 86

# 1

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 Michigan Avenue, Jackson, Michigan, 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, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required for transmitting and distributing electricity, providing communication services and gas facilities with the usual services connections and accessories in, under, upon, over and across the land located in the City of Auburn Hills, 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 easement shall 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. If the lines or facilities of UTILITIES are damaged by the acts of Owners, their agents, employes 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.

4. No shrubs or 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.

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:

Denise M. Nellies
Denise M. Nellies
Robert D. Koss
Robert D. Koss

Ark Enterprises,
A Michigan Corporation
Kenneth R. Koss, Partner
Austin J. Koss, Jr., Partner

RECORDED RIGHT OF WAY NO. 37830
86 MAR 10 13:11

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

Address: 30161 Southfield Road, Suite 317
Southfield, MI 48076

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

STATE OF MICHIGAN)  
 ) SS.  
 COUNTY OF OAKLAND

Personally came before me this 5<sup>th</sup> day of MARCH, 1986,  
 KENNETH R. KOSS, Partner and AUSTIN J. KOSS, JR., Partner, of the above named  
 Michigan General Partnership to me known to be the persons who executed the  
 foregoing instrument, and to me known to be such co-partners of said Michigan  
 General Partnership, and acknowledged that they executed the foregoing instrument  
 as such co-partners as the free act and deed of said Michigan General Partnership.

Denise M. Nelles

Notary Public, County, Michigan

DENISE M. NELLES

Notary Public, Macomb County, MI  
 My Commission Expires Oct. 29, 1986  
 Acting in Oakland Co.

My Commission Expires: \_\_\_\_\_

APPENDIX "A"

Part of the Southeast 1/4 of Section 12, T-3-N., R-10-E., City of Auburn Hills, Oakland County, Michigan, being more particularly described as: Commencing at the South 1/4 corner of said Section 12; thence N. 88° 12' 47" E., 1,125.38 feet; thence N. 02° 54' 23" W., 700.00 feet; thence S. 88° 12' 47" W., 300.00 feet; thence N. 03° 16' 33" W., 200.00 feet; thence S. 88° 12' 47" W., 311.86 feet; thence N. 03° 12' 02" W., 1,638.19 feet to the East-West quarter line of said Section 12; thence N. 84° 31' 38" E., along said line 1,997.80 feet; thence S. 02° 48' 13" E., 890.00 feet to the point of beginning; thence S. 02° 48' 13" E., 1,406.46 feet to the center line of Walton Boulevard; thence along said center line on a curve to the left (radius equals 671.88 feet, long chord bears S. 61° 07' 35" W., 152.36 feet), a distance of 152.69 feet; thence S. 54° 36' 57" W., 223.57 feet; thence along a curve to the right (radius equals 720.13 feet, long chord bears S. 60° 37' 54" W., 150.94 feet) a distance of 151.22 feet; thence N. 02° 48' 13" W., 1,196.00 feet; thence N. 48° 36' 33" W., 530.00 feet; thence N. 02° 48' 13" W., 500.00 feet; thence N. 87° 11' 47" E., 500.00 feet; thence S. 42° 52' 30" E., 528.21 feet to the point of beginning.

Sidwell #14-12-426-003

R#92 RFG/DEEDS PAID  
 0001 NOV.25'87 03:56PM  
 9860 MISC 13.00

RECORDED RIGHT OF WAY NO. 37834

To (Supervisor, RE & R/W) <b>DAVE FOLEY</b>	For RE & R/W Dept. Use	Date Received <b>2-25-86</b>	DE/SM/C.P. No. <b>DE 86-7T</b>
Division <b>OAKLAND</b>	Date <b>2-20-86</b>	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.

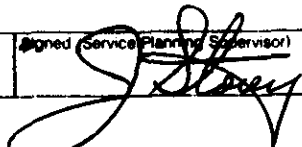
Information

1. Project Name <b>BOULEVARD APT'S</b>		County <b>OAKLAND</b>
City/Township/Village <b>AUBURN HILLS</b>		Section No. <b>12</b>
Type of Development		
<input type="checkbox"/> Proposed Subdivision	<input checked="" type="checkbox"/> Apartment Complex	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park	<input type="checkbox"/> Other
2. Name of Owner <b>KOSS HOME BUILDERS INC.</b>		Phone No. <b>642-2502</b>
Address <b>30161 SOUTHFIELD RD. SUITE 317 - SOUTHFIELD, MI. 48076</b>		
Owner's Representative <b>KENNETH R. KOSS</b>		Phone No. <b>642-2502</b>
Date Service is Wanted <b>APRIL 1, 1986</b>		

