



# Right of Way Agreement

87 46267

LIBER 9808 PAGE 171

December 22, 1986

*R/W*

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 attached Appendix B.

*#(1)*

RECORDED RIGHT OF WAY NO.

*36987*

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, employees 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:

*15.000*


Prepared By: Omer V. Racine *DECO 1*  
The Detroit Edison Company  
*R/R* 730400 Telegraph Road, 272 OAKDH  
Birmingham, Michigan 48010

Address: \_\_\_\_\_


WITNESSES:

By: Trinity Land Ltd, a Michigan Corporation  
21570 Hall Road  
Mt. Clemens, MI 48044  
Co-Partner

  
James F. Reed

  
Karen M. Pittman

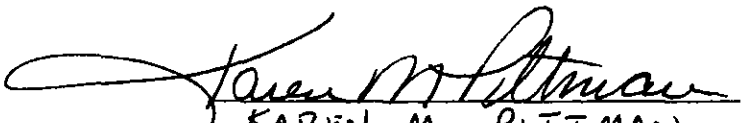
  
SALVATORE COTTONE PRESIDENT

  
CARLO J. CATANACCI VICE PRES.

State of Michigan )  
                          ) SS:  
County of Macomb )

Personally came before me this 22nd day of December, 1986, SALVATORE COTTONE, President, and CARLO J. CATANACCI, Vice President of Trinity Land Ltd., co-partner of the above named co-partnership, to me known to be such co-partner of said co-partnership and acknowledged that they executed the foregoing instrument as such co-partners as the free act and deed of said co-partnership, by its authority.

My Commission Expires: June 9, 1990

  
KAREN M. PITTMAN  
Notary Public, Macomb County,  
Michigan.

RECORDED RIGHT OF WAY NO. 36987

WITNESSES:

*James F. Regal*  
James F. Regal  
*Karen M. Pittman*  
Karen M. Pittman

Arrowhead Venture, a Michigan  
Co-Partnership  
21570 Hall Road  
Mt. Clemens, Michigan 48043  
File No. 86-4754 R, Macomb County  
August 7, 1986  
BY: MJC Homes, Inc. a Michigan  
Corporation  
P.O. Box 273  
Washington, Michigan 48094  
Co-Partner

*Michael A. Chirco*  
MICHAEL A. CHIRCO PRES.

*Mary G. Chirco*  
MARY G. CHIRCO SECRETARY

State of Michigan )  
                          ) SS:  
County of Macomb )

Personally came before me this 22nd day of December, 1986,  
MICHAEL A. CHIRCO, President and MARY G. CHIRCO, Secretary of M.J.C. Homes, Inc.,  
co-partner of the above named co-partnership, to me known to be such co-partner  
of said co-partnership, and acknowledged that they executed the foregoing in-  
strument as such co-partners as the free act and deed of said co-partnership,  
by its authority.

My Commission Expires: June 9, 1990

*Karen M. Pittman*  
KAREN M. PITTMAN  
Notary Public, Macomb County, Michigan

RECORDED RIGHT OF WAY NO. 769807

WITNESSES:

First Federal of Michigan (AS MORTGAGEE)  
1001 Woodward  
Detroit, Michigan 48226

Kevin G. Ball  
KEVIN G. BALL

Charles G. Rowe  
CHARLES G. ROWE, Vice President

Donna R. DeBroy  
DONNA R. DeBroy

Bert W. West  
BERT W. WEST, First Vice President

State of Michigan )  
                          ) SS:  
County of Wayne )

Personally came before me this 5TH day of FEBRUARY, 1988,  
CHARLES G. ROWE, Vice President and BERT W. WEST, First Vice President, of the  
above named corporation, to me known to be the persons who executed the fore-  
going instrument, and to me known to be such Vice President and First Vice  
President 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.

