

Detroit Edison

Real Estate & Rights of Way  
Joint Underground Residential Distribution  
Right of Way Agreement

October 1, 19 86

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation, of 2000 Second Avenue, Detroit, Michigan and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "UTILITY", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and required to provide communication and electric services in, under, upon, over and across the property located in the Township \_\_\_\_\_ of Clinton County of Macomb State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the UTILITIES of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be 10 feet in width unless otherwise indicated and the route is described as follows:  
See attached Appendix "B"

RECORDED IN MACOMB COUNTY  
RECORDS AT: 1:18 P. M.  
OCT 14 1986  
*Edna Hill*  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 36594

- In order to provide for the proper maintenance and protection of UTILITY, the undersigned covenant and agree that:
1. The right of way will be graded to within four inches of final grade before the UTILITY'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around UTILITY'S above ground equipment.
  2. No buildings or structures other than UTILITY'S equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of UTILITY.
  3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. UTILITY 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 right of way causing an interference with UTILITY'S maintenance of their equipment.
  4. If the lines or facilities of UTILITY 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 property 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(s) on the date of this agreement.

Witnesses:

*Darrel D. Swain*  
\_\_\_\_\_  
Darrel D. Swain

X *Pamela R. Davis*  
\_\_\_\_\_  
Pamela R. Davis

Grantors:

RIVERGATE  
a Registered Michigan Co-Partnership

*John A. Boll*  
\_\_\_\_\_  
John A. Boll

*C.G. Kellogg*  
\_\_\_\_\_  
C.G. Kellogg

Prepared by:

*Michael J. McCabe*  
\_\_\_\_\_  
45600 - 19 Mile Road  
Mt. Clemens, Michigan 48044

Address:

*19500 Hall Road*  
\_\_\_\_\_  
Mt. Clemens, Michigan 48044

4500

Acknowledgement-Individual

STATE OF MICHIGAN

County of Macomb )SS

On this 1st day of October, 19 86, the foregoing instrument was acknowledged before me, a notary public in and for said county, by John A. Boll, Co-Partner and Charles G. Kellogg, Co-Partner D.B.A. Rivergate, a Registered Michigan Co-Partnership. On behalf of said Partnership.

*Eileen Lynette Larsen*  
Eileen Lynette Larsen  
Notary Public, Macomb County, Michigan

My commission expires Nov. 15, 1986

Acknowledgement-Individual

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

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

RECORDED RIGHT OF WAY NO. 36594

Acknowledgement-Corporation

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

whose title(s) is /are \_\_\_\_\_  
of \_\_\_\_\_, a \_\_\_\_\_ corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

