

Detroit Edison

Right of Way Agreement

87 46266

R/W #4

LIBER 9808 PAGE 164

December 22, 19 86

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

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.

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:

Prepared By: Omer V. Racine
The Detroit Edison Company
30400 Telegraph Road, 262 OAKDH
Birmingham, MI 48010

Address: _____

[Handwritten signature]

RECORDED RIGHT OF WAY NO.

36988

WITNESSES:

James F. Reed
James F. Reed
Karen M. Pittman
Karen M. Pittman

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

Salvatore Cottone
SALVATORE COTTONE PRESIDENT
Carlo J. Catanacci
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
KAREN M. PITTMAN
Notary Public, Macomb County,
Michigan.

RECORDED RIGHT OF WAY NO. 36918

WITNESSES:

Dominic Mocerì
DOMINIC MOCERI

Mary V. Morris
Mary V. Morris

Frances Mocerì
FRANCES MOCERI, His wife
13013 Mocerì Drive
Grand Blanc, Michigan 48439

Patricia A. Gratsch
Patricia A. Gratsch

State of Michigan)
County of Genesee)SS

Personally came before me this 19th day of January,
19 87, Dominic Mocerì and Frances Mocerì 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: Oct. 23, 1989

PATRICIA A. GRATSCH

Notary Public, State of Michigan
My Commission Expires Oct 23, 1989

Notary Public *Patricia A. Gratsch*
Genesee County, Michigan

RECORDED RIGHT OF WAY NO. 36987

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. DesRoy
DONNA R. DESROY

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, 1987,
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. 36988

"Hawthorn Hills No. 5", part of West 1/2 of Section 6, T. 3 N., R. 11 E., City of Rochester Hills, Oakland County, Michigan, also a replat of Lot 177 of "Hawthorn Hills No. 4" as recorded in Liber 172, Pages 36-38 of plats, Oakland County Records, both described as beginning at a point, said point being distant S. 02 deg. 15 min. 25 sec. E. 130.03 feet along the West Line of said Section 6 and N. 87 deg. 35 min. 22 sec. E. 175.00 feet from the West 1/4 corner of said Section 6; thence from said point of beginning N. 02 deg. 24 min. 38 sec. W. 203.00 feet; thence N. 06 deg. 44 min. 32 sec. E. 328.78 feet; thence N. 42 deg. 34 min. 02 sec. E. 190.13 feet; thence N. 33 deg. 38 min. 09 sec. E. 144.66 feet; thence S. 72 deg. 29 min. 00 sec. E. 210.59 feet; thence S. 82 deg. 49 min. 10 sec. E. 119.79 feet; thence N. 88 deg. 56 min. 40 sec. E. 90.00 feet; thence S. 01 deg. 03 min. 20 sec. E. 165.00 feet; thence S. 43 deg. 23 min. 11 sec. E. 87.68 feet; thence S. 54 deg. 32 min. 28 sec. E. 126.08 feet; thence N. 88 deg. 55 min. 02 sec. E. 50.00 feet; thence N. 74 deg. 23 min. 55 sec. E. 195.35 feet; thence S. 86 deg. 48 min. 49 sec. E. 221.73 feet; thence the following 5 courses along said "Hawthorn Hills No. 4" S. 03 deg. 09 min. 00 sec. W. 58.52 feet and 13.14 feet along an arc of a curve to the left, radius 50.00 feet, central angle 15 deg. 03 min. 05 sec., chord length 13.10 feet and a chord bearing of S. 04 deg. 22 min. 32 sec. E. and S. 86 deg. 09 min. 57 sec. E. 150.53 feet and S. 14 deg. 44 min. 22 sec. W. 189.09 feet and N. 87 deg. 35 min. 22 sec. E. 153.25 feet; thence the following 3 courses along said Lot 177 N. 00 deg. 36 min. 48 sec. W. 84.71 feet and N. 89 deg. 23 min. 12 sec. E. 150.00 feet and 80.09 feet along an arc of a curve to the left, radius 565.00 feet, central angle 08 deg. 07 min. 19 sec., chord length 80.02 feet and a chord bearing S. 04 deg. 40 min. 27 sec. E.; thence N. 87 deg. 35 min. 22 sec. E. 409.54 feet along said "Hawthorn Hills No. 4", said line also being the East and West 1/4 Line of said Section 6; thence S. 04 deg. 54 min. 40 sec. E. 115.53 feet along west line of "Thornridge Sub". as recorded in Liber 187, Pages 20-23 of plats, Oakland County Records; thence the following four courses along the north line of "Thornridge No. 2" as recorded in Liber Pages of plats, Oakland County Records S. 85 deg. 05 min. 20 sec. W. 170.00 feet and S. 04 deg. 54 min. 40 sec. E. 67.22 feet and S. 87 deg. 35 min. 22 sec. W. 639.84 feet; and N. 77 deg. 19 min. 07 sec. W. 230.29 feet; thence S. 87 deg. 35 min. 22 sec. W. 1075.00 feet in part along the north line of said "Thornridge No. 2" to the point of beginning, consisting of 40 lots numbered 177 and 195 through 233 both inclusive and containing 20.346 acres.

