



Right of Way Agreement

86 124425

AUGUST 12, 1986

311/06

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 Rochester Hills, 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

REC'D AUG 27 14:32
MICHIGAN DEPT. OF STATE
RECORDS DIVISION
THIS AGREEMENT HAS BEEN FILED FOR THE DEPT. OF STATE

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. 36436

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:

B.G. Bryan
Ann Stolaruk

Grantors:

STEVE STOLARUK
VIVIAN STOLARUK

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

Address: 3935 DUTTON RD
ROCHESTER HILLS, MICH
PONTIAC 48057

PROPRIETOR'S CERTIFICATE

We, as proprietors, certify that we 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 the public; that the public utility easements are private easements, and that all other easements are for the ones shown on the plat.

WITNESSES:

B. G. Bryan
B.G. Bryan

Steve Stolaruk
Steve Stolaruk

Ann Stolaruk
Ann Stolaruk

Vivian Stolaruk
Vivian Stolaruk
1882 Star-Batt Drive
Rochester, Michigan 48063

State of Michigan)
)
County of Oakland)

Personally come before me this 19th day of August, 1986, the above names Steve Stolaruk and Vivian Stolaruk, his 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.

My Commission Expires 6/24/89

Delbert M. Raymond Jr.
Delbert M. Raymond Jr.
Notary Public, Oakland County, Michigan

RECORDED RIGHT OF WAY NO. 36638

APPENDIX "A"

AVON

Land in Rochester Hills, Oakland County, Michigan, part of the northwest 1/4 of Section 6, Town 3 North, Range 11 East, described as follows: Beginning at the northwest corner of Section 6, thence East along the North line of said Section 6, 1191.19 feet; thence South 00°39'11" East, 1539.65 feet; thence South 89°40'18" West, 1167.17 feet; thence North 01°28'46" West, along the westerly line of said Section 6, 1541.61 feet to the point of beginning and containing 41.70 acres, more or less. Total number of single-family residential lots 20.

Sidwell 15-06-100-604 NW 1/4
007

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

TO Records Center

DATE 10-7-86 TIME

Please set up R/W file for: OAKPOINTE SUBDIVISION

Being a part of N.W 1/4 of Section 6, CITY OF ROCHESTER HILLS
Oakland County, Michigan

RECORDED RIGHT OF WAY NO.

COPIES TO:

SIGNED

Omer V. Racine

Omer V. Racine
222 Oakland Div. Hqtrs.

REPORT

Avon Township
SEC. 6; NW 1/4 OF

36436

DATE RETURNED

TIME

SIGNED

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

TO TIM STRATTON

DATE 8-14-86 TIME

RE: Underground Service - OAKPOINTE SUBD
Agreement and Easements obtained - OK to proceed with construction.

RECORDED RIGHT OF WAY NO.

COPIES TO:

SIGNED

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

264 Oakland Division Headquarters

REPORT

36436

DATE RETURNED

TIME

SIGNED

**Detroit
Edison**

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

July 28, 1986

Steve Stolaruk
3935 Dutton Rd.
Pontiac, Michigan 48057

Gentlemen:

RE: OAKPOINTE 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, where 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:1hp
Enclosures

RECORDED RIGHT OF WAY NOS
30436

In (Supervisor, RI & RIW) E. JENSEN	For RI & RIW Under Use	Util. Michigan 7-23-86	Util. District No. OLE 86-25
Division OAKLAND	Date 7-22-86	Approval For	

We have included the following necessary material and information

Material:

A [Redacted]

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 POINTE ESTATES SUBDIVISION** County: **OAKLAND**

City/Township/Village: **ROCHESTER HILLS** Section No: **6**

Type of Development:
 Proposed Subdivision Apartment Complex Condominium
 Subdivision Mobile Home Park Other

2. Name of Owner: **STEVE STOLARUK** Phone No.: **853-1500**

Address: **3935 DUTTON ROAD, PONTIAC, MICH. 48057**

Owner's Representative: **STEVE STOLARUK** Phone No: **853-1500**

Date Service is Wanted: **SEPT. 22, 1986**

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
~~TRIBUNE UNITED OF OAKLAND CO. (CATV)~~

b Other Utility Engineer Names
ADAM LAROSA Phone Numbers: **549-1100**

Addresses:
~~4500 DELCOURT, ROYAL OAK, MI, 48073~~

6 Additional information or Comments

Note. Trenching letter attached will be submitted later

Service Planner: [Redacted]

Phone No: [Redacted] Address: [Redacted]

RECORDED RIGHT OF WAY NO. 36436

