

**Detroit Edison**

**Right of Way Agreement**

87 125720

#1

JUNE 15, 19 87

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 and the Tribune/United of Oakland County, A Michigan Corp., 4500 Delemere, Royal Oak, MI 48073 hereinafter referred to as "UTILITIES", the easement 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 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:

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, licenses and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this

0001 JUL 07 '87 03:32PM  
2369 MISC 11.00

Witnesses:

Grantors:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared By: Walter E. Touchie  
The Detroit Edison Company  
30400 Telegraph Road, #264  
Birmingham, MI 48010

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

Ret-7

DECOL

RECORDED RIGHT OF WAY NO. 32272

WITNESSES:

Pulte Homes of Michigan Corporation  
6400 Farmington Road  
West Bloomfield, MI 48033

*Linda Gloviak*  
Linda Gloviak  
*Karen J. Bristol*  
Karen J. Bristol

*Thomas Eckert*  
Thomas Eckert, President

State of Michigan)  
County of Oakland) SS.

Personally came before me this 15th day of June, 1987, Thomas Eckert, President, of the above named corporation, to me known to be such President of said corporation and acknowledged that he executed the foregoing instrument as such officer as the free act and deed of said corporation, by its authority.

LINDA GLOVIAK  
Notary Public, Oakland County, MI  
My Commission Expires Sept. 6, 1987

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

*Linda Gloviak*

Notary Public, Oakland County, Michigan

APPENDIX "A"

Proposed "North Fairview Farms No. 4", part of the NE 1/4 of Section 5, T3N., R11E., City of Rochester Hills, Oakland County, Michigan, more particularly described as commencing at the East 1/4 corner of said Section 5; th along the boundary of "North Fairview Farms No. 1" as recorded in Liber 171 of Plats, Pages 24 through 27, inclusive, Oakland County Records; being also the East line of Section 5, N 00°21'40" W., 370.00 feet to the point of beginning; th along the boundary of said "North Fairview Farms No. 1" the following 10 courses and distances: S 89° 38'20" W., 85.00 feet and S 62°49'40" W., 323.28 feet and N 74°29'24" W., 95.92 feet and S 52°37'50" W., 149.71 feet and N 37°22'10" W., 148.58 feet and Northerly 545.80 feet along a curve to the right (radius of 845.00 feet, central angle of 37°0'30", chord bears N 18°51'56" W., 536.36 feet) and N 89°38'20" E., 195.00 feet and N 73°11'00" E., 177.26 feet and N 89°38'20" E., 170.00 feet and S 83°24'06" E., 312.30 feet; thence along the East line of said Section 5, S 00° 21'40" E., 429.96 feet to the point of beginning. Containing 9.864 acres and comprising of 21 lots, numbered 186 through 206, both inclusive and one private park.

SIDWELL NO. 15-05-281-001 - NE 1/4, Sec 5

AVON

RECORDED RIGHT OF WAY NO. 32272

MEMORANDUM ORDER  
FOR GENERAL USE  
OF FORM 645-6000 (MS-77) 12-63

TO R.A. WALUZAK

DATE 6-17-87

TIME

Re: Underground Service NORTH FAIRVIEW FARMS NO.

Agreement and Easements obtained - OK to proceed with construction.

COPIES TO:

REPORT

SIGNED

Walter E. Tausch  
Omer V. Racine, Representative  
Real Estate, Rights of Way & Claims  
264 Oakland Division Headquarters

RECORDED  
RIGHT OF WAY NO.  
32272

MEMORANDUM ORDER  
FOR GENERAL USE  
OF FORM 645-6000 (MS-77) 12-63

TO Records Center

DATE 8-6-87

TIME

Please set up R/W file for:

Being a part of NORTH EAST 1/4 of Section 5, Rochester Hills  
Oakland County, Michigan

COPIES TO:

REPORT

SIGNED

Omer V. Racine  
Omer V. Racine  
264 Oakland Div. Hqters.

