

Detroit Edison

Right of Way Agreement

87 111127

LIBER 9959 PAGE 622

May 20, 1987

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 cities of Rochester & 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:

Underground lines are located in accordance with attached drawing which is made a part hereof.

B#92 REG/DEEDS PAID
0001 JUN.16 '87 01:23PM
8435 MISC 11.00

4

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:

Monica M. Balla (signature)

Ruthann Barnaby (signature)

Grantors:

Watch-Sibilla-Fortuna-Terrace Partnership
A Michigan Co-Partnership

William Watch, Co-Partner (signature)
Warren Terrace, Co-Partner (signature)

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

Address: 44607 Oregon Trail
Plymouth, MI 48170

Ben J. McDonald (signature)

RECORDED RIGHT OF WAY NO. 31274

STATE OF MICHIGAN)
) SS:
COUNTY OF Wayne)

Personally came before me this 20th day of May, 1987, William Watch, Co-Partner; and Warren Terrace, Co-Partner; of the above named Co-Partnership, to me known to be the persons who executed the foregoing instrument, to me known to be the co-partners of said Co-Partnership and acknowledge that they executed the forgoing instrument as such co-partners as the free act and deed of said Co-Partnership.

My Commission Expires: April 14, 1990

Virginia M. Parker
Virginia M. Parker
Notary Public VIRGINIA M. PARKER
County, Michigan Notary Public, Wayne County, Michigan
My Commission Expires April 14, 1990

APPENDIX "A"

Part of the west 1/2 of Section 14, T3N, R11E, City of Rochester, and City of Rochester Hills, land in "Supervisor's Plat No. 2", a subdivision recorded in Liber 54A of Plats, Page 92, Oakland County Records, said land being described as follows:

Parts of Lots 59, 61 and 62, and part of former Diversion Street, described as follows:

Beginning at the north-west corner of said Lot 59, thence N. 81°40'14" E., along the south line of South Street, 53.02 ft., thence south-easterly, along a curve to the right of radius 30.00 ft. (long chord bears S. 53°25'23" E., 42.35 ft.) an arc distance of 47.02 ft.; thence along the west line of Diversion Street, along a curve to the right of radius 950.00 ft. (long chord bears S. 06°19'31" E., 72.74 ft.) an arc distance of 72.76 ft.; and along a curve to the right of radius 950.00 ft. (long chord bears S. 00°09'07" e., 141.84 ft.) an arc distance of 141.97 ft.; and S. 04°26'00" W., 82.30 ft.; and along a curve to the right of radius 126.16 ft. (long chord bears S. 48°56'36" W., 176.87 ft.) an arc distance of 196.00 ft.; and N. 86°33'00" W., 81.53 ft. and N. 86°33'00" W., 50.28 ft. to the east line of Rochester Road, thence along said line, along a curve to the right of radius 8654.37 ft., (long chord bears N. 02°59'28" E., 43.80 ft.) an arc distance of 43.80 ft.; thence S. 84°44'04" E., 130.35 ft.; thence N. 03°51'41" E., 8.27 ft. to the south line of Lot 61; thence S. 83°58'31" E., 20.00 ft. to the south-east corner of said Lot 61; thence N. 03°48'12" E., along the east line of said Lot 61, 154.53 ft., and N. 03°34'30" E., 162.47 ft.; thence N. 87°56'09" W., 64.00 ft., thence N. 07°18'42" W., 55.00 ft. to the south line of South Street; thence along said line, N. 81°40'14" E., 76.00 ft. to the point of beginning, and containing 1.214 acres more or less.

RECORDED RIGHT OF WAY NO. 37274

SIDWELL NO 15-14-154.003 - Lot 59
15-14-154-002 - Lot 61
15-14-301-003 - Lot 59 54A092
15-14-301-006 - Lot 62
(15-14-301-004)

MEMORANDUM ORDER
FOR GENERAL USE
OF FORM MS 77 12-55

TO Records Center

DATE 7-31-87 TIME

RECORDED
RIGHT OF WAY NO.

Please set up F/W file for: Rochester Commons Office: Bldg C

Being a part of WEST 1/2 of Section 14, City of Rochester

Oakland County, Michigan

COPIES TO

SIGNED

Omer V. Racine

Omer V. Racine
264 Oakland Div. Hqters.

REPORT

AVON Twp

SEC. 14

37274



PHILIP R. SEAVER TITLE COMPANY, Inc.