LUCILLE M. QULLIN  
Notary Public, Wayne County, Michigan  
My Commission Expires October 1, 1990

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

Lucille M. Quillin  
Notary Public, Wayne County, Michigan

RECORDED RIGHT OF WAY NO. 36989

APPENDIX "B"

Hawthorne Hills No. 6, part of the N.W.  $\frac{1}{4}$  of Section 6, T. 3 N., R. 11 E., City of Rochester Hills, Oakland County, Michigan described as beginning at a point, said point being distant the following two courses along the West Line of said Section 6 N. 01 deg. 16 min. 42 sec. W. 1142.52 feet and N. 02 deg. 02 min. 46 sec. W. 427.71 feet and N. 88 deg. 56 min. 40 sec. E. 1169.02 feet from the West  $\frac{1}{4}$  Corner of said Section 6; thence from said point of beginning the following 14 courses along Hawthorn Hills No. 4 as recorded in Liber 172, Pages 36-38 of plats, Oakland County Records N. 53 deg. 56 min. 28 sec. E. 176.19 feet and S. 73 deg. 57 min. 25 sec. E. 180.60 feet and S. 19 deg. 23 min. 00 sec. E. 183.18 feet and S. 26 deg. 33 min. 51 sec. W. 79.54 feet and S. 01 deg. 23 min. 32 sec. E. 90.00 feet and S. 17 deg. 33 min. 00 sec. E. 284.42 feet and N. 72 deg. 27 min. 00 sec. E. 100.00 feet and N. 58 deg. 52 min. 15 sec. E. 61.73 feet and N. 72 deg. 27 min. 00 sec. E. 170.00 feet and S. 09 deg. 36 min. 43 sec. E. 200.00 feet and S. 00 deg. 43 min. 08 sec. E. 857.94 feet and 48.27 feet along the arc of a curve to the right, having a radius of 1735.72 feet, a central angle of 01 deg. 35 min. 37 sec., a chord length of 48.27 feet and a chord bearing of S. 89 deg. 34 min. 49 sec. W. and S. 00 deg. 36 min. 48 sec. E. 193.89 feet and N. 86 deg. 35 min. 30 sec. W. 401.19 feet; thence N. 86 deg. 48 min. 49 sec. W. 221.73 feet, along the north line at "Hawthorn Hills No. 5" as recorded in Liber , Pages of plats, Oakland County Records; thence N. 00 deg. 43 min. 08 sec. W. 385.76 feet; thence S. 88 deg. 56 min. 40 sec. W. 14.65 feet; thence N. 01 deg. 03 min. 20 sec. W. 320.00 feet; thence S. 88 deg. 56 min. 40 sec. W. 40.21 feet; thence N. 01 deg. 03 min. 20 sec. W. 200.00 feet; thence N. 88 deg. 56 min. 40 sec. E. 10.00 feet; thence N. 01 deg. 03 min. 20 sec. W. 140.00 feet; thence S. 88 deg. 56 min. 40 sec. W. 9.29 feet; thence N. 01 deg. 03 min. 20 sec. W. 205.00 feet; thence S. 88 deg. 56 min. 40 sec. W. 30.85 feet; thence N. 01 deg. 23 min. 32 sec. E. 402.20 feet to the point of beginning. consisting of 58 lots numbered 234 through 291 both inclusive and containing 23.006 acres.

SIDWELL No 15-06-100-006 - NW 1/4  
Sec 6  
Avon

RECORDED RIGHT OF WAY NO. 36987

MEMORANDUM ORDER  
FOR GENERAL USE  
OE FORM 942-0006 (MS-77) 12-83

TO DEA vs DOHERTY DATE 2-12-87 TIME

Re: Underground Service Hawthorne No 6 Sat  
Agreement and Easements obtained - OK to proceed with construction.

COPIES TO: \_\_\_\_\_ SIGNED Omer V. Racine  
Omer V. Racine, Representative  
Real Estate, Rights of Way & Claims  
264 Oakland Division Headquarters

DATE RETURNED \_\_\_\_\_ TIME \_\_\_\_\_ SIGNED \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 36987

MEMORANDUM ORDER  
FOR GENERAL USE  
OE FORM 942-0006 (MS-77) 12-83

TO Records Center DATE 5-2-87 TIME

Please set up R/W file for: HAWTHORNE No 6 SUBDIVISION  
Being a part of N.W 1/4 of Section 6, ROCHESTER HILLS  
Oakland County, Michigan

COPIES TO: \_\_\_\_\_ SIGNED Omer V. Racine  
Omer V. Racine  
264 Oakland Div. Hqters.