RECORDED  
RIGHT OF WAY NO.  
32272

DATE RETURNED

TIME

SIGNED

To (Supervisor RE & R/W) <b>JIM Mc DONALD</b>	For RE & R/W Dept. Use	Date Received <b>5-29-87</b>	Of-Brick, P. No. <b>O.E. 87-16</b>
Division <b>OAKLAND</b>	Date <b>5-28-87</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>NORTH FAIRVIEW FARMS SUB # 4</b>	County <b>OAKLAND</b>
City/Township/Village <b>ROCHESTER HILLS</b>	Section No. <b>NW 1/4 SEC. 5</b>
Type of Development <input checked="" type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Subdivision <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Condominium <input type="checkbox"/> Other	Phone No.
2. Name of Owner <b>PULTE HOMES OF MICHIGAN CORP.</b>	Phone No.
Address <b>6600 FARMINGTON RD., W. BLOOMFIELD, MI 48033</b>	Phone No. <b>646-0700</b>
Owner's Representative <b>JAD CONSTRUCTION - JAMES BALL</b>	Phone No. <b>646-0700</b>
Date Service is Wanted	

RECORDED RIGHT OF WAY NO.

32272

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 CABLE CO.**

b. Other Utility Engineer Names  
**MIKE STOREY** Phone Numbers **549-1100**

6. Additional Information or Comments

Note: Trenching letter  attached  will be submitted later

Service Planner **R.A. Walszak** Phone No. **645-4367**

Signed (Service Planning Supervisor) **[Signature]** Date **5/5/87**  
 Address **290 ORHQ**

**Detroit  
Edison**

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

Phone 645-4388

June 5, 1987

Pulte Homes of Michigan Corporation  
6400 Farmington Road  
West Bloomfield, MI 48033

Gentlemen:

Re: North Fairview Farms Subdivision No. 4

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. 3 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,

*Walter E. Touchie*  
Walter E. Touchie, Representative  
Real Estate, Rights of Way & Claims

WET/vkc  
Enclosures

RECORDED RIGHT OF WAY NO.

37272

# "NORTH FAIRVIEW FARMS No. 4"

PART OF THE NORTHEAST 1/4 OF SECTION 5, T.3N., R.1E.,  
CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

SHEET 1 OF 2

9994 PAGE 245

NORTHEAST CORNER  
SEC. 5, T.3N., R.1E.

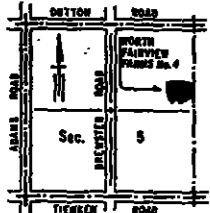


PROPOSED APPENDIX "B"

"NORTH FAIRVIEW FARMS No. 1" (Liber 171, Pages 24-27)

**PLAT LEGEND**  
ALL DIMENSIONS ARE IN FEET.  
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.  
R DENOTES A RADIAL LINE.  
MONUMENTS OF IRON BARS 4 1/2" IN DIAMETER AND 36" LONG,  
ENCASED IN CONCRETE 4" IN DIAMETER, ARE AT ALL POINTS MARKED "O".  
ALL LOT MARKERS ARE 1/2" FROM PIPES AND ARE OF LOOSE.  
ALL BEARINGS ARE IN RELATION TO "NORTH FAIRVIEW FARMS No. 1"  
AS RECORDED IN LIBER 171, PAGES 24 THRU 27, INCLUSIVE, O.C.R.

LIBER 9994 PAGE 244



LOCATION MAP  
NOT TO SCALE

STONINGTON LANE  
60 FT. WD.