100 N. Woodward / Bloomfield Hills, Michigan 48013 / (313) 647-2111 — (313) 338-7135
2290 Five Mile Road / Livonia, Michigan 48151 / (313) 415-9700
223 W. Grand River / Howell, Michigan 48843 / (517) 541-8324

QUIT CLAIM DEED
(Partnership)

BOOK 815 PAGE 130

87 49759

KNOW ALL MEN BY THESE PRESENTS: That Rochester Commons Partnership
a registered co-partnership, whose address is 44607 Oregon Trail, Plymouth, Michigan
Quit Claim(s) to Watch-Sibilla-Fortuna-Terrace Partnership
whose address is 44607 Oregon Trail, Plymouth, Michigan
the following described premises situated in the City of Rochester Hills
County of Oakland and State of Michigan, to-wit:

(See Attached)

8836 REG/DEEDS PAID
0001 MAR.18.87 03:02PM
9459 DEEDS 7.00

TITLE INSURANCE — ABSTRACTS — ESCROWS

TITLE INSURANCE — ABSTRACTS — ESCROWS

for the full consideration of one Dollar (\$1.00)
subject to The existing easements and building and use restrictions of record

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed by its duly authorized partner(s).

Dated this 5th day of March 19 87

Witnesses:

Signed and Sealed:

Sandra T. Radtke
Sandra T. Radtke

William Watch (L.S.)
By: William Watch
Rochester Commons Partnership

Janette M. Fisher
JANETTE M. FISHER

Warren Terrace
Warren Terrace

STATE OF MICHIGAN
COUNTY OF MACOMB

By _____

The foregoing instrument was acknowledged before me this 5th day of March 19 87 by William Watch and Warren Terrace on behalf of ~~MACOMB COUNTY TREASURER'S CERTIFICATE~~ Rochester Commons Partnership partners(s) partnership.

My commission expires DOMINIC B. PANICCIA
Notary Public, Macomb County, Michigan
My Commission Expires August 28 1988

Dominic B. Paniccia
Notary Public _____ County, Michigan

Instrument Drafted by Warren Terrace

Business Address 44607 Oregon Trail, Plymouth, MI

County Treasurer's Certificate

City Treasurer's Certificate

Recording Fee _____

When recorded return to Warren Terrace

State Transfer Tax _____

44607 Oregon Trail, Plymouth, Michigan

Send subsequent tax bills to BMM

1 ac Parcel # 27405

RECORDED RIGHT OF WAY NO. 32274

Land in the Cities of Rochester and Rochester Hills, County of Oakland, State of Michigan, described as:

Part of the West 1/2 of Section 14, Town 3 North Range 11 East, City of Rochester and City of Rochester Hills, land in "Supervisor's Plat No. 2" a subdivision recorded in Liber 54A of Plats, Page 92, Oakland County Records, said land being described as follows: Parts of Lots 59, 61 and 62 and part of former Diversion Street, described as follows:

Beginning at the Northwest corner of said Lot 59, thence North 81 degrees 40 minutes 14 seconds East along the South line of South Street, 53.02 feet; thence Southeasterly along a curve to the right of radius 30.00 feet (long chord bears South 53 degrees 25 minutes 23 seconds East, 42.35 feet; an arc distance of 47.02 feet; thence along the West line of Diversion Street, along a curve to the right of radius 950.00 feet (long chord bears South 106 degrees 19 minutes 31 seconds East, 72.74 feet) an arc distance of 72.76 feet; and along a curve to the right of radius 950.00 feet (long chord bears South 00 degrees 09 minutes 07 seconds East 141.84 feet) an arc distance of 141.97 feet; and South 04 degrees 26 minutes 00 seconds West, 82.30 feet; and along a curve to the right of radius 126.16 feet (long chord bears South 48 degrees 56 minutes 56 seconds West 176.87 feet) an arc distance of 196.00 feet; and North 86 degrees 33 minutes 00 seconds West, 81.53 feet and North 86 degrees 33 minutes 00 seconds West 50.28 feet to the East line of Rochester Road, thence along said line, along a curve to the right of radius 8654.37 feet, (long chord bears North 02 degrees 59 minutes 28 seconds East, 43.80 feet) an arc distance of 13.80 feet; thence South 84 degrees 44 minutes 04 seconds East, 130.35 feet; thence North 03 degrees 51 minutes 41 seconds East 8.27 feet to the South line of Lot 61; thence South 83 degrees 58 minutes 31 seconds East, 20.00 feet to the Southeast corner of said Lot 61; thence North 03 degrees 48 minutes 12 seconds East along the East line of said Lot 61, 154.53 feet and North 03 degrees 34 minutes 30 seconds East, 162.47 feet; thence North 87 degrees 56 minutes 09 seconds West 64.00 feet; thence North 07 degrees 18 minutes 42 seconds West, 55.00 feet to the South line of South Street; thence along said line, North 81 degrees 40 minutes 14 seconds East 76.00 feet to the point of beginning.