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

Acknowledgement-Partnership

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

(a) general/managing partner(s), on behalf of \_\_\_\_\_ a partnership

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

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

## APPENDIX "A"


"PROPOSED RIVERGATE SUBDIVISION #5", being a part of P.C. 610 and part of Fractional Section 4, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan and being described as: Beginning on the East and West quarter line of Fractional Section 4, N 88°47'20" E 2480.89 feet from the West quarter post of Fractional Section 4, said point being on the easterly line of Rivergate Subdivision No. 2 as recorded in Liber 79 of plats, Page 50 thru 34, inclusive, Macomb County Records, thence along the easterly line of Rivergate Subdivision No. 2 N 24°58'00" E 93.96 feet; thence S 70°07'30" E 234.37 feet to the East and West quarter line of Fractional Section 4, thence S 07°07'30" E 3.31 feet; thence S 19°52'30" W 27.11 feet; thence S 70°07'30" E 14.38 feet to the West line of P.C. 610; thence S 70°07'30" E 149.27 feet; thence S 12°27'00" W 27.04 feet; thence S 62°18'00" E 201.27 feet; thence Southwesterly along a nontangent curve having a central angle of 03°27'00", a radius of 780.00 feet, an arc distance of 46.97 feet and whose long chord is S 29°25'30" W 46.96 feet; thence S 58°51'00" E 178.12 feet; thence S 25°09'18" W 12.65 feet; thence S 15°39'30" E 31.11 feet; thence S 87°23'50" E 183.47 feet; thence S 02°36'10" W 115.00 feet; thence S 87°33'50" E 185.00 feet; thence S 02°36'10" W 35.00 feet to the centerline of Dunham Road; thence N 87°33'50" W 95.12 feet along the centerline of Dunham Road; thence S 03°11'10" W 716.20 feet; thence N 86°58'24" W 218.77 feet; thence southwesterly along a nontangent curve concave to the southeast