

Real Estate and Rights of Way

Detroit Edison

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

B418875

April 11, 1988

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 Michigan

corporation of 55800 New Haven Rd., 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 Township of Chesterfield, 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:

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,
RECORDS AT: 1:47 P.M.
DEC - 5 1989

Edna [Signature]
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY,
RECORDS AT: 11:54 A.M.
APR 27 1988

Edna [Signature]
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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:

James S. Michael
James S. Michael

James A. Michael
James A. Michael

James S. Michael
James S. Michael

Jacqueline D. Michael
Jacqueline D. Michael, his wife

RETURN TO:

Prepared by: Michael J. McCabe
15600 - 19 Mile Road
Mt. Clemens, Michigan 48044

Address: 38305 James Drive
Mt. Clemens, Michigan 48043

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 40043

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Acknowledgement-Individual

LIBER 04776PG167

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 Wayne)SS

On this 10 day of April, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by James A. Michael and Jacqueline D. Michael wife

Josephine B. Saigh
Notary Public, Wayne County, Michigan

JOSEPHINE B. SAIGH
Notary Public, Wayne County, MI
My Commission Expires June 6, 1990

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 _____

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. 40043

APPENDIX "A"

"ANITA CONDOMINIUMS", A parcel of land in the NE 1/4 of Fractional Section 21, T3N, R14E, Chesterfield Township, Macomb County, Michigan, described as: Commencing at the NE corner of Fractional Section 21; thence S 89°13'30" W 1179.46 feet along the N section line; thence S 01°14'00" W 726.25 feet along the westerly line of Seaden Dr. 60.00 feet wide; thence N 88°46'00" W 177.89 feet to the NW corner of Lot 50 of "Seadenville Subdivision No. 1" as recorded in Liber 62 of plats, pages 28-29 Macomb County Records, thence S 00°59'00" W 57.06 feet to the SW corner of Lot 51 of said Sub'd continuing thence S 49°14'00" W 527.07 feet along said northwesterly plat line; also the northwesterly plat line of "Seadenville Sub'n No. 2" as recorded in Liber 63, pages 22-23 of plats M.C.R.; thence N 41°13'16" W 263.11 feet along the easterly R.O.W. of Bower Dr. extension 60.00 feet wide, to a point on the northend of said Bower Dr.; thence S 89°04'11" W 60.00 feet along N end of said Bower Dr.; thence S 41°13'16" E 263.11 feet; along the westerly line of said Bower Dr.; thence S 49°14'00" W 511.64 feet; thence N 00°52'00" E 415.00 feet; thence N 49°14'00" E 263.47 feet; thence S 41°13'16" E 24.86 feet; thence N 49°14'00" E 520.30 feet; thence N 89°05'30" E 219.23 feet; thence S 00°59'00" W 137.05 feet to the point of beginning.

RECORDED RIGHT OF WAY NO.

40043

Date: January 8, 1990

To: Records Center

From: Michael J. McCabe *MJM*
Real Estate, Rights of Way and Claims Representative
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Anita Condominiums, located in part of
the Northeast 1/4 of Fractional Section 21, Town 3
North, Range 14 East, Chesterfield Township, Macomb
County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated April 11, 1988, and other pertinent papers for the above named project.

Easement for this project was requested by Darrell White, 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 James A. Michael and Jacqueline D. Michael, his wife, the owners of Anita Condominiums.

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

MJM/caw

Attachment

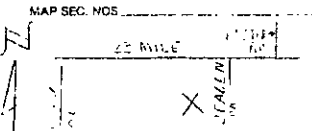
RECORDED RIGHT OF WAY NO. 40043

LIBER 04776PG169

NORTH
ARROW

APPENDIX B

LOCATION SKETCH



LIBER 04776PG170

TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
08073	50	11177

TRANSFORMER SPECS. _____
 PEDESTAL AMOUNT _____ SPEC. _____
 TEMPORARY CABLE MARKERS AMOUNT _____ SPEC. _____
 SECONDARY CONNECTION BOX AMOUNT _____ SPEC. _____

— CODE —

- ⊙ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ⊠ DFT. DEAD FRONT TYPE
- ⊡ UDT (NON-SWITCHING - LIVE FRONT TYPE)
- ⊞ UDT (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 CONY CABINET

NOTE:-
METER SHALL BE LOCATED IN SHADED AREA CLOSEST TO D.E.CO. SOURCE.

INSTALLED CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	ESTIMATED
1	#2AKLPEC > 132 KV	713.30	
2	AP2-350V & 140 600 V	713.06	
3	AP2-20 X 141 600 V	713.06	

TRENCH SUMMARY

JOINT USE	22'
D.E. T.V.	22'
TEL ONLY	15'
SA.V.	22'
OTHERS	
TOTAL	122'
SITE SUPT.	J. MICHAEL
PHONE NO.	392-2121

— GENERAL NOTES —

TRENCHING TO BE DONE BY D.E.CO.
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE
 SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS
 SEE PAGE 32-11 (S.I.M.) DETAIL " " FOR ENTRANCE POINT DETAILS (APTS ONLY)
 SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.
 TRANSFORMERS AND PEDESTALS (SUBS) ONLY:
 D.E. SERVICE PLANNER D. WHITE 356-1400
 TEL. CO. DETROIT 462-2100
 GAS CO. DETROIT 792-1501

EASEMENTS INDICATED BY OUR CENTERLINE ARE (IN WIDTH UNLESS OTHERWISE NOTED)

PERMITS REQUIRED

COUNTY NOTIFICATION TO TWP
 TWP OF CHESTERFIELD SOIL ENCL. A
 STATE YES NO

START DATE _____

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 53 of 1974 before doing any power excavating.

D	REVISION	C	REVISION	B	REVISION	A	REVISION	REFERENCE	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY SERVICE PLANNING
									D. ADAMAS	1-12-88	DIRECT BURIAL SYSTEM	SCALE 1" = 50'
									ORRILL WHITE	1-17-88		NUMBER OF UNITS 30
									D.A. Brown	1-20-88		WORK ORDER NUMBER 117-2027
									D.A. Brown	1-21-88		LATEST REVISION 5417 1-21-88
									D. Adams	1-11-88		DIST. ORDER NUMBER 28A7-331
												SHEET 1 OF 1 SHEETS

TWP OF CHESTERFIELD COUNTY OF MACOMBE

RECORDED RIGHT OF WAY NO. 40043