(4)
 574092

15-14-154-002 Lot 61
 15-14-154-003 Lot 59
 15-14-301-003 Lot 59
 15-14-301-006 Lot 62

RECORDED RIGHT OF WAY NO. _____

**Detroit
Edison**

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

Phone 645-4388

April 28, 1987

Mr. Warren Terrace
44607 Oregon Trail
Plymouth, MI 48170

Gentlemen:

Re: Rochester Commons Office Building


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

RECORDED RIGHT OF WAY NO. 32224

MEMORANDUM FOR
OR GENERAL USE
FORM 647-600 (4-77) 11-61

TO DEANIS DOHERTY DATE 5-21-82 TIME _____

Re: Underground Service Rochester Commons Office Bldg
Agreement and Easements obtained - OK to proceed with construction.

RIGHT OF WAY CLAIMS

COPIES TO _____ SIGNED _____

REPORT _____

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

37274

DATE RETURNED _____ TIME _____ SIGNED _____

To (Supervisor Rt. & R/W) <i>J. McDONALD</i>	For RE & R/W Dept. Use	Date Received <i>4-15-87</i>	Dist. Billing P. No. <i>DE 87-4C</i>
Division <i>OAKLAND</i>	Date	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 <i>ROCHESTER COMMONS OFFICE BLDG.</i>	County <i>OAKLAND</i>
City/Township/Village <i>ROCHESTER HILLS AND CITY OF ROCHESTER</i>	Section No. <i>14</i>
Type of Development	
<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park
	<input type="checkbox"/> Condominium
	<input checked="" type="checkbox"/> Other <i>COMMERCIAL URD</i>
2. Name of Owner <i>ROCHESTER COMMONS PARTNERS</i>	Phone No.
<i>WARREN C. TERRACE</i>	
Address	
<i>44607 OREGON TRAIL PLYMOUTH MI. 48170</i>	
Owner's Representative <i>WARREN TERRACE</i>	Phone No. <i>455-3000</i>
Date Service is Wanted <i>6-1-87</i>	

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

Phone Numbers

Addresses

6. Additional Information or Comments

RECORDED RIGHT OF WAY NO. 37274

Note: Trenching letter attached will be submitted later

Service Planner
DENNIS DOHERTY

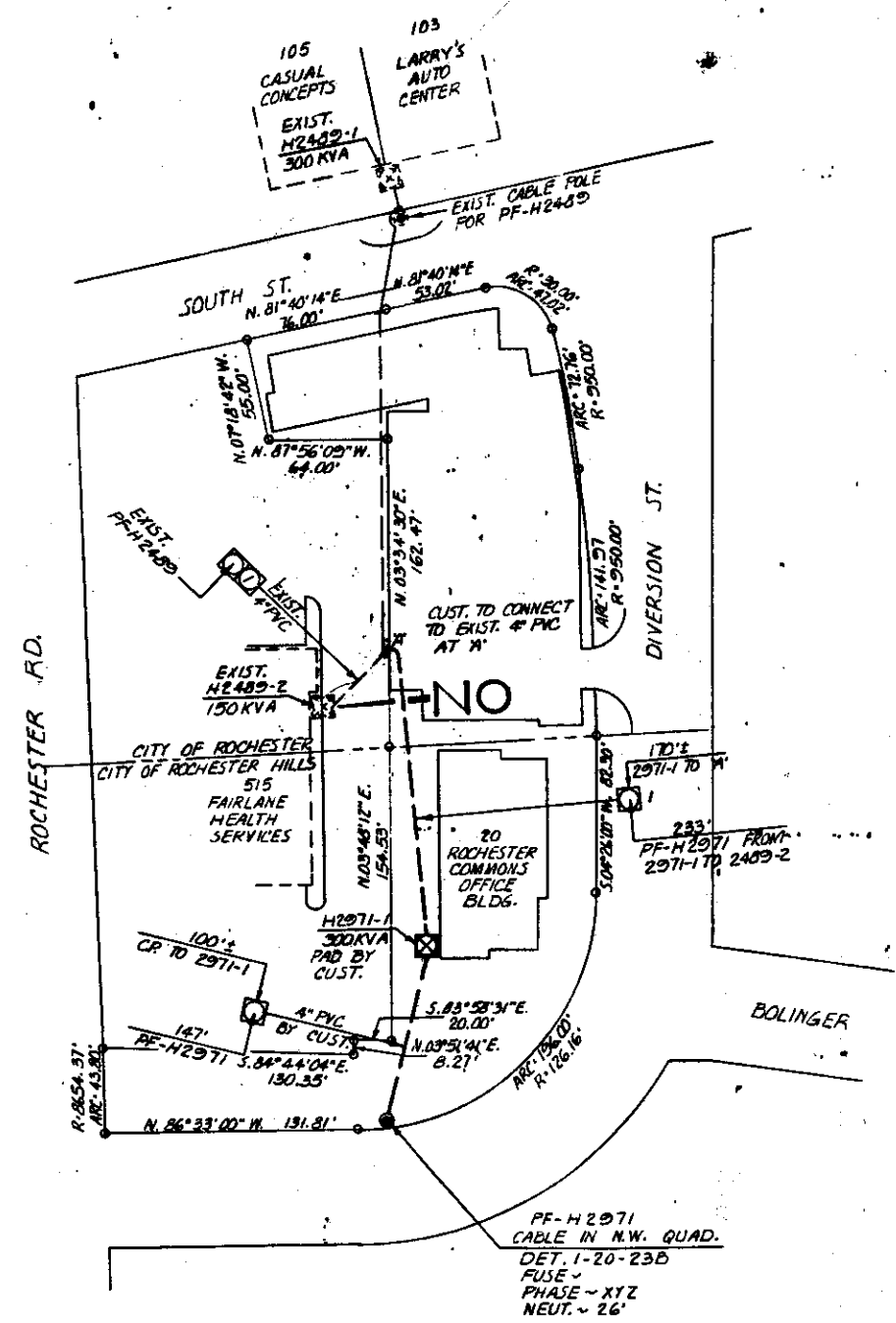
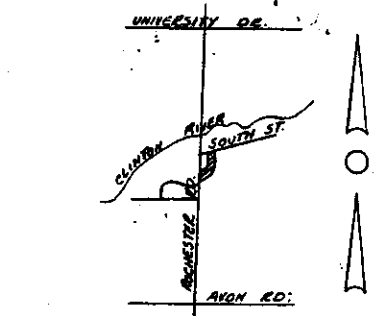
Phone No.
645-4156

