

Village West Subdivision
Real Estate and Rights of Way

B409846

**Detroit
Edison**

**Joint Underground Residential Distribution
Right of Way Agreement**

October 17, 1989

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 Harron Cable Television, a Delaware corporation of 55800 New Haven Road, New Haven, MI 48048 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 Village of Romeo, 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 10 feet in width unless otherwise indicated and the route is described as follows:

See attached Appendix "B"

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:18P M.
NOV - 2 1989

Edna Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 39787

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:

Grantors:

x Helen L. Ball
Helen L. Ball

FRITZ BUILDERS, INC.
a Michigan Corporation
BY:

x Mary Jane Mantey
Mary Jane Mantey

Jeffrey H. Fritz
Jeffrey H. Fritz, Vice-President

Steven H. Fritz
Steven H. Fritz, Corporate Secretary

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

Address:
64441 Van Dyke
Romeo, MI 48065

Washington Twp
Sec. 3

Detroit
Edison

Date: November 13, 1989
To: Records Center
From: Michael J. McCabe *MJM*
Sr. Real Estate, Rights of Way and Claims Representative
Macomb Division
Subject: Right of Way Agreement for Underground Residential
Distribution for Village West Subdivision, located in
part of the Northeast 1/4 of Section 3, Town 4 North,
Range 12 East, Village of Romeo, Macomb County,
Michigan

Attached for Records Center is the executed Right of Way Agreement, dated October 17, 1989, and other pertinent papers for the above named project.

Easement for this project was requested by Terrance Marries, Service Planner, Macomb Division. The Agreement was negotiated by Michael J. McCabe, Representative of Real Estate, Rights of Way and Claims, Macomb Division.

Detroit Edison Company, Harron Cable Television and Michigan Bell Telephone Company made this agreement with Fritz Builders, Inc., Jeffrey H. Fritz, Vice President, Steven H. Fritz, Corporate Secretary, the developers of Village West Subdivision.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 39784

Serving Customers

We're all a part of it!

Village West Subdivision
Real Estate and Rights of Way

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**Detroit
Edison**

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October 17, 1989

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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.

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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:

Grantors:

FRITZ BUILDERS, INC.
a Michigan Corporation

BY:

x Helen L. Ball
Helen L. Ball

Jeffrey H. Fritz, Vice-President

x Mary Jane Mantey
Mary Jane Mantey

Steven H. Fritz, Corporate Secretary

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

Address:
64441 Van Dyke
Romeo, MI 48065

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 _____

RECORDED RIGHT OF MAY NO. 397817

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Macomb)SS

On this 17th day of October, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Jeffrey H. Fritz and Steven H. Fritz whose title(s) is/are Vice-President and Corporate Secretary of Fritz Builders, Inc., a Michigan corporation, on behalf of the corporation.

Mary Jane Mantey
Mary Jane Mantey
Notary Public, Macomb County, Michigan

My commission expires July 28, 1992

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 _____

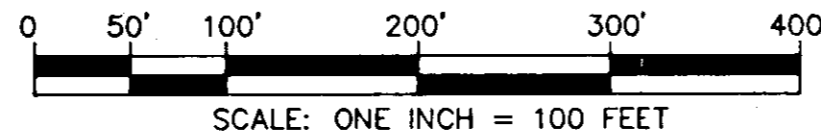
APPENDIX "A"

"VILLAGE WEST SUBDIVISION", Part of Lot 1 of "Assessor's Plat No. 10", being part of the Northeast 1/4 of Section 3, T4N, R12E, Village of Romeo, Macomb County, Michigan, more particularly described as beginning at a point in the Westerly boundary of said "Assessor's Plat No. 10", as recorded in Liber 17, Page 25, Macomb County Records, distant N 89°51'00" West 1304.24 feet along the Southerly boundary of said "Assessor's Plat No. 10" and N 00°07'00" West 384.73 feet along the Westelry boundary of said "Assessor's Plat No. 10" from the East 1/4 corner of said Section 3; thence from said place of beginning, N 00°07'00" West 897.65 feet along said Westerly boundary; thence N 89°43'10" East 311.05 feet; thence N 00°16'50" West 75.00 feet to the Southeasterly corner of Lot 17 of "Austin Acres Subdivision No. 1", as recorded in Liber 47, Page 9, Macomb County Records; thence N 61°16'20" East 68.28 feet to the Southwesterly corner of Lot 16 in said "Austin Acres Subdivision No. 1"; thence S 00°16'50" East 100.00 feet; thence N 89°45'00" East 119.48 feet to the Westerly line of Lot 3 in aforesaid "Assessor's Plat No. 10"; thence S 00°10'58" East 1253.07 feet along said Westerly line of Lot 3 and Lot 4 in said "Assessor's Plat No. 10"; thence N 54°57'24" West 601.80 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 39787

VILLAGE WEST

PART OF THE NORTHEAST 1/4 OF SECTION 3, T4N-R12E,
VILLAGE OF ROMEO, MACOMB COUNTY, MICHIGAN



SURVEYOR'S CERTIFICATE:

I, Leland D. Bates, surveyor, certify:

That I have surveyed, divided and mapped the land shown on this plat described as follows: "VILLAGE WEST", part of LOT 1 of "Assessor's Plat No. 10", being part of the Northeast 1/4 of Section 3, T4N-R12E, Village of Romeo, Macomb County, Michigan, more particularly described as beginning at a point in the Westerly boundary of said "Assessor's Plat No. 10", as recorded in Liber 17, Page 25, Macomb County Records, distant North 89°51'00" West 1304.24 feet along the Southerly boundary of said "Assessor's Plat No. 10" and North 00°07'00" West 384.73 feet along the Westerly boundary of said "Assessor's Plat No. 10" from the East 1/4 corner of said Section 3; thence from said place of beginning, North 00°07'00" West 897.65 feet along said Westerly boundary; thence North 89°43'10" East 311.05 feet; thence North 00°16'50" West 75.00 feet to the Southeasterly corner of Lot 17 of "Austin Acres Subdivision No. 1", as recorded in Liber 47, Page 9, Macomb County Records; thence North 61°16'20" East 68.28 feet to the Southwesterly corner of LOT 16 in said "Austin Acres Subdivision No. 1"; thence South 00°16'50" East 100.00 feet; thence North 89°45'00" East 119.48 feet to the Westerly line of LOT 3 in aforesaid "Assessor's Plat No. 10"; thence South 00°10'58" East 1253.07 feet along said Westerly line of LOT 3 and LOT 4 in said "Assessor's Plat No. 10"; thence North 54°57'24" West 601.80 feet to the point of beginning. CONTAINS 12.23 ACRES and includes LOTS 1 through 29 and Village West Park.

That I have made such survey, land-division and plat by the direction of the owners of such land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

That the required monuments and lot markers have been located in the ground or that surety has been deposited with the municipality, as required by Section 125 of the Act.

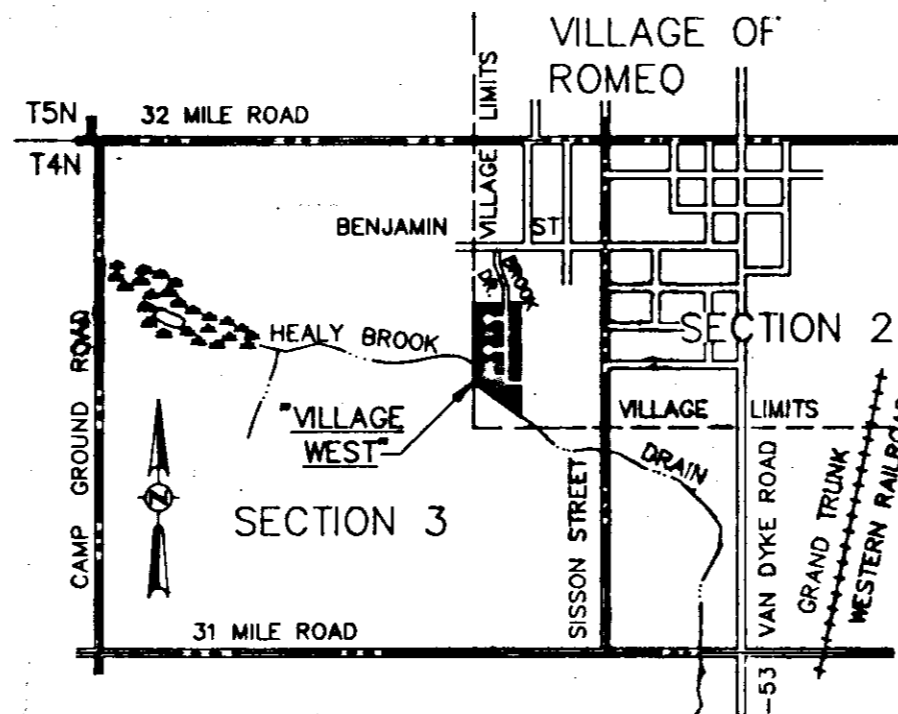
That the accuracy of survey is within the limits required by Section 126 of the Act.

That the bearings shown on the plat are expressed as required by Section 126(3) of the Act and as explained in the legend.

LEGEND:

1. ALL LINEAR DIMENSIONS ARE IN FEET.
2. CURVILINEAR DIMENSIONS ARE ARC DISTANCES.
3. (R) INDICATES RADIAL LOT LINES.
4. FOUR INCH DIAMETER CONCRETE MONUMENTS 36 INCHES LONG ENCASEING A 1/2 INCH DIAMETER IRON BAR 36 INCHES LONG HAVE BEEN PLACED AT ALL POINTS MARKED "o".
5. LOT CORNERS HAVE BEEN MARKED WITH 1/2 INCH DIAMETER IRON BARS 18 INCHES IN LENGTH.
6. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "AUSTIN ACRES SUBDIVISION No. 1", AS RECORDED IN LIBER 47 ON PAGE 9 OF MACOMB COUNTY RECORDS.