Avon Township  
SEC. 6; NW 1/4 of

DATE RETURNED \_\_\_\_\_ TIME \_\_\_\_\_ SIGNED \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 36987

To: Supervisor, RE & RW's <u>J. Mc DONALD</u>	Date: <u>12-8-86</u>	File No.: <u>DE 86-52</u>
Division: <u>OAKLAND</u>	Date: <u>12-5-86</u>	File 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: HAWTHORNE HILLS #6

City/Township/Village: ROCHESTER HILLS

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

2 Name of Owner: TRINITY LAND LTD

Address: 21570 HALL RD. MT. CLEMENS MI. 48044

Owner's Representative: JAMES F. REED

Date Service is Wanted: 4-1-87

File No.: 465-6232

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

Addresses

6 Additional Information or Comments

Note: Trenching letter  attached  will be submitted later

Service Planner: DENNIS DOHERTY

Phone No: 645-4156

Signed (Service Planning Supervisor): [Signature] 12/5/86

Address: 2410 OAK DIV. HQ

RECORDED ELECTRIC UTIL NO. 36787

**HAWTHORN HILLS NO. 6**  
 PART OF THE N.W. 1/4 OF SECTION 6,  
 T.3N., R.11E., CITY OF ROCHESTER  
 HILLS, OAKLAND COUNTY, MICHIGAN

**APPENDIX "B"**

**CURVE DATA**

CURVE	RADIUS	ARC	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH
1	1795.72	96.04	03°03' 52"	S. 86°07' 26" E.	96.03
2	1735.72	91.83	03°01' 53"	N. 88°06' 26" W.	91.82
3	435.00	127.79	16°49' 52"	N. 09°08' 04" W.	127.73
4	375.00	110.16	16°49' 52"	S. 09°08' 04" E.	109.70
5	25.00	37.47	85°52' 22"	N. 43°38' 19" E.	34.00
6	50.70	21.49	24°37' 12"	N. 43°05' 54" E.	21.32
7	60.00	143.99	137°30' 18"	S. 42°27' 33" E.	111.81
8	50.00	23.57	27°00' 44"	S. 12°47' 14" W.	23.30
9	50.00	30.17	34°34' 20"	N. 16°34' 02" E.	29.71
10	60.00	167.01	159°28' 52"	N. 45°53' 14" W.	118.08
11	25.00	39.42	90°20' 12"	S. 45°33' 14" E.	35.40
12	50.00	50.77	34°34' 20"	S. 71°39' 31" W.	29.71
13	308.06	88.69	16°29' 40"	S. 80°41' 50" W.	88.38
14	368.06	105.96	16°29' 40"	N. 80°41' 50" E.	105.59
15	50.00	37.82	43°23' 30"	N. 20°16' 43" E.	36.93
16	50.00	37.82	43°20' 10"	S. 23°03' 47" E.	36.93
17	60.00	279.27	260°41' 02"	S. 88°36' 28" W.	87.27

**PLAT LEGEND**

ALL DIMENSIONS ARE IN FEET. ALL DIMENSIONS ON THE CURVE ARE MEASURED ALONG THE ARC.

