

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

B233525

June 10, 1987

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 West Michigan Avenue, Jackson, Michigan, 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 St., Sterling Hgts., Michigan 48077-1860, 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, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide gas, electric and communication services with the usual services, connections and accessories 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.

SEE APPENDIX "A"

RECORDED IN MACOMB COUNTY
RECORDS AT: 11.17A M.

MAR 8 1988

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY
RECORDS AT: 9.30A M.

JUN 18 1987

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO.

35041

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 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:

X *Helen Lancial*
Helen Lancial

X *Colleen Charara*
Colleen Charara

Grantors:

Garfield Court Apartments,
a Michigan Limited Partnership

BY: *Jack Friedman*
Jack Friedman

BY: _____

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

Address: 18620 West Ten Mile Road
P.O. Box 308
Southfield, Michigan 48037

Being Re-Recorded to include Appendix "A"

OK

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 _____

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 _____

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 _____

RECORDED RIGHT OF WAY NO. 38011

Acknowledgement-Partnership

STATE OF MICHIGAN

County of Oakland)SS

On this 8th day of June, 19 87, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Jack Friedman

(a) general/managing partner(s), on behalf of Garfield Court Apartments, a Michigan limited partnership.

Helen Theresa Lancial

Notary Public, Oakland County, Michigan

HELEN THERESA LANCIAL
Notary Public, Oakland County, MI
My Comm. Expires Nov. 5, 1990

My commission expires 11/5/90

Part of the Northwest 1/4 of Section 17, Town 2 North, Range 13 East, described as follows: Beginning at a point which is North 89°15'00" East 1200.00 feet along the East and West 1/4 line of Section 17 from the West 1/4 corner of said Section 17, Town 2 North, Range 13 East; thence North 00°04'45" West 759.05 feet; thence along the boundary of Kingsbrooke Park Condominium (Macomb County Condominiums Subdivision Plan No. 124), North 89°29'45" East 82.24 feet and South 00°30'15" East 30.00 feet and North 89°29'45" East 22.00 feet and South 00°30'15" East 28.00 feet and North 89°29'45" East 187.00 feet and South 00°30'15" East 136.00 feet and North 89°29'45" East 303.00 feet and North 00°30'15" West 53.00 feet and North 89°29'45" East 53.00 feet and North 00°30'15" West 198.00 feet and South 89°29'45" West 65.00 feet and North 00°30'15" West 20.00 feet and South 89°29'45" West 18.79 feet and North 00°30'15" West 170.00 feet and South 89°29'45" West 21.21 feet and North 00°30'15" West 40.00 feet and South 89°29'45" West 225.00 feet and South 00°30'15" East 15.00 feet and South 89°29'45" West 315.00 feet and North 00°30'15" West 30.00 feet; thence North 00°04'45" West 265.00 feet; thence North 89°29'45" East 1519.96 feet; thence South 01°02'45" West 1320.10 feet along the North and South 1/4 line of Section 17; thence South 89°15'00" West 1494.10 feet along the East and West 1/4 line of Section 17, being also the North line Thornton Subdivision (as recorded in liber 69, pages 44, 45, and 46 of Plats, Macomb County Records), and the North line of Garfield Meadows Subdivision (as recorded in liber 61, pages 23 and 24 of Plats, Macomb County Records), and their extension, to the point of beginning.

RECORDED RIGHT OF WAY NO. 380/1

Detroit
Edison

7-17-1987

Date: March 24, 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 Garfield Court Apartments, located in
part of the Northwest 1/4 of Section 17, Town 2 North,
Range 13 East, Clinton Township, Macomb County,
Michigan

Attached for Records Center is the executed Right of Way Agreement, dated June 10, 1987, and other pertinent papers for the above named project.

Easement for this project was requested by Richard Mroz, 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, Consumers Power Company and Michigan Bell Telephone Company made this agreement with Garfield Court Apartments, Jack Friedman, Partner, the developer of Garfield Court Apartments.