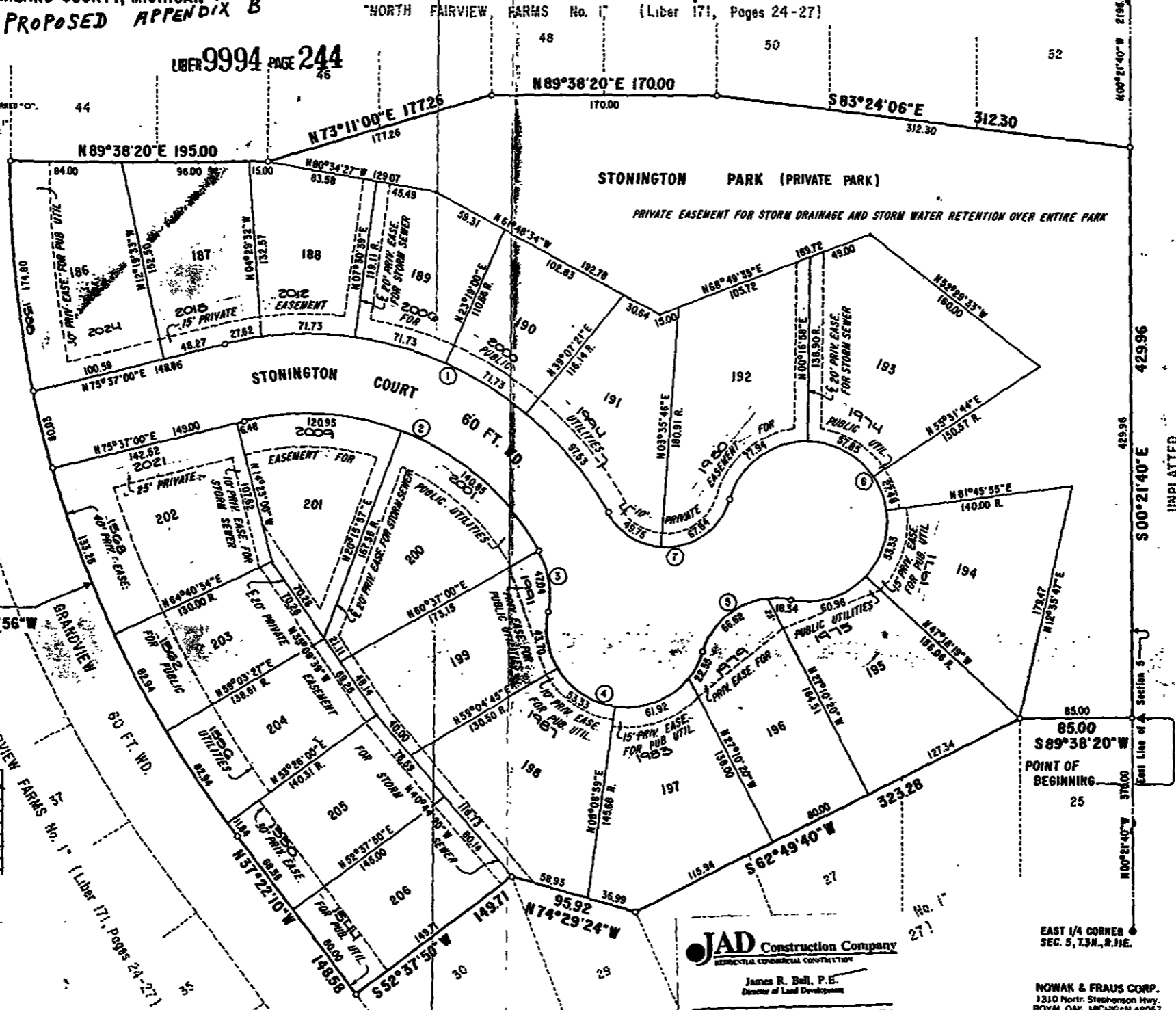


R = 845.00  
A = 545.80  
Δ = 37°00'30"  
Ch. Brg. N16°51'56"W  
Ch. 536.36

**CURVE DATA**

NO.	RADIUS	ARC	DELTA	CHORD	BEARING
1	280.00	240.24	75°00'00"	248.36	N 66°53'00" W
2	280.00	240.00	75°00'00"	243.51	N 66°53'00" W
3	67.01	47.84	40°11'27"	44.40	N 69°16'00" W
4	60.00	100.00	177°14'58"	119.77	N 75°55'30" W
5	54.34	84.36	63°25'12"	77.63	N 39°12'07" E
6	45.00	277.34	265°03'00"	98.44	N 37°36'50" W
7	60.00	117.80	134°43'23"	32.31	N 62°14'10" E

DESIGNED BY  
BOB CROWELL  
D.L.P.D.  
4250  
62426



**JAD Construction Company**  
RESIDENTIAL COMMERCIAL CONSTRUCTION

James R. Bell, P.E.  
Director of Land Development

300 HAMILTON BOWEN E 2300A JAYCOHAM, MI 48061

**NOWAK & FRAUS CORP.**  
1310 North Stephenson Hwy.  
ROYAL OAK, MICHIGAN 48067  
(313) 998-0886

RECORDED RIGHT OF WAY NO. 37272

EAST 1/4 CORNER  
SEC. 5, T.3N., R.1E.