

Right of Way Agreement

(A761539)

July 28, 19 82

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 Fraser, Macomb 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 12 feet in width unless otherwise indicated and their route described as follows:

RECORDED IN MACOMB COUNTY  
RECORDS AT: 2:30 P.M.  
JUN 14 1983

"See attached Appendix B"

RECORDED IN MACOMB COUNTY  
RECORDS AT: 12:10 P.M.  
AUG 23 1982

Edna Miller  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

Edna Miller  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY  
35122

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 transformer, 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:

Peter DuPont  
Peter DuPont  
Gary J. Podulka  
Gary J. Podulka

L. and B. Builders, Inc.  
a Michigan Corporation  
Joseph Barretta, Pres.  
Philip Leone, Secy.

RETURN TO: 2

Prepared By: Robert H. Rehe  
15600 Nineteen Mile Road  
Mt. Clemens, Michigan 48044

Address: 29130 Geraldine  
Warren, Michigan 48089

BEING RE-RECORDED TO ATTACH APPENDIX B

RETURN TO  
R. R. CUNNINGHAM  
DETROIT EDISON COMPANY  
15600 NINETEEN MILE ROAD  
MT. CLEMENS, MICHIGAN 48044

STATE OF MICHIGAN

County of Macomb )  
 ) SS

On this 28th day of July, A.D. 19 82, before me,  
the subscriber, a notary public in and for said County, appeared Joseph Barretta

Phillip Leone  
and Phillip Leone  
to me personally known, who being by me duly sworn did say that they are the President  
and Secretary of  
L. and B. Builders, Inc. a Michigan Corporation

and that the seal affixed to said instrument is the corporate seal of said corporation and said instrument was signed  
and sealed in behalf of said corporation by authority of its board of directors and \_\_\_\_\_

\_\_\_\_\_ and \_\_\_\_\_  
acknowledged said instrument to be the free act and deed of said corporation.

Robert H. Rehe  
Robert H. Rehe  
Notary Public, Oakland County, Michigan  
acting in Macomb

My commission expires: 2-11-84

DE 963-1184 10-79 CS

RECORDED RIGHT OF WAY

35/22

Appendix "A"

Town 1 north, range 13 east, section 6, part of the north 1/2 of section 6 described as: Beginning at a point on north and south 1/4 line of section 6, distant south 02 degrees 29 minutes 53 seconds west 1349.80 feet from north 1/4 post of said section 6; thence south 87 degrees 04 minutes 51 seconds east 94.92 feet; thence along arc of curve to left 168.21 feet, radius of 1465.69 feet, central angle 06 degrees 34 minutes 32 seconds and chord bearing south 36 degrees 52 minutes 17 seconds west 168.12 feet to point on the north/south 1/4 line; thence south 02 degrees 29 minutes 53 seconds west 65.39 feet along said 1/4 line; thence south 31 degrees 52 minutes 20 seconds west 108.90 feet; thence north 87 degrees 13 minutes 30 seconds west 462.99 feet; thence north 22 degrees 08 minutes west 27.59 feet; thence north 26 degrees 51 minutes west 105.0 feet; thence north 23 degrees 22 minutes 30 seconds west 143.0 feet; thence north 11 degrees 05 minutes west 57.0 feet; thence south 87 degrees 13 minutes 30 seconds east 655.15 feet to the point of beginning, including lot 35 of ASSESSOR'S PLAT NO. 2, as recorded in liber 14, page 26 of Plats.

RETURN TO  
R. R. CUNNINGHAM  
DETROIT EDISON COMPANY  
15600 NINETEEN MILE ROAD  
MT. CLEMENS, MICHIGAN 48044

RIN Township

**Detroit Edison**  
MACOMB DIVISION

Date: October 26, 1984

To: Records Center

From: Robert R. Cunningham *RRC*  
Supervisor - Real Estate, Rights of Way and Claims

Subject: Right of Way Agreement for Underground Residential Distribution for Fruehauf Heights Subdivision No. 3, located in Part of the North 1/2 of Section 6, Town 1 North, Range 13 East, City of Fraser, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement dated July 28, 1982 for the above named project. Also enclosed are other pertinent papers relative to this project.

Easement for this project was requested by Peter DuPon of the Service Planning Department, Macomb Division. The Agreement was negotiated by Michael J. McCabe, Representative of Real Estate, Rights of Way and Claims, Macomb Division.

Detroit Edison made this agreement with Joseph Barretta, President of L and B Builders, Inc. the developers of Fruehauf Heights Subdivision No. 3.