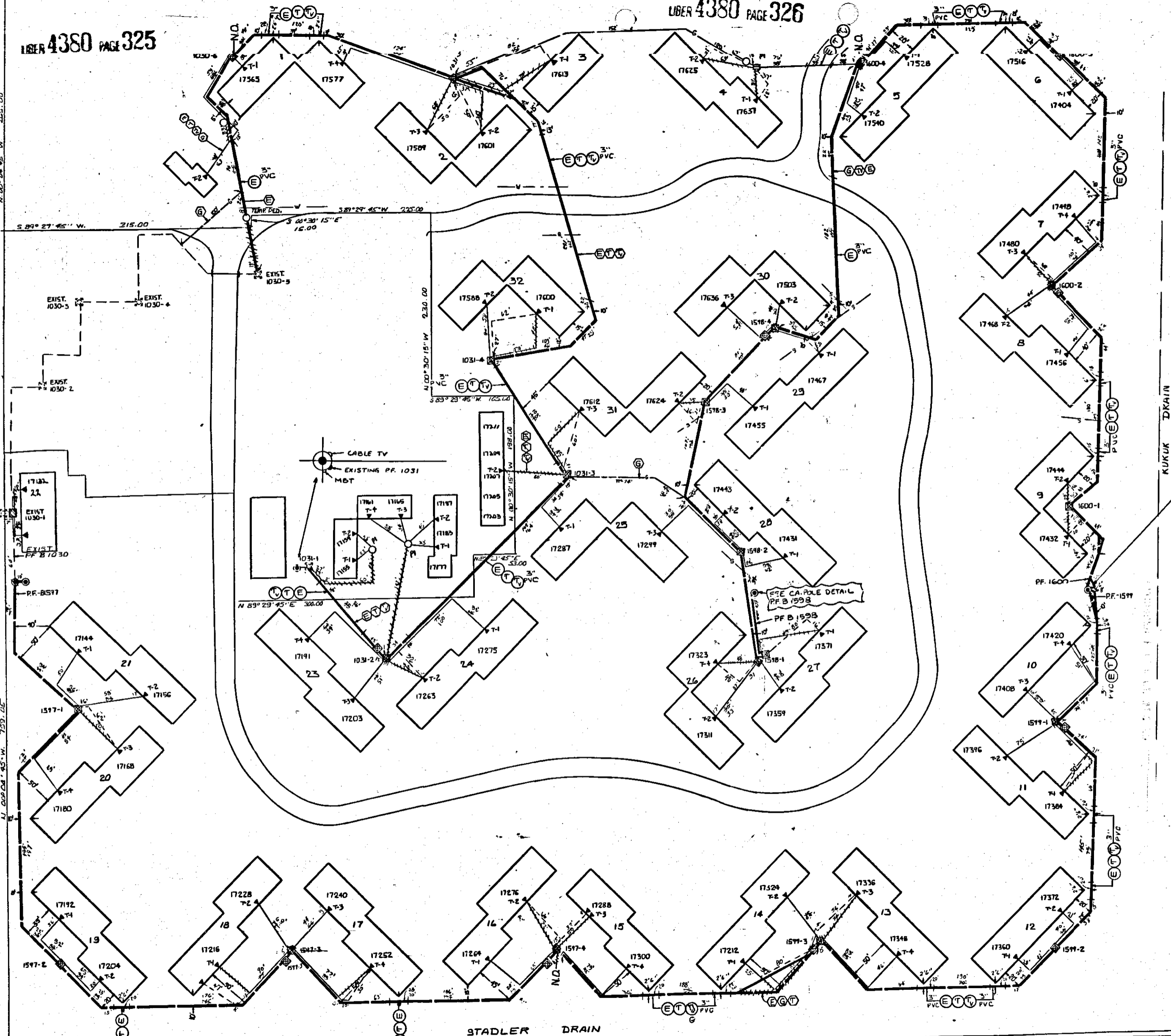
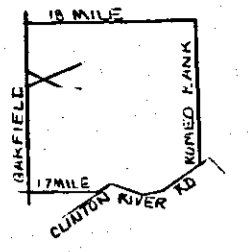
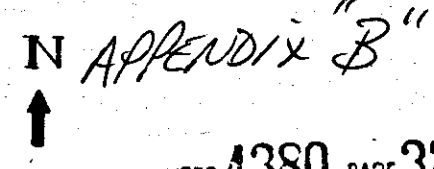
Please make the attached papers a part of recorded Rights of Way file.