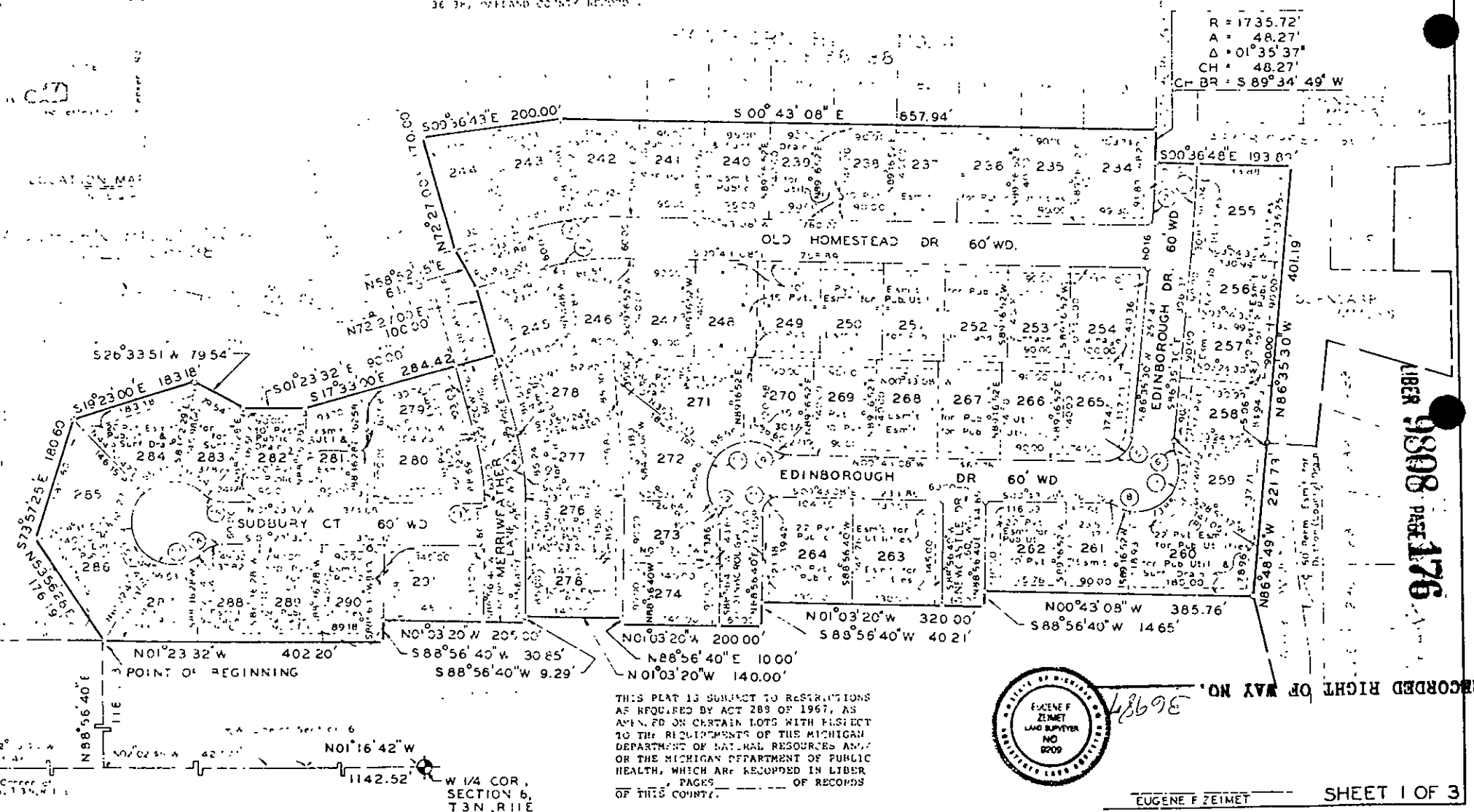
(R) DENOTES RADIAL LOT LINES.

ALL LOT MARKERS ARE 1/2" IRON RODS AND ARE 18" LONG. THE SYMBOL (C) INDICATES A CONCEALED MONUMENT. ALL MONUMENTS USED SHALL BE MADE OF SOLID IRON OR STEEL BARS AT LEAST 1/2" IN DIAMETER AND 36 INCHES LONG AND COMPLETELY ENCASED IN CONCRETE AT LEAST 4 INCHES IN DIAMETER.

ALL BEARINGS ARE IN RELATION TO HAWTHORN HILLS NO. 4" AS RECORDED IN LIBER 172 - PLATS, PAGES 36-38, OAKLAND COUNTY RECORDS.

SCALE 1"=100'

R = 1735.72'  
 Δ = 48.27'  
 Δ = 01°35'37"  
 CH = 48.27'  
 CH BR = S 89°34' 49" W



LIBER 9808 PAGE 176



THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 289 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE RECORDED IN LIBER \_\_\_\_\_ PAGES \_\_\_\_\_ OF RECORDS OF THIS COUNTY.