

APPLICATION FOR RIGHT OF WAY

DE 963-0811 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 12-12-88

LOCATION Mound & Hall Rd.

APPLICATION NO. MC-J144

DEPT. ORDER NO.

CITY OR VILLAGE

O. F. W. NO.

TOWNSHIP Shelby COUNTY Macomb

BUDGET ITEM NO. 8MBOB-MDB

DATE BY WHICH RIGHT OF WAY IS WANTED 12-28-88

INQUIRY NO.

THIS R/W IS 100% OF TOTAL PROJECT NO. ACCUM. %.

JOINT RIGHT OF WAY REQUIRED M.B.T. YES [X] NO [ ]

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED See sketch -

PURPOSE OF RIGHT OF WAY to construct & maintain underground facilities-

RECORDED RIGHT OF WAY NO. 39167

SIGNED George R. Rinaldi, Supervisor Mt. Clemens Service Planning DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W Secured as requested

PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE 1 GRANTOR 1

NO. OF PERMITS 1 NO. OF STRUCTURES NO. OF MILES PERMITS TO MBT 1

DATE 2/6/89 SIGNED [Signature]

January 4, 19 89

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 MICHIGAN BELL TELEPHONE COMPANY, a Michigan Corporation of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "GRANTEE," the right to construct, reconstruct, modify, add to, operate and maintain underground line facilities consisting of poles, conduits, wires, cables, manholes, transformers and accessories required to provide electric and communication services in, under, upon and across property located in the Township of Shelby, County of Macomb, State of Michigan, further described as follows:

Part of the Southeast 1/4 of Section 32, T3N, R12E, Shelby Township, Macomb County, Michigan, described as: Commencing at the Southeast corner of Section 32, thence N 01°23'10" E 206.53 feet along the East line of Section 32 which is the centerline of Mound Road (204 feet wide); thence S 75°34'44" W 106.01 feet; thence N 01°23'10" E 660.80 feet along the West right of way line of Mound Road to the point of beginning; thence N 88°50'10" W 249.28 feet; thence N 00°35'26" E 250.01 feet; thence S 88°50'10" E 252.75 feet; thence S 01°23'10" W 250.00 feet along the West right of way line of Mound Road to the point of beginning.

RECORDED IN MACOMB COUNTY RECORDS AT: 2:21p M.

JAN 24 1989

Edna Miller

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 39167

as shown on the attached drawing MC-J144 which is made a part hereof.

The right of way is 10 feet in width.

The rights hereby granted include the right of access to and from the right of way and the right to trim, cut down or otherwise control trees, brush or roots of any kind either within the right of way or on property adjoining the right of way which in the opinion of the GRANTEE interferes with the construction or operation of the line facilities. It is expressly understood and agreed that the GRANTEE shall, at no time, trim or cut down any trees unless, in the GRANTEE'S opinion, it is absolutely necessary to do so. The GRANTEE shall restore premises to its original condition or as near as can be in the event of damages caused by its employes, contractors, vehicles and equipment entering premises for the purposes set forth herein.

No buildings or structures are to be placed within said right of way herein granted without the written consent of the GRANTEE.

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 Dennis Fiore DENNIS FIORE

X Michael Fiore MICHAEL FIORE

Prepared by: & return to: Michael J. McCabe 15600 - 19 Mile Road Mt. Clemens, MI 48044

Grantors:

AMERICAN OAKS PROFESSIONAL CENTER a Michigan Co-Partnership

BY: Wilhelm Kopetzki, Partner

Dominic Fiore

Phyllis Fiore, wife

Francis L. Fiore

Eleanor Fiore, wife

335 E. Big Beaver Suite 211 Troy, MI 48083

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Acknowledgement-Individual

STATE OF MICHIGAN
County of Macomb )SS

On this 4th day of January, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Dominic Fiore, Phyllis Fiore, Francis L. Fiore, Eleanor Fiore

Mary S. Evans
Notary Public, Maccomb County, Michigan
acting in Oakland County

My commission expires 4/15/92

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. 39167

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 Macomb )SS

On this 4th day of January, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Wilhelm Kopetzki

(a) general/managing partner(s), on behalf of American Oaks Professional Center a CO partnership.

Mary S. Evans
Notary Public, Maccomb County, Michigan
acting in Oakland County

My commission expires 4/15/92

APPROVED AS TO FORM 1-10-89 DATE
LEGAL DEPARTMENT

