

Real Estate and Rights of Way

**Detroit Edison**

# Joint Underground Residential Distribution Right of Way Agreement

**B233526**

June 8, 19 87

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, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan and Comcast Cablevision of Clinton, a Michigan corporation of 6065 Wall Street, Sterling Hqts., Michigan 48077 hereinafter referred to collectively as "GRANTEE", 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 accessories required 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 GRANTEE 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 ten (10) feet in width unless otherwise indicated and the 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.

A parcel of land located in and being a part of the Southwest 1/4 of Section 5, T2N, R13E, Clinton Township, Macomb County, Michigan, being more particularly described as commencing at the South 1/4 post of said Section 5; thence South 89°29' West 1330.79 feet along the Southerly line of said Section 5; thence North 00°12'30" West 1332.01 feet; thence North 89°29' East 1328.27 feet; thence South 00°19' East 1332.00 feet to the point of beginning.

In order to provide for the proper maintenance and protection of GRANTEE, the undersigned covenant and agree that:

1. The right of way will be graded to within four inches of final grade before the GRANTEE'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 GRANTEE'S above ground equipment
2. No buildings or structures other than GRANTEE'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 GRANTEE.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures GRANTEE 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 GRANTEE'S maintenance of their equipment.
4. If the lines or facilities of GRANTEE are damaged by the acts of owners, their agents, employes or contractors, repairs shall be made by the granting 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:

RECORDED IN MACOMB COUNTY  
RECORDS AT: 9:27A M.  
JUN 18 1987

Grantors:

x Pauline Frasier  
PAULINE FRASIER

Edna Miller  
CLERK-REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

Dominic Mocerl  
Francis Mocerl, his wife

x Barbara Stein  
BARBARA STEIN

Michael Chirco  
Mary G. Chirco, his wife

Prepared by  
+ Return to: Susan Putrycus  
15600 - 19 Mile Road  
Mt. Clemens, Michigan 48044

Address: 50887 Van Dyke  
Utica, Michigan 48087

BEING RE-RECORDED TO INCLUDE APPENDIX "A"

RECORDED FIRST OF WAY NO. 5XCRX

Acknowledgement-Individual

STATE OF MICHIGAN

LIBER 4380 PAGE 329

County of Macomb )SS

On this 8<sup>th</sup> day of JUNE, 19 87, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Dominic Mocerri and Francis Mocerri, husband and wife

Patricia A. Gratsch  
Notary Public, GENESEE County, Michigan

My commission expires 10-23-89

PATRICIA A. GRATSCH  
Notary Public, Genesee County, Michigan  
My Commission Expires Oct. 23, 1989

Acknowledgement-Individual

STATE OF MICHIGAN

County of Macomb )SS

On this 3<sup>rd</sup> day of JUNE, 19 87, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Michael Chirco and Mary G. Chirco, husband and wife

Barbara A. Klonek  
Notary Public, MACOMB County, Michigan

My commission expires 3-5-91

BARBARA A. KLONKE  
Notary Public, Macomb County, MI  
My Commission Expires Mar. 5, 1991

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 \_\_\_\_\_ corporation, on behalf of the corporation.

RECORDED IN MACOMB COUNTY  
RECORDS AT: 11.18A M.

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

My commission expires MAR 8 1988

Edna M. Miller  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

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 \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 3823X

11/27/88  
REC'D 11/27/88

Detroit  
Edison

Date: March 28, 1988

To: Records Center

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

Subject: Right of Way Agreement for Underground Residential  
 Distribution for Knollwood Village Condominiums #3,  
 located in part of the Southwest 1/4 of Section 5, Town  
 2 North, Range 13 East, Clinton Township, Macomb  
 County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated June 8, 1987, and other pertinent papers for the above named project.

Easement for this project was requested by Jerald Pollard, Service Planner, Macomb Division. The Agreement was negotiated by Susan Putrycus, Representative of Real Estate, Rights of Way and Claims, Macomb Division.

