

Detroit Edison

Right of Way Agreement

A935029

May 7, 19 85

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 Township of Shelby, 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: As shown on attached Appendix "B"

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 hand and seal on this date.

Witnesses:

X Robert W. Lindh
Robert W. Lindh

Judy D. Hernden
Judy D. Hernden

X _____

Grantors:

SHELBY WOODS PROPERTIES, INC.
a Michigan Corporation

BY: Daniel A. Peyerck
Daniel A. Peyerck, President

BY: A. Fares Atassi
A. Fares Atassi, V.P.

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

Address: 48800 Van Dyke
Utica, Michigan 48087

RECORDED IN MACOMB COUNTY
RECORDS AT: 12:41 P.M.

MAY 21 1985

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

19-

RECORDED RIGHT OF WAY NO. 35575

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RECORDED RIGHT OR ANY NO. _____

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CORPORATION

LIBER 3766 PAGE 888

STATE OF MICHIGAN

County of MACOMB) SS)

On this 7th day of May, A.D. 19 85, before me, the subscriber, a notary public in and for said County, appeared Daniel A. Peyerk

and A. Fares Atassi to me personally known, who being by me duly sworn did say that they are the President and Vice President of Shelby Woods Properties, Inc.

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

Judy D. Hernden Notary Public, Macomb County, Michigan

My commission expires: May 8, 1985

DE 963-4182 10-79 CS

APPENDIX "A"

"PROPOSED SHELBY WOODS SUBDIVISION #3," located in part of the Northeast 1/4 and part of the Northwest 1/4 of Section 27, Town 3 North, Range 12 East, Shelby Township, Macomb County, Michigan; Commencing from the North 1/4 corner of Section 27, Town 3 North, Range 12 East, Shelby Township, Macomb County, Michigan; thence S 89°09'07" E 451.34 feet along the North line of Section 27 which is the centerline of 22 Mile Road to the point of beginning; thence S 89°09'07" E 199.48 feet along the North line of Section 27 which is the centerline of 22 Mile Road; thence S 00°21'13" W 1960.19 feet to a point on the North line of "Supervisor's Plat of Rhodas Little Farms No. 1" as recorded in Liber 22, Page 30 of the Macomb County Records; thence N 88°56'44" W 671.33 feet along the North line of "Supervisor's Plat of Rhodas Little Farms No. 1" to a point on the East line of "Supervisor's Plat of Rhodas Little Farms" as recorded in Liber 22, Page 31 of the Macomb County Records; thence N 00°16'38" E 640.22 feet measured (640.83 feet record) along the East line of "Supervisor's Plat of Rhodas Little Farms"; thence S 89°12'09" E 33.00 feet; thence N 00°16'38" E 511.20 feet to a point on the South line of "Shelby Woods Subdivision No. 2" as recorded in Liber 78, Pages 18 and 19 of Macomb County Records; thence along the South and East lines of Shelby Woods Subdivision No. 2" the following six courses, S 89°43'22" E 263.82 feet; and N 00°32'09" W 534.07 feet; and S 89°12'09" E 101.88 feet; and S 86°02'04" E 88.38 feet; and along a curve to the right whose radius is 367.00 feet, a central angle of 11°42'32", whose chord bears N 05°00'23" W, a distance of 74.87 feet and arc distance of 75.00 feet; and N 00°50'53" E 200.00 feet to the point of beginning.

RECORDED RIGHT OF WAY NO.

35575

Date: June 6, 1985

To: Records Center

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

Subject: Right of Way Agreement for Underground Residential
Distribution for Shelby Woods Subdivision, #3 located
in part of the Northeast 1/4 and part of the Northwest
1/4 of Section 27, Town 3 North, Range 12 East, Shelby
Township, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated May 7, 1985 for above named project. Also enclosed are other pertinent papers relative to this project.

Easement for this project was requested by Phil Howard of the Service 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 Shelby Woods Properties, Inc., Daniel A. Peyerk, President and A. Fares Atassi, V.P., the developers of Shelby Woods Subdivision, #3.

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

RRC/caw

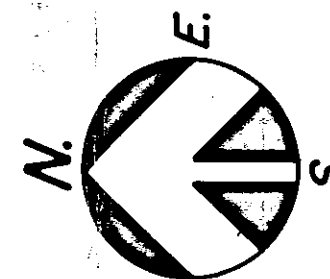
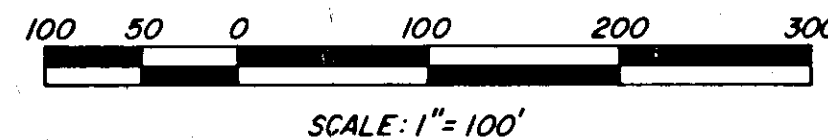
Attachment

RECORDED RIGHT OF WAY NO. 35575

THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH WHICH ARE RECORDED IN LIBER PAGE _____ OF RECORDS OF THE COUNTY.

