

LIBER 3710 PAGE 361

(LIBER 3615 PAGE 286)

(A856925)

Detroit Edison

Right of Way Agreement

A904929

April 9, 19 84

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 MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 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 Warren, Macomb 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 10 feet in width unless otherwise indicated and their route is described as follows: The exact location of said easements will be as shown on a drawing to be recorded within 90 days after construction.

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, employees 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 hand and seal on this date.

Witnesses:

Grantors:

X Rita Manzella  
 Rita Manzella  
 X Mary Simpson  
 Mary Simpson

RECORDED IN MACOMB COUNTY  
 RECORDS AT: 8:31 A.M.  
 DEC 18 1984

CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

VENTURA ASSOCIATES  
 Michigan Co-Partnership  
 MJC HOMES, INC.  
 a Michigan Corporation  
 BY: Michael A. Chirco  
 SEMI, INC  
 a Michigan Corporation  
 PRESIDENT

Prepared By: Michael J. McCabe  
 15600 - 19 Mile Road  
 Mt. Clemens, MI 48044

Address: BY: Dominic Mocerri  
 Dominic Mocerri  
 PRESIDENT

RECORDED IN MACOMB COUNTY  
 RECORDS AT: 8:38 A.M.  
 APR 18 1984

CLERK - REGISTER OF DEEDS

50887 Van Dyke  
 Utica, MI 48087

BEING RE-RECORDED TO CHANGE LEGAL DESC.

RECORDED RIGHT OF WAY NO. 35275

72

SECRET

1961-0176

SECRET

RECORDED RIGHT OF WAY NO. \_\_\_\_\_

RECORDED RIGHT OF WAY NO. \_\_\_\_\_  
A183

1961-0176

CORPORATION

STATE OF MICHIGAN

LIBER 3710 PAGE 362

County of Macomb ) SS

LIBER 3615 PAGE 287

On this 9 th day of April, A.D. 19 84, before me,

the subscriber, a notary public in and for said County, appeared Michael A. Chirco  
and Dominic Mocerì

to me personally known, who being by me duly sworn did say that they are the PRESIDENT  
and PRESIDENT of

MJC HOMES INC AND SEMI INC, 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 MICHAEL A.  
CHIRCO and DOMINIC MOCERI

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

~~Notary Public, Macomb County, Michigan  
My Commission Expires April 12, 1987~~

Michael J. McCabe  
Notary Public, Macomb County, Michigan  
MICHAEL J. McCABE  
MACOMB COUNTY  
COMMISSION EXPIRES 3-14-88  
DE 563-4182 10-75 CS

My commission expires: \_\_\_\_\_

APPENDIX "A"

~~"HEATHER RIDGE CONDOMINIUMS, STEP 5", part of the Southeast quarter of Section 12, Town 1 North, Range 12 East, City of Warren, Macomb County, Michigan and being more particularly described as: beginning at the East quarter post of Section 12; thence S 05° 10' 00" W 918.46 feet along the East line of Section 12; thence N 85° 46' 31" W 732.45 feet; thence S 04° 39' 00" W 30.00 feet; thence N 85° 21' 00" W 562.00 feet to the centerline of Gloede Avenue (60.00 feet wide); thence N 04° 39' 00" E 852.48 feet along the centerline of said Gloede Avenue to the East-West quarter line of Section 12; thence S 89° 48' 00" E 1306.65 feet along said quarter line to the point of beginning.~~

APPENDIX "A"

"HEATHER RIDGE CONDOMINIUMS, STEP 5", A parcel of land located in and being a part of the Southeast 1/4 of Section 12, Town 1 North, Range 12 East, City of Warren, Macomb County, Michigan, and is more particularly described as beginning at a point in the East line of said Section 12, a distance of 923.90 feet S 05° 10' West of the East 1/4 post of said Section 12; thence continuing S 05° 10' West 678.20 feet along the said East line of Section 12; thence N 89° 08' 03" West 512.86 feet; thence N 04° 39' East 581.69 feet; thence N 89° 08' 03" West 215.00 feet; thence N 04° 39' East 144.52 feet; thence S 85° 21' East 732.38 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 35275