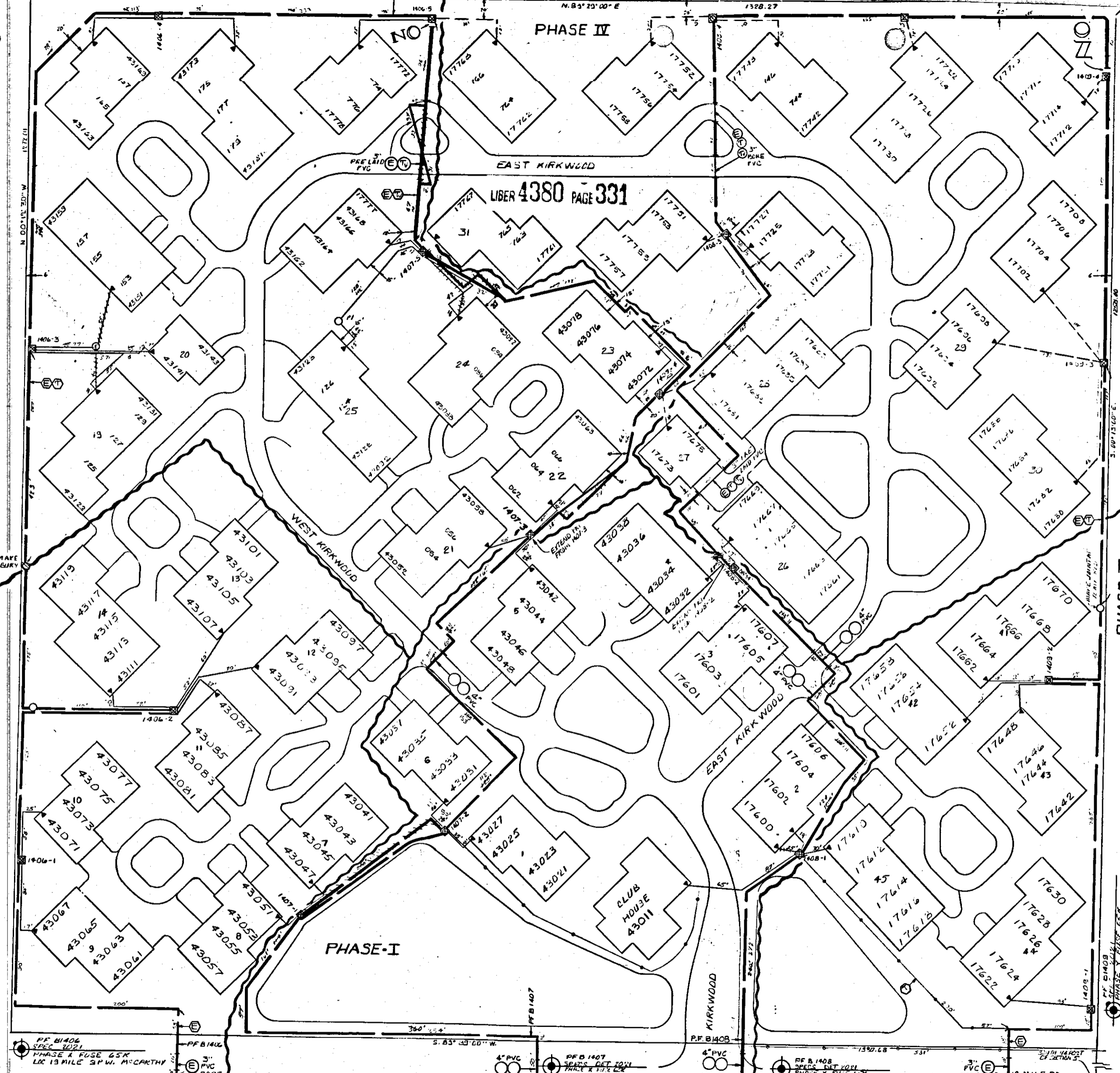
Detroit Edison Company, Comcast Cablevision of Clinton and Michigan Bell Telephone Company made this agreement with Dominic Mocerì and Frances Mocerì, his wife and Michael Chirco and Mary G. Chirco, his wife, the developers of Knollwood Village Condominiums #3.

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

DRS/caw

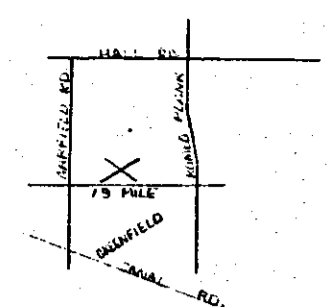
Attachment

RECORDED RIGHT OF WAY NO. 38138



11 APPENDIX A"

LIBER 4380 PAGE 332



<b>PHASE II</b> DO. 87A73702 WD 36783103	<b>PHASE III</b> DO. 87A73730 WD 36783102
<b>CABLE SUMMARY</b>	<b>CABLE SUMMARY</b>
24" ALUM. 15.2 K' (715-3073-2210) 24" ALUM. 11.6 K' (715-3073-2210)	24" ALUM. 15.2 K' (715-3073-2210) 24" ALUM. 11.6 K' (715-3073-2210)
<b>TRENCH SUMMARY</b>	<b>TRENCH SUMMARY</b>
JOINT USE 1132' D.E. ONLY 305' SERVICES 781' TOTAL 2208'	JOINT USE 1659' D.E. ONLY 74' SERVICES 260' TEL. ONLY 891' TOTAL 2684'
- GENERAL NOTES - SAME AS PHASE III	

<b>TRANSFORMER DATA</b>	<b>TRANSFORMER DATA</b>
LOT NO. SIZE ED. STK. H'	LOT NO. SIZE ED. STK. H'
1408-3 50 50 1152	1407-1 50 50 1152
1408-4 50 50 1152	1408-1 50 50 1152
1408-5 50 50 1152	1403-1 50 50 1152
1408-6 50 50 1152	1403-2 50 50 1152
1403-3 100 50 1152	1403-3 100 50 1152
1403-4 25 1151	1407-4 50 50 1152

**GENERAL NOTES**

TRENCHING TO BE DONE BY D.E.C.