having a central angle of 05°40'46", a radius of 120.00 feet, an arc distance of 11.90 feet and whose long chord is S 13°45'30" W 11.89 feet; thence N 79°04'52" W 188.21 feet; thence N 02°38'45" E 187.24 feet; thence N 09°31'33" W 90.98 feet; thence S 77°51'30" W 144.90 feet; thence southeasterly along a nontangent curve concave to the Southwest having a central angle of 02°00'47", a radius of 1035.00 feet, an arc distance of 36.36 feet and whose long chord is S 11°08'07" E 36.36 feet; thence S 79°52'15" W 173.68 feet to the West line of P.C. 610; thence S 79°52'15" W 21.32 feet; thence N 14°23'15" W 124.75 feet; thence N 22°54'15" W 124.75 feet; thence N 31°25'15" W 124.75 feet; thence N 39°56'15" W 124.75 feet; thence N 48°27'15" W 124.75 feet; thence N 53°29'11" W 112.95 feet to the southerly line of "Rivergate Subdivision No. 2"; thence N 24°58'00" E 494.72 feet along the easterly line of "Rivergate Subdivision No. 2" to the point of beginning.

RECORDED RIGHT OF WAY NO.

36594

Date: December 23, 1986

To: Records Center

From: D. R. Sorensen, Supervising Engineer   
Division Engineering  
Macomb Division

Subject: Right of Way Agreement for Underground Residential  
Distribution for Rivergate Subdivision #5 located in  
part of P.C. 610 and part of Fractional Section 4, Town  
2 North, Range 13 East, Clinton Township, Macomb  
County, Michigan

Attached for Records Center are the executed Right of Way Agreement, dated October 1, 1986, for above named project. Also enclosed are other pertinent papers relative to this project.

Easement for this project was requested by Jerry Pollard of Service Planning, 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 Rivergate.

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

DRS/bjc

Attachment

RECORDED RIGHT OF WAY NO.

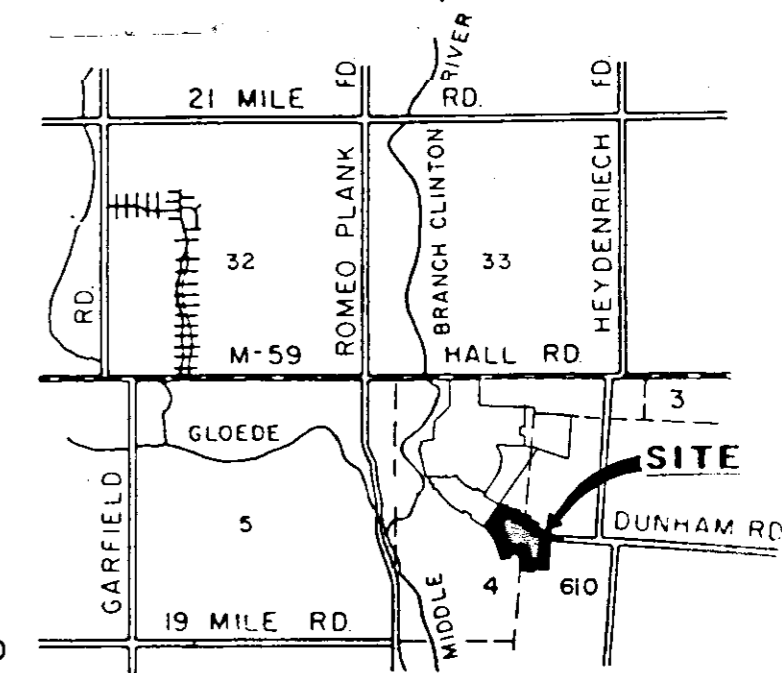
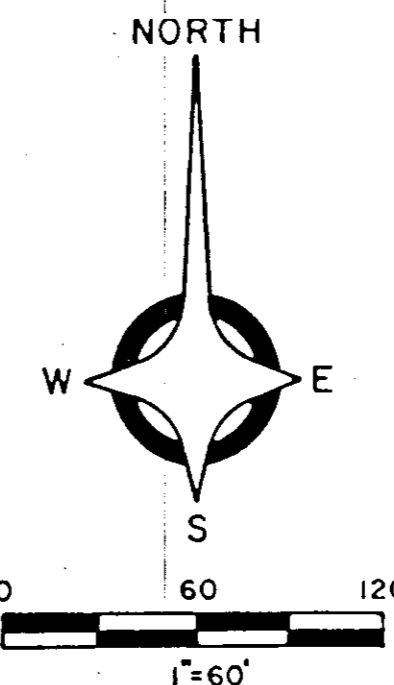
36594

