

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 4380 PAGE 333

7-14

B233527

1987

BEING RE-RECORDED TO INCLUDE "INDEX B"

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 Heights, MI 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.

RECORDED IN MACOMB COUNTY

See attached Appendix "A" RECORDS AT: 11:19 A M.

MAR 8 1988

Edna Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY

RECORDS AT: 2:41 P M.

JUL 31 1987

Edna Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 38040

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

9'

Witnesses:

Grantors

X *Anthony Mollicone*
ANTHONY MOLLICONE

X *Carmen Comatanni*
CARMEN COMATANNI

Stanley B. Aaron
Stanley B. Aaron

Carole Aaron
Carole Aaron, his wife

John J. Ruggero
John J. Ruggero

Marie Ruggero
Marie Ruggero, his wife

FORTUNA DEVELOPMENT CO, a Michigan Corp.

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

Louis A. Comatanni
LOUIS A. COMATANNI, Pres.

Acknowledgement-Individual

LIBER 4380 PAGE 334

STATE OF MICHIGAN

County of Macomb)SS

On this 14 day of July, 19 87, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Stanley L. Aaron and Carole Aaron, his wife

Brenda M. Maedel

Notary Public, _____ County, Michigan

My commission expires: _____

BRENDA M. MAEDEL
Notary Public, St. Clair County, Michigan
My Commission Expires: Oct. 27, 1987

Acknowledgement-Individual

STATE OF MICHIGAN

County of Macomb)SS

On this 14 day of July, 19 87, the foregoing instrument was acknowledged before me, a notary public in and for said county, by John J. Ruggero and Marie Ruggero, his wife

Brenda M. Maedel

Notary Public, _____ County, Michigan

My commission expires _____

BRENDA M. MAEDEL
Notary Public, St. Clair County, Michigan
My Commission Expires: Oct. 27, 1987

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Macomb)SS

On this 14th day of July, 19 87, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Louis A. Comaromi

whose title(s) is/are PRES

of Fortuna Development Company, Inc., a Michigan corporation, on behalf of the corporation.

Brenda M. Maedel

Notary Public, _____ County, Michigan

My commission expires _____

BRENDA M. MAEDEL
Notary Public, St. Clair County, Michigan
My Commission Expires: Oct. 27, 1987

RECORDED RIGHT OF WAY NO. 38040

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"

"WHISPERING OAKS CONDOMINIUMS, PHASE I", A parcel of land located in and being a part of Fractional Section 9, Town 2 North, Range 13 East, being more particularly described as follows: Commencing at a point 2125.00 feet S 01° 43' E and 1050.60 feet S 71° 21' 30" East from the West 1/4 post of said Fractional Section 9 and thence extending N 02° 32' E 1201.51 feet; thence N 88° 26' 21" E 160.01 feet; thence N 88° 45' 40" E 321.45 feet along the southerly line of North Winds Subdivision as recorded in Liber 64, Pages 26 to 28, inclusive of Plats, Macomb County Records; thence S 02° 32' W 1372.68 feet; thence N 71° 22' 30" W 500.0 feet along the centerline of Canal Road (1/2=33 feet wide) to the point of beginning, containing 14.198 acres of land, more or less. Also, part of Fractional Section 9, Town 2 North, Range 13 East, described as follows: Beginning at the West 1/4 corner of Section 9; thence S 00° 35' 40" E 2125.00 feet; thence S 70° 15' 10" E 748.00 feet to the point of beginning; thence N 19° 44' 50" E 200.00 feet; thence N 05° 45' 00" E 48.24 feet; thence N 84° 15' 00" W 245.22 feet; thence N 00° 37' 15" W 831.92 feet; thence N 89° 33' 41" E 542.02 feet; thence S 03° 39' 20" W 1201.51 feet; thence N 70° 15' 10" W 302.60 feet to the point of beginning

RECORDED RIGHT OF WAY NO. 3804

Detroit
Edison

Date: March 30, 1988
To: Records Center
From: D. R. Sorensen, Supervising Engineer
Division Engineering
Macomb Division

DR

Subject: Right of Way Agreement for Underground Residential
Distribution for Whispering Oaks Condominiums, Phase I,
located in part of Fractional Section 9, Town 2 North,
Range 13 East, Clinton Township, Macomb County,
Michigan

Attached for Records Center is the executed Right of Way
Agreement, dated July 14, 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 Stanley
L. Aaron and Carol E Aaron, his wife, John J. Ruggero and Marie
Ruggero, his wife, and Fortuna Development Company, Louis A.
Comaianni, President, the developer of Whispering Oaks
Condominiums, Phase I.