Address

Signed (Service Planning Supervisor)
[Signature] *4/14/87*

NORTH
ARROW

LOCATION SKETCH



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
H2071-1	300 KVA	661-0602

TRANSFORMER SPECS. 1-17-270
 PEDESTAL SPEC.
 NO. OF PEDESTALS
 NO. OF TEMPORARY CABLE MARKERS
 TEMPORARY CABLE MARKER SPEC.
 SECONDARY CONNECTION BOX SPEC.

— CODE —

- ⊕ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ⊞ DFT (DEAD FRONT TYPE)
- UDT (NON-SWITCHING—LIVE FRONT TYPE)
- ⊞ UDT (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 CABLE
- BURIED SECONDARY SERVICE CABLE
- DETROIT EDISON TRENCH ONLY
- TELEPHONE TRENCH ONLY
- SEWER
- WATER
- GAS
- PROPOSED CONDUIT
- ⊞ SEP CONN CABINET

CABLE SUMMARY

ITEM #	DESCRIPTION	3076	713-3082	713-0537	713-0614
1	2971-1 TO 2409-2	3076	713-3082	713-0537	713-0614
2	AP2-350M & 1-40 800 V.				
3	AP2-20 & 1-41 800 V.				

TRENCH SUMMARY

JOINT USE	D.E. ONLY	TEL. ONLY	GAS ONLY	OTHERS	TOTAL

SITE SUPT. AL SIBILLA PHONE NO. 591-1166

— GENERAL NOTES —

TRENCHING TO BE DONE BY CUSTOMERS DUCT
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS.
 SEE PAGE 32-11 SLMJ DETAIL " " FOR ENTRANCE POINT DETAILS (APTS. ONLY)
 SEE SECTION 48 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUBS ONLY)
 D.E. SERVICE PLANNER: DENNIS DOHERTY ~ 645-4156
 TEL. CO.:
 GAS CO.:
 OTHERS:
 CONTACT "MISS DIG" (800-482-7171) BEFORE DOING ANY EXCAVATION.
 EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

CITY OF _____ COUNTY, NOTIFICATION ONLY. ROCH. HILLS
 STATE YES NO

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

START DATE ~ 1-20-87

D	C	B	A	REFERENCE	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY		
				URD AVN-76	D. STORK	12-30-86	ROCHESTER COMMONS OFFICE BLDG. W.Y2 SEC. 14	SCALE	NUMBER OF UNITS	WORK ORDER NUMBER
					Checked by	1-5-87		1"=50'	1	36784J262
					Approved by	1-5-87		LATEST REVISION	DISTRIBUTION CIRCUIT	
						1-5-87			8820 SPOKANE ~ 13.2 KV.	
								DEPT. ORDER NUMBER		
								86A-64349		
										SHEET _____ OF _____ SHEETS

RECORDED RIGHT OF WAY NO. 37274