# RIVERGATE SUBDIVISION NO. 5

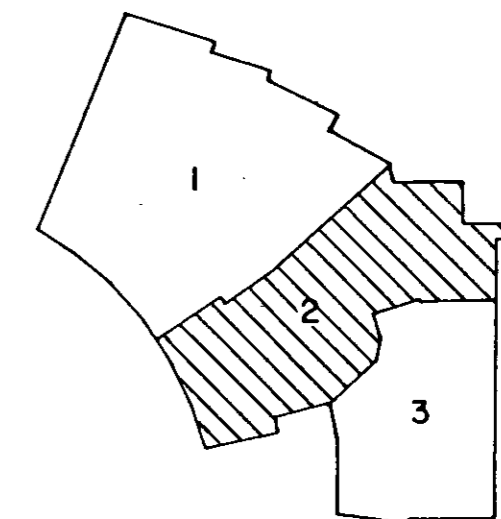
## PART OF PRIVATE CLAIM 610 AND PART OF FRACTIONAL SECTION 4, TOWN 2 NORTH, RANGE 13 EAST, CLINTON TOWNSHIP, MACOMB COUNTY, MICHIGAN

LIBER 4046 PAGE 26

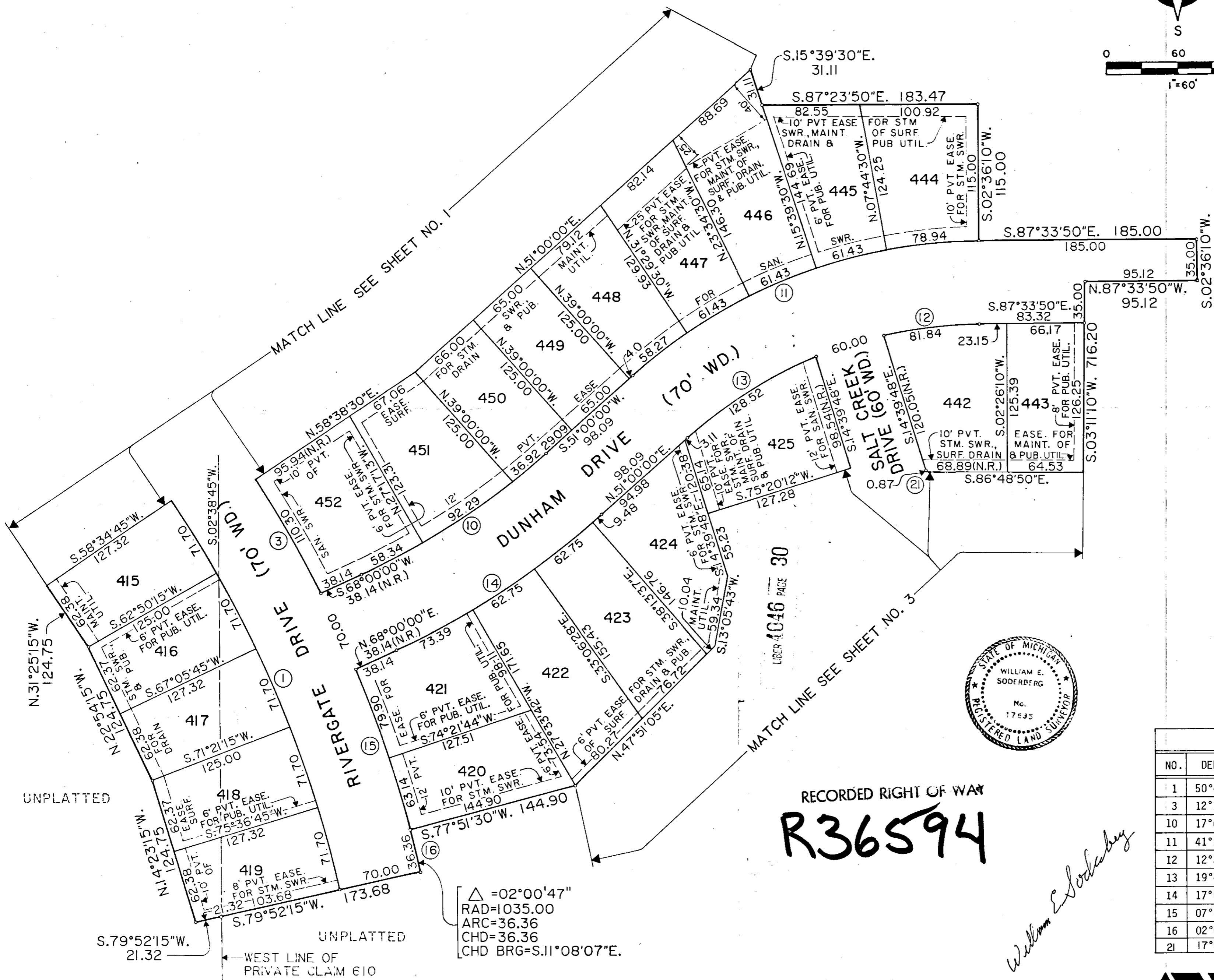
LIBER 4046 PAGE 27



LOCATION MAP  
NOT TO SCALE



KEY PLAN

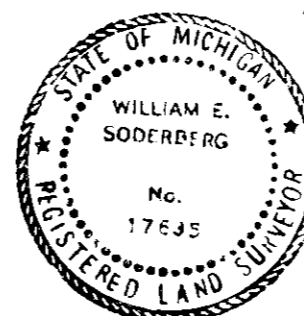


### PLAT LEGEND

ALL DIMENSIONS ARE IN FEET.  
 ALL CURVILINEAR DIMENSIONS ARE SHOWN IN CHORD DISTANCES.  
 (N.R.) DENOTES NON-RADIAL LINES.  
 4" CONCRETE MONUMENTS 36" LONG WITH 1/2" REBAR ARE INDICATED BY "o".  
 ALL LOT CORNERS HAVE BEEN MARKED BY 1/2" RERODS, 18" LONG WITH PLASTIC CAP NO. 17635.

BEARINGS ARE RELATED TO "RIVERGATE SUBDIVISION" AS RECORDED IN LIBER 75 OF PLATS, PAGES 41 THRU 51, INCLUSIVE, MACOMB COUNTY RECORDS.

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 \_\_\_\_\_, PAGES \_\_\_\_\_ OF RECORDS OF THIS COUNTY.