A908804

STATE OF MICHIGAN

County of MACOMB ) SS

Robert R. Cunningham, Supervisor, Real Estate, Rights of Way and <sup>Claims</sup> of The Detroit Edison Company Detroit, Michigan, being duly sworn deposes and says:

THAT Ventura Associates granted an easement to The Detroit Edison Company and the Michigan Bell Telephone Company dated the 9th day of April, 19 84. Said easement was recorded in the office of the Register of Deed of Macomb County, Michigan on the 18th day of April, 19 84 in Liber 3710 Page 361, and being more particularly described as: City Warren, County of Macomb, State of Michigan.

"HEATHER RIDGE CONDOMINIUMS, STEP 5", A parcel of land located in and being a part of the Southeast 1/4 of Section 12, Town 1 North, Range 12 East, City of Warren, Macomb County, Michigan, and is more particularly described as beginning at a point in the East line of said Section 12, a distance of 923.90 feet S 05° 10' West of the East 1/4 post of said Section 12; thence continuing S 05° 10' West 678.20 feet along the said East line of Section 12; thence N 89° 08' 03" West 512.86 feet; thence N 04° 39' East 581.69 feet; thence N 89° 08' 03" West 215.00 feet; thence N 04° 39' East 144.52 feet; thence S 85° 21' East 732.38 feet to the point of beginning.

RECORDED IN MACOMB COUNTY RECORDS AT: 12:01 P. M. JAN 10 1985 Edna Hill CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED RIGHT ON WAY NO. 35275

Deponent further states that on behalf of The Detroit Edison Company and the Michigan Bell Telephone Company the underground easement locations, as in said grant provided, are established by a drawing dated June 6, 1984 and attached hereto, as required in said grant. Public Act 53 of 1974 requires anyone, prior to any power excavating, to telephone Miss Dig on 1-800-482-7171 for exact location of underground equipment.

Further Deponent sayeth not.

Witness:

X Michael J. McCabe  
Michael J. McCabe  
X Carol A. Wuschack  
Carol A. Wuschack

Robert R. Cunningham (L.S.)  
Robert R. Cunningham, Supervisor  
Real Estate, Rights of Way and Claims

STATE OF MICHIGAN

SS

COUNTY OF MACOMB

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by Robert R. Cunningham, Supervisor, Real Estate, Rights of Way and Claims

Prepared By:

Michael J. McCabe  
15600 - 19 Mile Road  
Mt. Clemens, Michigan 48044

Michael J. McCabe  
Notary Public, \_\_\_\_\_ County, MI  
My Commission Expires: \_\_\_\_\_

MICHAEL J. McCABE  
Notary Public, Macomb County, MI  
My Commission Expires Mar. 14, 1988

Ret

11

Date: January 18, 1985  
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 Heather Ridge Condominiums, Step 5,  
Located in part of the Southeast 1/4 of Section 12,  
Town 1 North, Range 12 East, City of Warren, Macomb  
County, Michigan.

Attached for Records Center are the executed Right of Way Agreement,  
dated April 9, 1984, and Affidavit for above named project. Also  
enclosed are other pertinent papers relative to this project.

Easement for this project was requested by Glen Smith 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 Company and Michigan Bell Telephone Company made  
this agreement with Michael A. Chirco, President of Ventura Associates,  
and Dominic Mocerri, President of Semi, Inc., the developers of  
Heather Ridge Condominiums, Step 5.