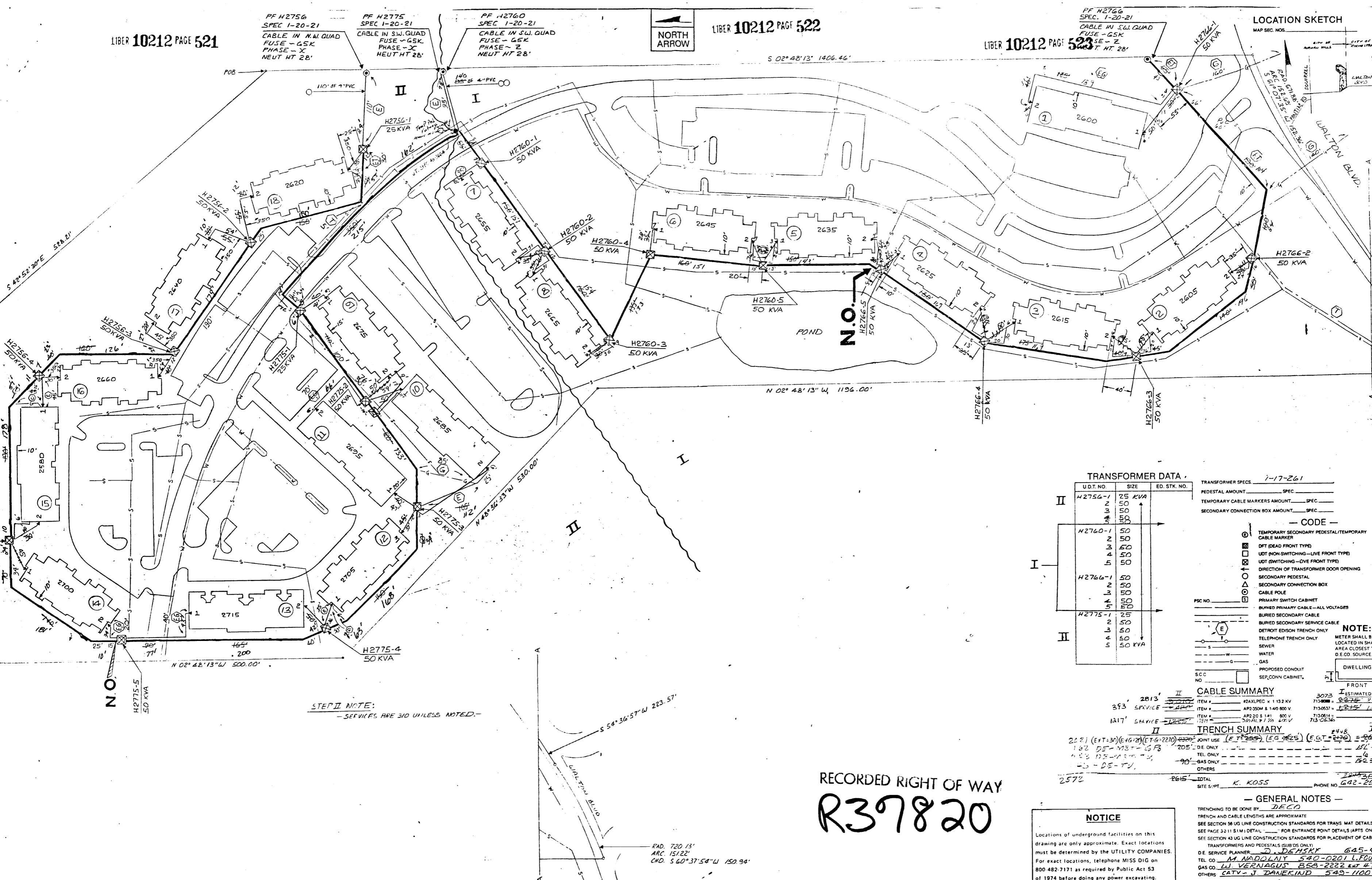
- 4. Entire Project will be developed at one time .....  Yes  No
- 5. Joint easements required — Michigan Bell Telephone .....  Yes  No
- Consumers Power .....  Yes  No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power <b>TRIBUNE/UNITED OF OAKLAND COUNTY, INC.</b>	
b. Other Utility Engineer Names <b>JOHN DANEKIND</b>	Phone Numbers <b>549-1100</b>
Addresses <b>4500 DELEMERE</b> <b>ROYAL OAK, MI. 48073</b>	
6. Additional Information or Comments	

Note: Trenching letter  attached  will be submitted later

Service Planner <b>Wm. WILLIAMSON</b>	Signed (Service Planning Supervisor) 
Phone No. <b>4133</b>	Address

RECORDED RIGHT OF WAY NO. 37820



PF H2756  
SPEC 1-20-21  
CABLE IN N.W. QUAD  
FUSE - GSK  
PHASE - X  
NEUT HT 28'

PF H2775  
SPEC 1-20-21  
CABLE IN SW QUAD  
FUSE - GSK  
PHASE - X  
NEUT HT 28'

PF H2760  
SPEC 1-20-21  
CABLE IN SW QUAD  
FUSE - GSK  
PHASE - Z  
NEUT HT 28'

PF H2766  
SPEC 1-20-21  
CABLE IN SW QUAD  
FUSE - GSK  
PHASE - Z  
NEUT HT 28'

N.O.