D.E. SERVICE PLANNER: A. POLLEBA  
TEL. CO.: H. POST  
CATV: H. POST

**NOTE:**  
ALL SERVICES ARE D.E. EXCEPT WHERE NOTED

**NOTE:**  
D.O. 87A73730  
W.D. 36783102  
START 3-21-87  
FINISH 3-23-87  
TECH. F. OSBOKNE  
LABOR UNION EXC.  
SPLICING HARLAN  
SUPRV. P. CARDIN  
RECORDS & GARDIN

<b>TRANSFORMER DATA</b>	<b>TRANSFORMER DATA</b>
UDT. NO. SIZE ED. STK. H'	UDT. NO. SIZE ED. STK. H'
1407-1 50 50 1152	1407-1 50 50 1152
1408-1 50 50 1152	1408-1 50 50 1152
1408-2 50 50 1152	1408-2 50 50 1152
1408-3 50 50 1152	1408-3 50 50 1152
1408-4 50 50 1152	1408-4 50 50 1152
1408-5 50 50 1152	1408-5 50 50 1152
1408-6 50 50 1152	1408-6 50 50 1152

**PHASE II**

**CABLE SUMMARY**

JOINT USE 2183'  
D.E. ONLY 148'  
TEL. ONLY 337'  
TOTAL 2678'

**TRENCH SUMMARY**

JOINT USE 2183'  
D.E. ONLY 148'  
TEL. ONLY 337'  
TOTAL 2678'

**GENERAL NOTES**

TRENCHING TO BE DONE BY D.E.C.

D.E. SERVICE PLANNER: A. POLLEBA  
TEL. CO.: H. POST  
CATV: H. POST

<b>PHASE I</b>	<b>PHASE I</b>
<b>CABLE SUMMARY</b>	<b>CABLE SUMMARY</b>
JOINT USE 2183' D.E. ONLY 148' TEL. ONLY 337' TOTAL 2678'	JOINT USE 2183' D.E. ONLY 148' TEL. ONLY 337' TOTAL 2678'
<b>TRENCH SUMMARY</b>	<b>TRENCH SUMMARY</b>
JOINT USE 2183' D.E. ONLY 148' TEL. ONLY 337' TOTAL 2678'	JOINT USE 2183' D.E. ONLY 148' TEL. ONLY 337' TOTAL 2678'

**NOTICE**

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 83 of 1974 before doing any power excavating.

**GENERAL NOTES**

TRENCHING TO BE DONE BY D.E.C.

D.E. SERVICE PLANNER: A. POLLEBA  
TEL. CO.: H. POST  
CATV: H. POST

**PERMITS REQUIRED**

CITY OF \_\_\_\_\_ COUNTY \_\_\_\_\_ NOTIFICATION TO \_\_\_\_\_

STATE YES NO

<b>START DATE</b>	<b>START DATE</b>
_____	_____
<b>KNOLLWOOD VILLAGE</b> S.W. 1/4 OF SECTION 5 T. 2 N., R. 13 E.	<b>KNOLLWOOD VILLAGE</b> S.W. 1/4 OF SECTION 5 T. 2 N., R. 13 E.
<b>TWP OF CLINTON COUNTY OF MACOMB</b>	<b>TWP OF CLINTON COUNTY OF MACOMB</b>
85A74679	85A74679
86A74383	86A74383
87A73730	87A73730

REVISION	REVISION	REVISION	REVISION	REVISION	REFERENCE
F	E	D	C	B	A
SHOWN AS INSTALLED IN FIELD PHASE III	REVISED TO SHOW PHASE II	REVISED TO SHOW PHASE III	SHOWN AS INSTALLED IN FIELD.	REVISED TO SHOW PHASE II	
DATE: 2-1-88 DRAWN BY: J. ADAMS CHECKED BY: J. ADAMS	DATE: 2-2-88 DRAWN BY: J. ADAMS CHECKED BY: J. ADAMS	DATE: 2-17-88 DRAWN BY: J. ADAMS CHECKED BY: J. ADAMS	DATE: 10-26-87 DRAWN BY: J. ADAMS CHECKED BY: J. ADAMS	DATE: 10-29-87 DRAWN BY: J. ADAMS CHECKED BY: J. ADAMS	DATE: 11-28-87 DRAWN BY: J. ADAMS CHECKED BY: J. ADAMS

RECORDED RIGHT OF WAY NO. 38038