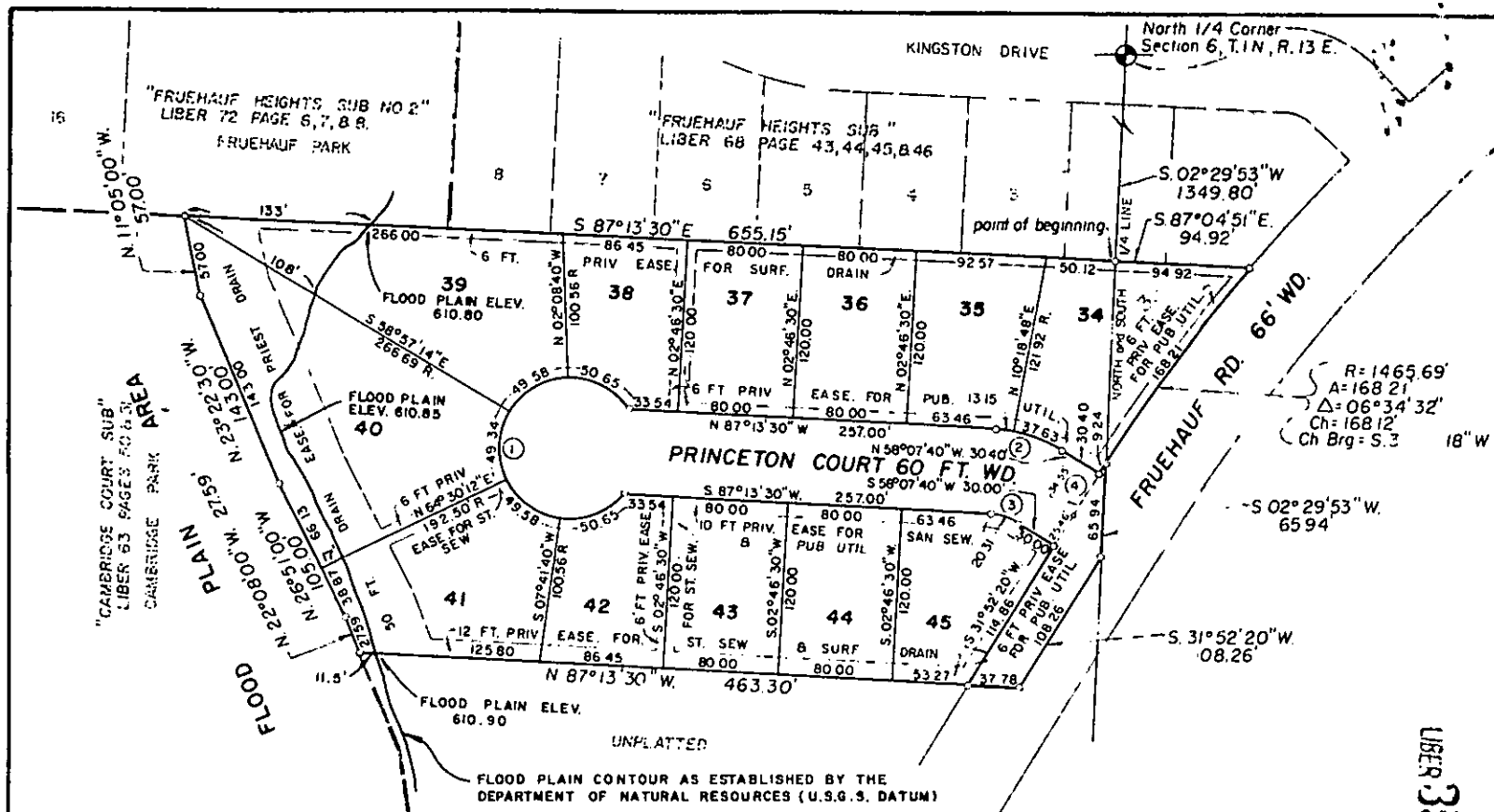
Please make the attached papers a part of recorded Rights of Way File.

RRC/caw

Attachment

RECORDED RIGHT OF WAY 35122

PROPOSED FRUEHAUF HEIGHTS, #3 - APPENDIX "B"



I, GERALD J. LINDMEHR, SURVEYOR CERTIFY:

That I have surveyed, divided and mapped the land shown on this plat described as follows: "FRUEHAUF HEIGHTS SUBDIVISION NO. 3", part of the N. 1/2 of Section 6, T. 1 N., R. 13 E., City of Fraser, Macomb County, Michigan.

Comprising lot 34 to 45, both inclusive; partially being a replat of lot 35 of "Assessor's Plat No. 2", as recorded in Liber 14 of Plats on page 26 of the Macomb County Records; beginning at the intersection point of the N. 1/4 line of said section 6, with the South line of "Fruehauf Heights Subdivision", as recorded in Liber 68 of Plats on pages 43, 44 and 45 of the Macomb County Records, being a distance of 1349.80 feet S. 02°29'53" W. of the N. 1/4 post of said Section 6; thence S. 87°04'51" E. 94.92 feet; thence 168.21 feet along the arc of a curve concaved to the East, having a radius of 1465.69 feet

LIBER 3508 p. 270

RECORDED RIGHT OF WAY 35122

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