RECORDED RIGHT OF WAY
R 39787



LOCATION MAP
SCALE: 1"=2000'

POINT OF BEGINNING
N 89°51'00" 1304.24' ALONG
E-W 1/4 LINE AND N 00°07'00" W
384.73' FROM THE E. 1/4 CORNER.

CURVE DATA

CURVE NUMBER	RADIUS	ARC LENGTH	TANGENT	LONG CHORD		CENTRAL ANGLE
				LENGTH	BEARING	
C1	50.00'	37.82'	19.87'	36.93'	S 68°30'43" E	43°20'30"
C2	60.00'	279.27'	—	87.27'	S 00°10'58" E	266°41'01"
C3	50.00'	37.82'	19.87'	36.93'	S 68°08'47" W	43°20'30"
C4	50.00'	37.82'	19.87'	36.93'	S 68°30'43" E	43°20'30"
C5	60.00'	279.27'	—	87.27'	S 00°10'58" E	266°41'01"
C6	50.00'	37.82'	19.87'	36.93'	S 68°08'47" W	43°20'30"
C7	50.00'	24.80'	12.66'	24.54'	N 14°01'30" E	28°24'56"
C8	75.00'	155.01'	125.85'	128.85'	S 30°58'30" E	118°24'56"

RECORDING CERTIFICATE

State of Michigan)
Macomb County)

This plat was received for record on the _____ day of _____, 1989 at _____, and recorded in LIBER _____ of PLATS, PAGES _____.

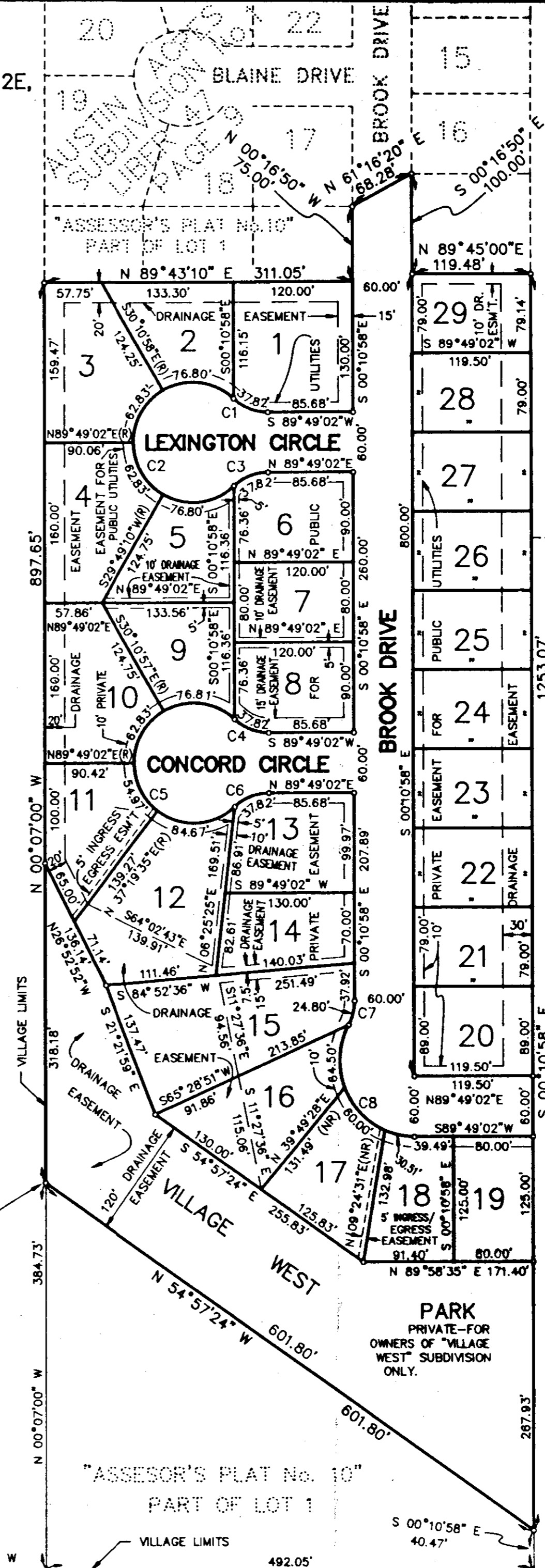
Phyllis J. Kroger Register of Deeds

CENTER CORNER OF SECTION 3, T4N-R12E,
VILLAGE OF ROMEO, MACOMB COUNTY, MI.

E-W 1/4 LINE
OF SECTION 3

EAST 1/4 CORNER OF SECTION 3, T4N-R12E,
VILLAGE OF ROMEO, MACOMB COUNTY, MI.

HENDERSON, BATES & ELRICH, INC.
LAPEER, MICHIGAN
SHEET OF SHEETS



UNPLATTED

UNPLATTED

ASSESSOR'S PLAT NO. 10
LIBER 17, PAGE 25, 10

LOT 3

LOT 4

LIBER 04756P856

R39787

RECORDED RIGHT OF WAY NO. 39787