N.O.

**STEP II NOTE:**  
SERVICES ARE 3/0 UNLESS NOTED.

RECORDED RIGHT OF WAY  
**R37820**

U.D.T. NO.	SIZE	ED. STK. NO.
H2756-1	25 KVA	
H2760-1	50	
H2760-2	50	
H2760-3	50	
H2760-4	50	
H2760-5	50	
H2775-4	50 KVA	
H2766-4	50 KVA	
H2766-5	50 KVA	

- TRANSFORMER SPECS 1-17-261
- PEDESTAL AMOUNT \_\_\_\_\_ SPEC \_\_\_\_\_
  - TEMPORARY CABLE MARKERS AMOUNT \_\_\_\_\_ SPEC \_\_\_\_\_
  - SECONDARY CONNECTION BOX AMOUNT \_\_\_\_\_ SPEC \_\_\_\_\_
- CODE**
- TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
  - DFT DEAD FRONT TYPE
  - UT (NON SWITCHING-LIVE FRONT TYPE)
  - UT (SWITCHING-LIVE FRONT TYPE)
  - ☐ DIRECTION OF TRANSFORMER DOOR OPENING
  - SECONDARY PEDESTAL
  - SECONDARY CONNECTION BOX
  - CABLE POLE
  - ⊞ PRIMARY SWITCH CABINET
  - BURIED PRIMARY CABLE-ALL VOLTAGES
  - BURIED SECONDARY SERVICE CABLE
  - DETROIT EDISON TRENCH ONLY
  - TELEPHONE TRENCH ONLY
  - SEWER
  - WATER
  - GAS
  - PROPOSED CONDUIT
  - SEP, CONN. CABINET.
  - DWELLING
- NOTE:**  
METER SHALL BE LOCATED IN SHADED AREA CLOSEST TO D.E.D. SOURCE

**CABLE SUMMARY**

ITEM # 3973	24X132KV	3073
ITEM # 713008	AP2300M & 1400 800 V	1275 1250
ITEM # 7130537	AP220 S 181 800 V	1275 1250
ITEM # 7130814	20X132KV	7130814
ITEM # 7130836		7130836

**TRENCH SUMMARY**

20' 21' (E.T. 30)	(E.T. 30)	(E.T. 2210)	20' 21'
1 82' 05'	1 82' 05'	1 82' 05'	1 82' 05'
1 48' 13'	1 48' 13'	1 48' 13'	1 48' 13'
43'	43'	43'	43'
2572'	2572'	2572'	2572'

2572' TOTAL SITE 5 OPT K. KOSS PHONE NO 642-2502

**NOTICE**

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

**GENERAL NOTES**

TRENCHING TO BE DONE BY DECO

TRENCH AND CABLE LENGTHS ARE APPROXIMATE

SEE SECTION 38 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT DETAILS

SEE PAGE 32-31 S.I.M. DETAIL FOR ENTRANCE POINT DETAILS (APTS ONLY)

SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.

TRANSFORMERS AND PEDESTALS (SUBS. ONLY)

D.E. SERVICE PLANNER **D. DEMSKY 645-413**

TEL CO. **M. MADOLNY 540-0201 L.FOUST 13**

GAS CO. **L.V. VERNAGUS 558-2222 EXT 470**

OTHERS **CATV - J. DANERKIND 549-1100**

EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED

**PERMITS REQUIRED** CITY OF ALBURN HILLS

START DATE **10-20-86** CITY OF ALBURN HILLS STATE  YES  NO

**II-7-7-87**

D REVISION	C REVISION	B REVISION	A REVISION	REFERENCE
	REVISED AS INSTALLED	REVISED AS INSTALLED	ADDED STEP II	

NAME	DATE	JOB TITLE
<b>G. McNAMARA</b>	<b>3-4-86</b>	
<b>D. DEMSKY</b>	<b>9-8-86</b>	
<b>J. KOSS</b>	<b>9-6-86</b>	

**THE BOULEVARD APTS**  
PART OF S.E. 1/4 SEC. 12 T. 3N., R. 10E I-II

CITY OF ALBURN HILLS COUNTY OF OAKLAND 86A-63708 SHEET 10 OF 12

THE DETROIT EDISON COMPANY SERVICE PLANNING

SCALE: 1" = 50'

DISTRIBUTION CIRCUIT: 3L7 B4 J42

8878 CARTER