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

DRS/caw

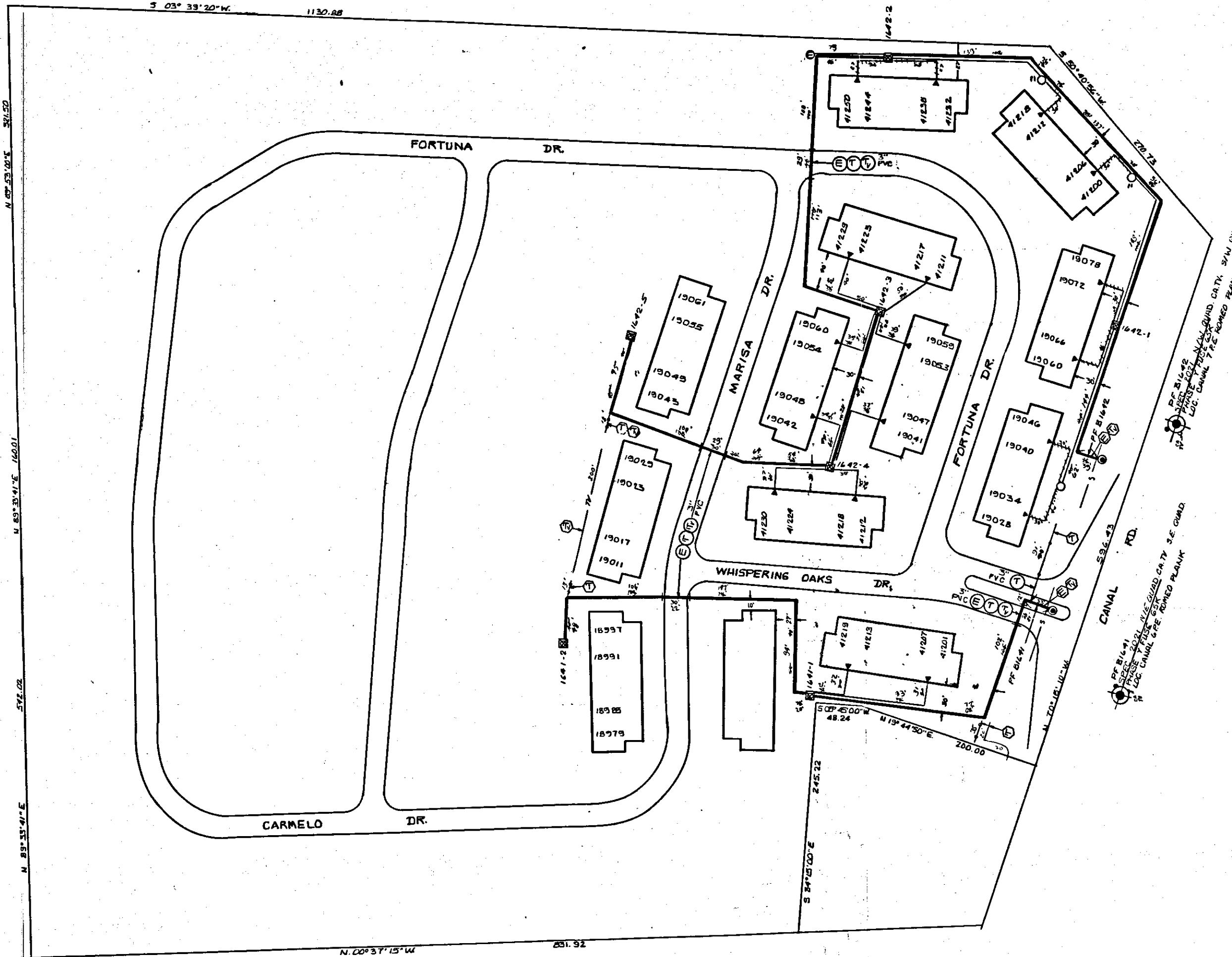
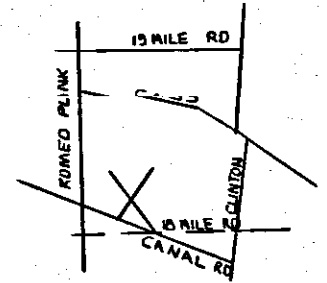
Attachment

RECORDED RIGHT OF WAY NO.