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

RECORDED RIGHT OF WAY NO. 36987

Detroit
Edison

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

Phone 645-4388

December 17, 1986

Trinity Land LTD.
Mr. James F. Reed
21570 Hall Road
Mt. Clemens, MI 48044

Gentlemen:

Re: Hawthorn Hills No. 5 & 6 Subdivision

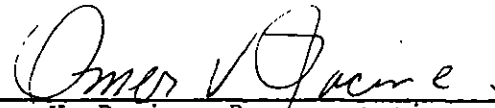
Enclosed is the original and one copy of the Right of Way Agreement for the above described project. Please have the original executed and returned to us. The copy should be retained by you for your records.

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: Omer V. Racine, Room 264.

Sincerely,



Omer V. Racine, Representative
Real Estate, Rights of Way & Claims

OVR/kw
Enclosures

RECEIVED RIGHT OF WAY NO. 36988

MEMORANDUM ORDER
FOR GENERAL USE
I.E. FORM 963-3608 (MS-77) 12-83

TO DE. MR. DEHERTY DATE 2-12-87 TIME _____

Re: Underground Service Hawthornie Hills No 5 Sub
Agreement and Easements obtained - OK to proceed with constructio

COPIES TO: _____

SIGNED

Omer V. Racine

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

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

MEMORANDUM ORDER
FOR GENERAL USE
OE FORM 93 77 12-83

TO Records Center DATE 5-2-87 TIME _____

Please set up R/W file for: Hawthorne No 5 Subdivision
Being a part of West 1/2 of Section 6, City of Rochester Hill
Oakland County, Michigan

COPIES TO: _____

SIGNED

Omer V. Racine

Omer V. Racine
264 Oakland Div. Hqters.

REPORT _____

Avon Township
SEC. 6; W 1/2 OF

DATE RETURNED _____

TIME _____

SIGNED _____

RECORDED
RIGHT OF WAY
36978
RMC

Supervisor (R or RW)	Date Rec'd	Date Rec'd	Case No.
J. Mc DONALD	12-5-86	12-8-86	OE 86-51
Division	Date		
OAKLAND	12-5-86		

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	City
HAWTHORN HILLS #5	OAKLAND
City/Township/Village	Section No.
ROCHESTER HILLS	6
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	Phone No.
TRINITY LAND LTD.	465-6232
Address	City
21570 HALL RD. MT. CLEMENS	MI. 48041
Owner's Representative	Phone No.
JAMES F. REED	465-6232
Date Service is Wanted	
4-1-87	

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

6. Name of Other Utilities if Not Michigan Bell Telephone or Consumers Power

7. Other Utility Engineer Names

Addresses

8. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner	Signed Service Planning Supervisor
DEAN'S DOHERTY	<i>[Signature]</i>
Phone No.	Address
645-1156	2410 OAK LANE

88698
 36988