RECORDED RIGHT OF WAY  
**R36594**

*William E. Soderberg*

CURVE DATA					
NO.	DELTA	RADIUS	ARC	CHORD	BEARING
1	50°49'43"	965.00	856.08	828.28	S.35°32'36"E.
3	12°12'04"	1035.00	220.40	219.99	S.30°02'18"E.
10	17°00'00"	632.49	187.66	186.98	S.59°30'00"E.
11	41°26'10"	444.95	321.79	314.82	N.71°43'05"E.
12	12°31'49"	374.95	82.00	81.84	N.86°10'15"E.
13	19°44'14"	374.95	129.16	128.52	N.60°52'07"E.
14	17°00'00"	702.49	208.43	207.67	S.59°30'00"E.
15	07°43'29"	1035.00	139.54	139.43	S.16°11'59"E.
16	02°00'47"	1035.00	36.36	36.36	S.11°08'07"E.
21	17°51'53"	180.00	56.12	55.90	S.05°44'46"E.

△ = 02°00'47"  
 RAD = 1035.00  
 ARC = 36.36  
 CHD = 36.36  
 CHD BRG = S.11°08'07"E.

LIBER 4046 PAGE 29

LIBER 4046 PAGE 31

RECORDED RIGHT OF WAY NO. 36594

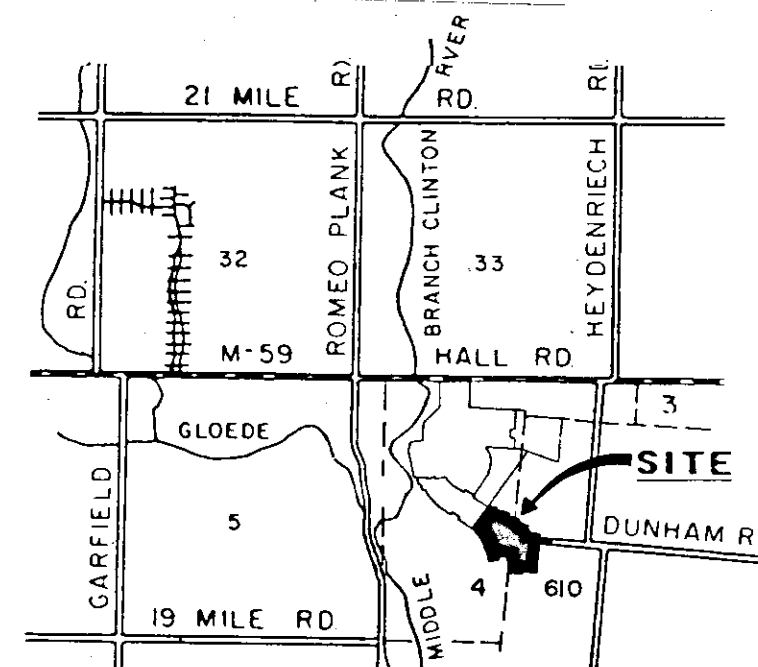
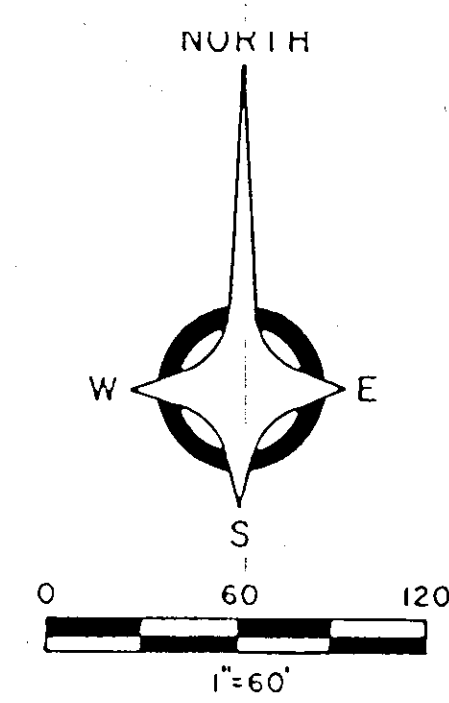
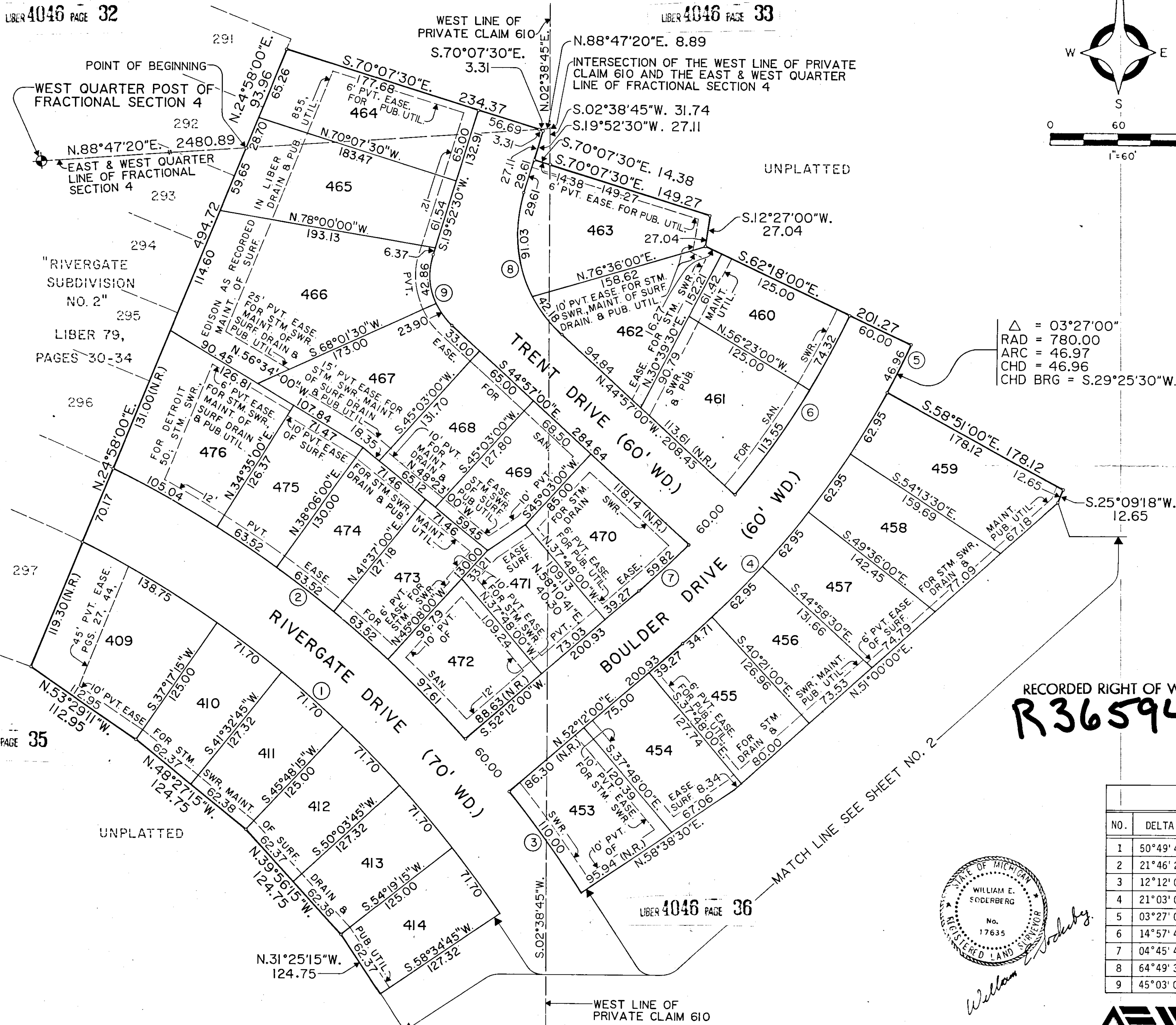
36594