3824/C



APPENDIX B



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
1641-1	50	661-1152
2	50	
1642-1	50	
2	50	
3	50	
4	50	
5	50	

TRANSFORMER SPEC: 1-17-261
 PEDESTAL SPEC: 1-9-231
 NO. OF PEDESTALS: 3
 NO. OF TEMPORARY CABLE MARKERS: 1
 TEMPORARY CABLE MARKER SPEC:
 SECONDARY CONNECTION BOX SPEC:

- CODE -

- ⊙ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ⊙ DFT (DEAD FRONT TYPE)
- ⊙ LDT (NON-SWITCHING—LIVE FRONT TYPE)
- ⊙ LDT (SWITCHING—LIVE FRONT TYPE)
- ⊙ DIRECTION OF TRANSFORMER DOOR OPENING
- ⊙ SECONDARY PEDESTAL
- ⊙ SECONDARY CONNECTION BOX
- ⊙ 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
- ⊙ SEP DOWN CABINET

NOTES:

ALL SERVICES ARE D.E.C.O. AND M.B.T. ONLY.
 ALL ROAD CROSSINGS PRE-LAID PVC.

CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	APR 3000 & 1400 800 V. 1.5%	133	FT
2	APR 3000 & 1401 800 V.	158	FT

TRENCH SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	30" x 18" x 20" 3/4" DEPTH	2033	LF
2	24" x 18" x 18" 3/4" DEPTH	72	LF
3	TEL ONLY	133	LF
4	OTHER	280	LF
5	OTHER	292	LF
TOTAL		2760	LF

- GENERAL NOTES -

TRENCHING TO BE DONE BY D.E.C.O.
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE SECTION 88 US LINE CONSTRUCTION STANDARDS FOR TRAFFIC MARK DETAILS.
 SEE PAGE 34-11 (S.I.M.) DETAIL " " FOR ENTRANCE POINT DETAILS (APPL. ONLY).
 SEE SECTION 48 US LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (BURIED ONLY).
 D.E. SERVICE PLANNER: J. POLLARD 284-8421
 TEL. CO.: L. DELEUW 465-8160
 GAS CO.: H. POSTL 978-0270 EXT 25
 OTHERS:
 CONTRACT "888 DIO" (800-485-7171) BEFORE DOING ANY EXCAVATION.
 EMBARKMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

COUNTY: NOTIFICATION ONLY
 CITY OF CLINTON: 30% EROSION
 STATE: YES NO

TITLE BLOCK

D.O.	87473755
W.D.	367837046
START	11-18-87
FINISH	11-28-87
TECH	F. OSBORNE
LABOR	UNION EAG.
SPEL/ENG	MARLEEN
SUPV	P. CARMON
RECORDS	G. MASSIE

REVISION	DATE	BY	DESCRIPTION
0			SHOWN AS INSTALLED IN FIELD
1	7-16-87	D. ADAMS	
2	7-23-87	J. POLLARD	
3	7-23-87	J. POLLARD	

NAME	DATE	JOB TITLE
D. ADAMS	7-16-87	
J. POLLARD	7-23-87	
J. POLLARD	7-23-87	

DATE	BY	DESCRIPTION
2-4-88	D. ADAMS	
2-5-88	J. POLLARD	
2-17-88	J. POLLARD	

WHISPERING OAKS CONDOS
 A PART OF FRACTIONAL SEC 9 T2N R13E
 TWP. OF CLINTON COUNTY OF MACOMB
 1" = 50'
 36
 367837046
 8506 MACOMB 13.2 KV
 87473755 RI