"SHELBY WOODS SUBDIVISION NO. 3"

PART OF THE N.E. 1/4 AND PART OF THE N.W. 1/4 OF SECTION 27, T.3N., R.12E., SHELBY TOWNSHIP, MACOMB COUNTY, MICHIGAN

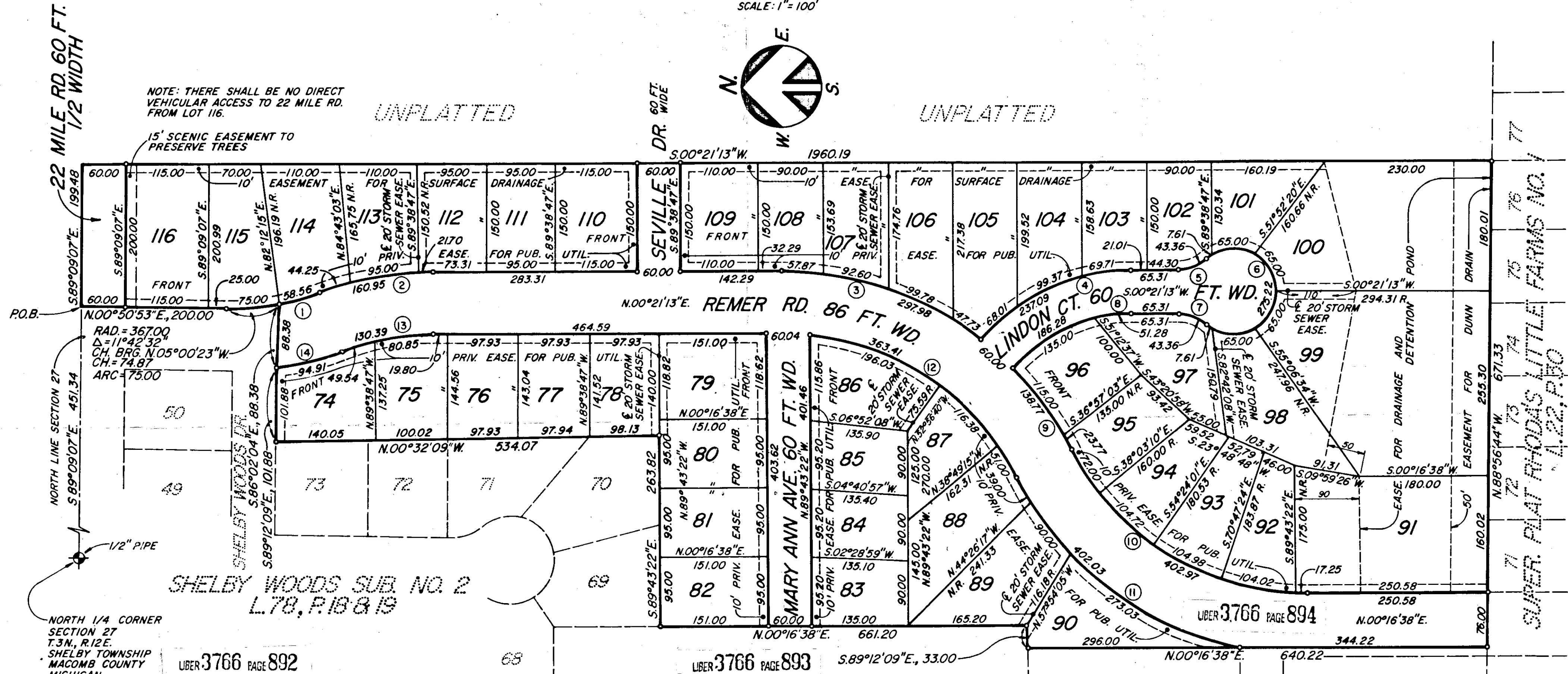


PROPOSED SHELBY WOODS SUBDIVISION #3
APPENDIX "B"

NOTE: THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO 22 MILE RD. FROM LOT 116.