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

RRC/caw

Attachment

RECORDED RIGHT OF WAY NO. 35215

LIBER 3717 PAGE 820

LIBER 3717 PAGE 821

LIBER 3717 PAGE 822

LOCATION SKETCH

U. G. MAP SEC. NOS.

STEP - 3 TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
0456-7	50	661-1152
8	50	
9	50	
10	50	
3252-7	50	261-1152

STEP-3

CABLE SUMMARY

ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'  
 5% ADDED ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'

TRENCH SUMMARY

JOINT USE 1322' 1291'  
 D. E. ONLY 322' 307'  
 TEL. ONLY 1400'  
 TOTAL 1653'

DEPT. ORDER NO. 78A-74716  
 WORK ORDER NO. 367897123  
 NO. OF UNITS 25  
 NO. OF PEDESTALS 10  
 SERVICE PLANNER G. SMITH 286-9420  
 TEL. CO. REP. J. GREEN 717-2280  
 SITE SUPER. S. HANSEN 774-1030

TRANSFORMER SPECS.

PEDESTAL SPEC. 3-42

NO. OF PEDESTALS 10

- CODE -

- TEMPORARY SECONDARY PEDESTAL
- DFT IDEAD FRONT TYPE
- DFT IRON SWITCHING-LIVE FRONT TYPE
- DFT IRON SWITCHING-LIVE FRONT TYPE
- DIRECTION OF TRANSFORMER DOOR OPENING
- SECONDARY PEDESTAL
- SECONDARY TERMINAL
- 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

CABLE SUMMARY

ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'  
 5% ADDED ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'

TRENCH SUMMARY

JOINT USE 2425' 2336'  
 D. E. ONLY 1055'  
 TEL. ONLY 497'  
 TOTAL 3977' 4025'

SITE SUPT.

PHONE NO.