# RIVERGATE SUBDIVISION NO. 5

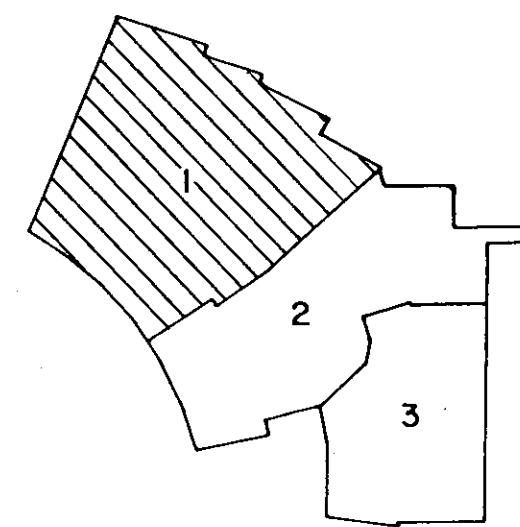
## PART OF PRIVATE CLAIM 610 AND PART OF FRACTIONAL SECTION 4, TOWN 2 NORTH, RANGE 13 EAST, CLINTON TOWNSHIP, MACOMB COUNTY, MICHIGAN

LIBER 4046 PAGE 32

LIBER 4046 PAGE 33



LOCATION MAP  
NOT TO SCALE



KEY PLAN

$\Delta$  = 03°27'00"  
 RAD = 780.00  
 ARC = 46.97  
 CHD = 46.96  
 CHD BRG = S.29°25'30"W.

### PLAT LEGEND

ALL DIMENSIONS ARE IN FEET.  
 ALL CURVILINEAR DIMENSIONS ARE SHOWN IN CHORD DISTANCES.  
 (N.R.) DENOTES NON-RADIAL LINES.  
 4" CONCRETE MONUMENTS 36" LONG WITH 1/2" REBAR ARE INDICATED BY "o".  
 ALL LOT CORNERS HAVE BEEN MARKED BY 1/2" RERODS, 18" LONG WITH PLASTIC CAP NO. 17635.  
 BEARINGS ARE RELATED TO "RIVERGATE SUBDIVISION" AS RECORDED IN LIBER 75 OF PLATS, PAGES 41 THRU 51, INCLUSIVE, MACOMB COUNTY RECORDS.

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 , PAGES OF RECORDS OF THIS COUNTY.

RECORDED RIGHT OF WAY  
**R36594**

LIBER 4046 PAGE 35

LIBER 4046 PAGE 36

LIBER 4046 PAGE 37

CURVE DATA					
NO.	DELTA	RADIUS	ARC	CHORD	BEARING
1	50°49'43"	965.00	856.08	828.28	S.35°32'36"E.
2	21°46'22"	1035.00	393.31	390.95	S.50°20'51"E.
3	12°12'04"	1035.00	220.40	219.99	S.30°02'18"E.
4	21°03'00"	780.00	286.57	284.96	S.41°40'30"W.
5	03°27'00"	780.00	46.97	46.96	S.29°25'30"W.
6	14°57'43"	720.00	188.02	187.48	S.35°10'52"W.
7	04°45'43"	720.00	59.84	59.82	S.49°49'08"W.
8	64°49'30"	120.00	135.77	128.64	N.12°32'15"W.
9	45°03'00"	60.00	67.88	64.32	N.12°32'15"W.

STATE OF MICHIGAN  
 WILLIAM E. SODERBERG  
 No. 17635  
 REGISTERED LAND SURVEYOR  
*William Soderberg*

**AEW** ANDERSON, ECKSTEIN, AND WESTRICK INC.  
 CIVIL ENGINEERS AND LAND SURVEYORS  
 MOUNT CLEMENS, MICHIGAN 48044

RECORDED RIGHT OF WAY NO. 36594

36594





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

36594