UNPLATTED

UNPLATTED



NORTH 1/4 CORNER SECTION 27 T.3N., R.12E. SHELBY TOWNSHIP MACOMB COUNTY MICHIGAN

SHELBY WOODS SUB. NO. 2 L.78, P.18 & 19

LIBER 3766 PAGE 892

LIBER 3766 PAGE 893

LIBER 3766 PAGE 894

CURVE DATA

CURVE	RADIUS	DELTA	C.H.	C.H. BEARING
1.	58.56	367.00	09° 08' 33"	58.50 N. 15° 25' 56" W.
2.	160.95	453.00	20° 21' 25"	160.10 N. 09° 49' 30" W.
3.	297.98	453.00	37° 41' 18"	292.63 N. 19° 11' 52" E.
4.	237.09	280.00	48° 30' 52"	230.07 N. 23° 54' 13" W.
5.	43.36	60.00	41° 24' 35"	42.43 N. 20° 21' 05" W.
6.	275.22	60.00	262° 49' 10"	90.00 S. 89° 38' 47" E.
7.	43.36	60.00	41° 24' 35"	42.43 S. 21° 03' 31" W.
8.	186.28	220.00	48° 30' 52"	180.77 S. 23° 54' 13" E.
9.	138.77	453.00	17° 33' 05"	138.23 N. 54° 24' 44" E.
10.	402.97	367.00	62° 54' 38"	383.03 N. 31° 43' 57" E.
11.	402.03	453.00	50° 50' 55"	388.96 S. 37° 45' 49" W.
12.	363.41	367.00	56° 44' 08"	348.74 S. 34° 49' 12" W.
13.	130.39	367.00	20° 21' 25"	129.71 S. 09° 49' 30" E.
14.	94.91	453.00	12° 00' 14"	94.73 S. 14° 00' 05" E.

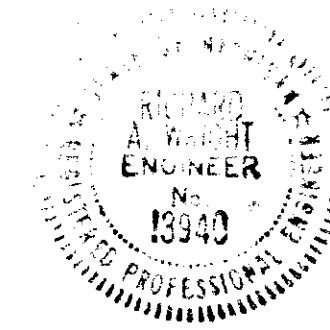
UNPLATTED

SUPER. PLAT RHODAS LITTLE FARMS L.22, P.31

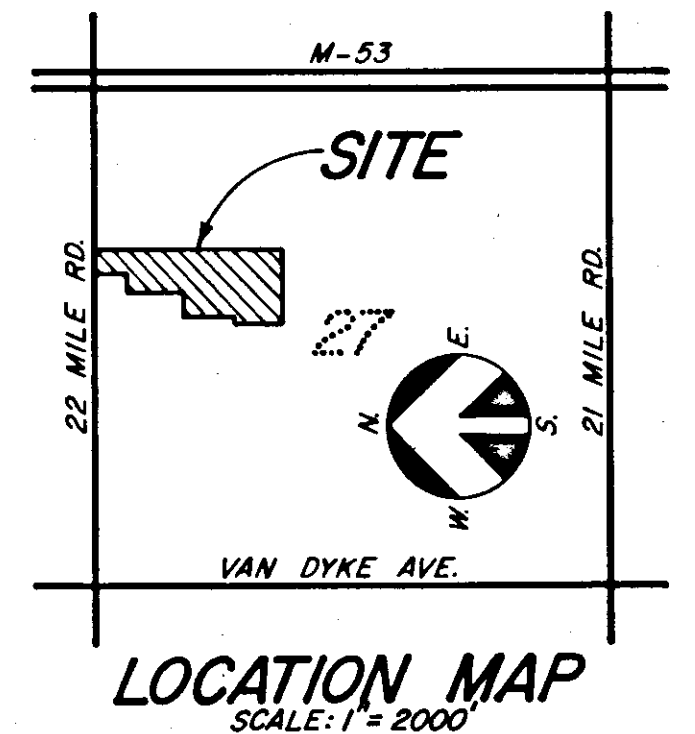
LEGEND

- ALL DIMENSIONS ARE IN FEET.
- ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
- R-DENOTES RADIAL.
- N.R.-DENOTES NOT RADIAL.
- THE SYMBOL "o" INDICATES A CONCRETE MONUMENT.
- ALL LOT MARKERS ARE 1/2" IRON BARS 18" LONG.
- ALL BEARINGS IN THIS PLAT ARE IN RELATION TO THE EAST LINE OF SHELBY WOODS SUBDIVISION NO. 2 OF SHELBY TOWNSHIP, RECORDED IN LIBER 78, PAGES 18 AND 19 OF THE MACOMB COUNTY RECORDS.

RECORDED RIGHT OF WAY 3 5575



Richard A. Wright



RECORDED RIGHT OF WAY NO. 35575

35575

127M070 O. CAROL WUSCHACK