DRS/caw

Attachment

RECORDED RIGHT OF WAY NO.

38041



NOTE: ALL SERVICES ARE D.E. & M.B.T. UNLESS OTHERWISE INDICATED.

CABLE DETAIL PF-B1518 SPEC-2021 PHASE-Y FUSE-65K LOC. L.S. KINGSBROOK DR. (FUTURE) 10 P.E. MACOMB SUB. PF-B1600 SPEC-2022A PHASE-Y FUSE-65K LOC. L.S. KINGSBROOK DR. 12 P.E. MACOMB SUB. PF-B1535 SPEC-2022A PHASE-X FUSE-65K

TRANSFORMER DATA

Table with columns: U.D.T. NO., SIZE, ED. STK. NO. and rows of transformer specifications.

TRANSFORMER SPEC. PEDestal AMOUNT: 37 SPEC. 1-1-1-1 TEMPORARY CABLE MARKERS AMOUNT: SPEC. SECONDARY CONNECTION BOX AMOUNT: SPEC. CODE: TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER, UFT (NON-SWITCHING)-LIVE FRONT TYPE, UFT (NON-SWITCHING)-LIVE FRONT TYPE, UFT (NON-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 SERVICE CABLE, BURIED EDISON TRENCH ONLY, DETROIT EDISON TRENCH ONLY, TELEPHONE TRENCH ONLY, SEWER, WATER, GAS, PROPOSED CONDUIT, SEP. CORR. CABINET.

CABLE SUMMARY table with columns: ITEM #, ESTIMATED, and rows of cable specifications.

TRENCH SUMMARY table with columns: JOINT LINE, D.E. ONLY, TEL. ONLY, GAS ONLY, ED. T.V., TOTAL, and rows of trench specifications.

TITLE BLOCK

D.D. 87 A7364 W.D. 2-7830 341 START 8-13-87 FINISH 3-21-87 TECH. F. OSBORNE LABOR. UNIV. ENG. SPEC. MARLLEN SUPR. P. CARON RECORDS L. SHARDIN

NOTICE

Locations of underground facilities on this plan are only approximate. Exact locations are determined by the utility companies. At locations, telephone MISS DIG on 2-7171 as required by Public Act 63-4 before doing any power excavating.

GENERAL NOTES

TRENCHING TO BE DONE BY D.E. TRENCH AND CABLE LENGTHS ARE APPROXIMATE. SEE SECTION 38 FOR LINE CONSTRUCTION STANDARDS FOR TRAFFIC DETAILS. SEE PAGE 3-11 (S&I) DETAIL 'A' FOR ENTRANCE POINT DETAILS (APTS ONLY). SEE SECTION 43 FOR LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES. TRANSFORMERS AND PEDESTALS (SUITE ONLY). D.E. SERVICE PLANNER: R. MROZ 286-9534 TEL. CO.: L. DELEEUW 465-8140 GAS CO.: S. MEYERS 549-5000 H. EAST 978-0270

PERMITS REQUIRED

SEASMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED. CITY OF CLINTON COUNTY NOTIFICATION TO SOIL EROSION STATE YES NO

START DATE

Revision table with columns: REVISION, DATE, and rows of project changes. Includes a title block with project name 'GARFIELD COURT APTS' and location 'TWP OF CLINTON COUNTY OF MACOMB'.

RECORDED RIGHT OF WAY NO. 38041