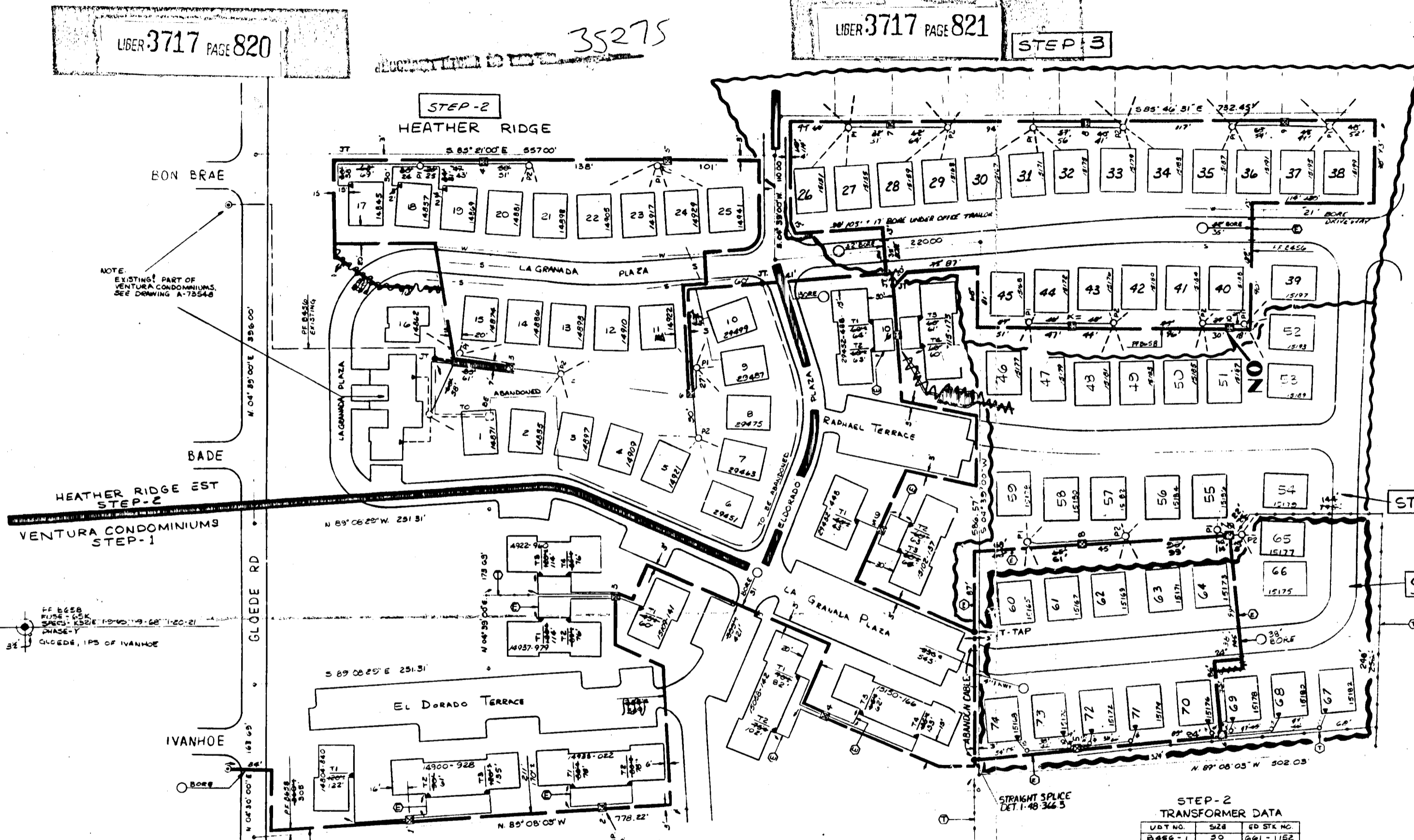
- GENERAL NOTES -

TRENCHING TO BE DONE BY DE 50  
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.  
 SEE DRAWING UH1288 FOR TRANS. MAT. DETAILS.  
 SEE PAGE 32.11 (S.I.M.) DETAIL " " FOR ENTRANCE  
 POINT DETAILS (APTS. ONLY).  
 SEE DRAWING UI-2283 FOR PLACEMENT OF CABLES,  
 TRANSFORMERS AND PEDESTALS (SUBS. ONLY).  
 D. E. SERVICE PLANNER: G. SMITH 286-9420  
 TEL. CO. REP. J. GREEN 717-2280

CONTACT "MISS DIG" (6477-344) BEFORE  
 DOING ANY EXCAVATION.  
 EASEMENTS INDICATED BY OUR CENTERLINES ARE 16'  
 SIX FEET IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

Notification City of Warren



NOTE:  
 EXISTING PART OF  
 VENTURA CONDOMINIUMS,  
 SEE DRAWING A-75548

HEATHER RIDGE EST  
 STEP-2  
 VENTURA CONDOMINIUMS  
 STEP-1

FF 6658  
 MADE - GSK  
 SPECIAL ASSIE 10-10-19-68 11-20-21  
 DWG-5  
 QUOTE, 1PS OF IVANHOE

STEP 5 TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
0658-5	25	661-1151
6	25	661-1151

STEP-5 CABLE SUMMARY

ITEM# #2AP2C X 1 132 KV 713-3029 544' 527'  
 ITEM# #2AP2C X 1 132 KV 713-3029 544' 527'  
 ITEM# #2AP2C X 1 132 KV 713-3029 544' 527'

TRENCH SUMMARY

JOINT USE 675' 675'  
 D. E. ONLY 675' 675'  
 TEL. ONLY 675' 675'  
 TOTAL 675' 675'

DEPT. ORDER NO. 83A-74160  
 WORK ORDER NO. 367897123  
 NO. OF UNITS 14  
 SERVICE PLANNER G. SMITH 286-9420  
 TEL. CO. REP. J. GREEN 717-2280  
 SITE SUPER. S. HANSEN 774-1030

STEP-4 TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
0658-5	25	661-1151
6	25	661-1151

TRENCH SUMMARY

JOINT USE 218' 227'  
 D. E. ONLY 145' 155'  
 TEL. ONLY 420' 411'  
 TOTAL 783' 793'

DEPT. ORDER NO. 83A-74160  
 WORK ORDER NO. 367897123  
 NO. OF UNITS 14  
 SERVICE PLANNER G. SMITH 286-9420  
 TEL. CO. REP. J. GREEN 717-2280  
 SITE SUPER. S. HANSEN 774-1030

STEP-4 CABLE SUMMARY

ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'  
 5% ADDED ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'

TRENCH SUMMARY

JOINT USE 1141'  
 D. E. ONLY 304' 280'  
 TEL. ONLY 133' 136'  
 TOTAL 1577' 1557'

DEPT. ORDER NO. 83A-74160  
 WORK ORDER NO. 367897123  
 NO. OF UNITS 25  
 NO. OF PEDESTALS 7  
 SERVICE PLANNER G. SMITH 286-9420  
 TEL. CO. REP. J. GREEN 717-2280  
 SITE SUPER. S. HANSEN 774-1030

STEP-2 TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
0456-7	50	661-1152
8	50	
9	50	
10	50	

CABLE SUMMARY

ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'  
 5% ADDED ITEM# #2AP2C X 1 132 KV 713-3029 1400' 140'

TRENCH SUMMARY

JOINT USE 1141'  
 D. E. ONLY 304' 280'  
 TEL. ONLY 133' 136'  
 TOTAL 1577' 1557'

DEPT. ORDER NO. 83A-74160  
 WORK ORDER NO. 367897123  
 NO. OF UNITS 25  
 NO. OF PEDESTALS 7  
 SERVICE PLANNER G. SMITH 286-9420  
 TEL. CO. REP. J. GREEN 717-2280  
 SITE SUPER. S. HANSEN 774-1030

STEP-2 TITLE BLOCK

D.O. A-74209  
 START 11-23-79  
 FINISH 11-23-79  
 TECH. F. OSBORNE  
 LABOR UNION ENG. CO.  
 SPICING D.E. CO.  
 SUPRV. T. DAVIS  
 RECORDS L. GIARDINI

STEP 3 TITLE BLOCK

D.O. A-74209  
 START 11-23-79  
 FINISH 12-15-79  
 TECH. F. OSBORNE  
 LABOR UNION ENG. CO.  
 SPICING D.E. CO.  
 SUPRV. T. DAVIS  
 RECORDS L. GIARDINI

STEP-1 TITLE BLOCK

D.O. A-74209  
 START 11-23-79  
 FINISH 12-15-79  
 TECH. F. OSBORNE  
 LABOR UNION ENG. CO.  
 SPICING D.E. CO.  
 SUPRV. T. DAVIS  
 RECORDS L. GIARDINI

STEP-1 TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
0456-7	50	661-1152
8	50	
9	50	
10	50	

NO.	REVISION	DATE	BY	DESCRIPTION
1	REVISED TO SHOW AS INSTALLED STEP 4	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
2	REVISED TO SHOW STEP 5	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
3	REVISED TO SHOW RELOCATION OF BLDG'S EL 87 AND THE RE-ROUTE OF CABLE STEP 3	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
4	REVISED TO SHOW RE-ROUTE OF CABLE AND TAGGING	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
5	REVISED TO SHOW RE-ROUTE OF CABLE AND TAGGING	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
6	REVISED TO SHOW RE-ROUTE OF CABLE AND TAGGING	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
7	REVISED TO SHOW RE-ROUTE OF CABLE AND TAGGING	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
8	REVISED TO SHOW RE-ROUTE OF CABLE AND TAGGING	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
9	REVISED TO SHOW RE-ROUTE OF CABLE AND TAGGING	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2
10	REVISED TO SHOW RE-ROUTE OF CABLE AND TAGGING	9-26-79	G. SMITH	REVISED TO SHOW AS INSTALLED IN FIELD STEP 2

HEATHER RIDGE ESTATES

VENTURA CONDOMINIUMS  
 PART OF THE S.E. 1/4 OF SEC. 12  
 CITY OF WARREN  
 MACOMB CO. MICH.

THE DETROIT ENGINE COMPANY  
 SERVICE PLANNING DEPARTMENT  
 NUMBER OF UNITS 25  
 STEP-1 78A-74209  
 STEP-2 83A-74160  
 STEP-3 83A-74160  
 STEP-4 83A-74160  
 STEP-5 83A-74160

SCALE 1" = 50'  
 SHEET 1 OF 1  
 DC 8400 BENSON 132KV

RECORDED BY AVM ON 10-10-79