

Detroit Edison

Real Estate and Rights of Way

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

NOVEMBER 29 .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, MICHIGAN BELL TELEPHONE CO. a corporation of 444 Michigan Avenue, Detroit, Michigan and COLUMBIA CABLE OF MICHIGAN

a Michigan corporation of 9903 Webber Street, Brighton, Mi. 48116 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 City of Howell County of Livingston

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 12 feet in width unless otherwise indicated and the route is described as follows:

A twelve (12) foot wide easement as described on Detroit Edison Drawing HS-3897, dated 10-13-89 which is attached hereto and made a part hereof, over and under and across the following described land: (See Appendix "A" attached for Legal Description)

RECORDED
NOV 30 10 46 AM '89
NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI
48243

RECORDED RIGHT OF WAY NO. 40100

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:

Timothy J. Dei
TIMOTHY J. DEI

James M. Davenport Jr.
JAMES M. DAVENPORT JR.

SIGGIA BUILDING COMPANY -
a Michigan Corporation

Michael F. Siggia
MICHAEL F. SIGGIA, PRESIDENT

Prepared by: James M. Davenport
316 E. Grand River
Howell, Mi. 48843

Address: 38121 Plymouth Rd.
Livonia, Mi. 48150

-over-

LIBER 1379 PAGE 0004

Acknowledgement-Corporation

STATE OF MICHIGAN

County of LIVINGSTON SS

On this 29 day of NOV, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by MICHAEL F. SIGGIA whose title(s) is/are PRESIDENT of Siggia Building Company, a Michigan corporation, on behalf of the corporation.

JAMES M. DAVENPORT, JR.
Notary Public, Wayne County, MI
My Commission Expires Jan. 22, 1991

James M. Davenport, Jr.
Notary Public, _____ County, Michigan

My commission expires

LIBER 1379 PAGE 0005

APPENDIX "A"

PARCEL C-3: Being a part of the Northwest fractional 1/4 of the Southeast 1/4 of Section 26, Town 3 North, Range 4 East, Michigan, more particularly described as follows: Commencing at the East 1/4 corner of Section 26, Town 3 North, Range 4 East, Michigan; thence South 89 degrees 21 minutes 13 seconds West, 1975.58 feet along the East and West 1/4 line of said Section 26; thence South 15 degrees 13 minutes East, 251.28 feet along the centerline of Byron Road to the point of beginning of the land to be described; thence continuing along said centerline of Byron Road South 15 degrees 13 minutes 00 seconds East, 347.95 feet; thence North 78 degrees 10 minutes 45 seconds East, 483.86 feet; thence along the Westerly right of way line of the Ann Arbor Railroad North 1 degree 18 minutes 37 seconds West, 252.45 feet to a found iron on the Southerly right of way line of M-59; thence Southwesterly 522.78 feet along the arc of a curve to the right, and said Southerly right of way line, having a radius of 17,388.8 feet, a central angle of 1 degree 43 minutes 21 seconds and a long chord which bears South 88 degrees 19 minutes 33 seconds West, 522.76 feet to a point of tangency; thence South 89 degrees 17 minutes 18 seconds West, 36.60 feet to the point of beginning.

RETURN TO:
RICHARD LONGWISH
THE DETROIT EDISON COMPANY
425 S. MAIN STREET, ROOM 332
ANN ARBOR, MI 48104

JAMES M. DAVENPORT, JR.

Howell Twp
Sec. 26

Detroit
Edison

Date: 1-8-90

To: Record Center
130 General Offices

From: JAMES DAVENPORT JD
Real Estate and Rights of Way Department
Ann Arbor Division

Subject: Agreement-Easement-Restrictions for underground
residential distribution for OAKWOOD KNOLL CONDO
located in CITY OF HOWELL
LIVINGSTON COUNTY

Attached for Records Center is the executed agreement dated
NOV 29, 1989 for the above named project. Also enclosed
are other pertinent papers relative to this project
Easements for this project were requested by R. BOOTH

Service Planning Department, HOWELL OFFICE
Ann Arbor Division.

JAMES M. DAVENPORT
ANN ARBOR

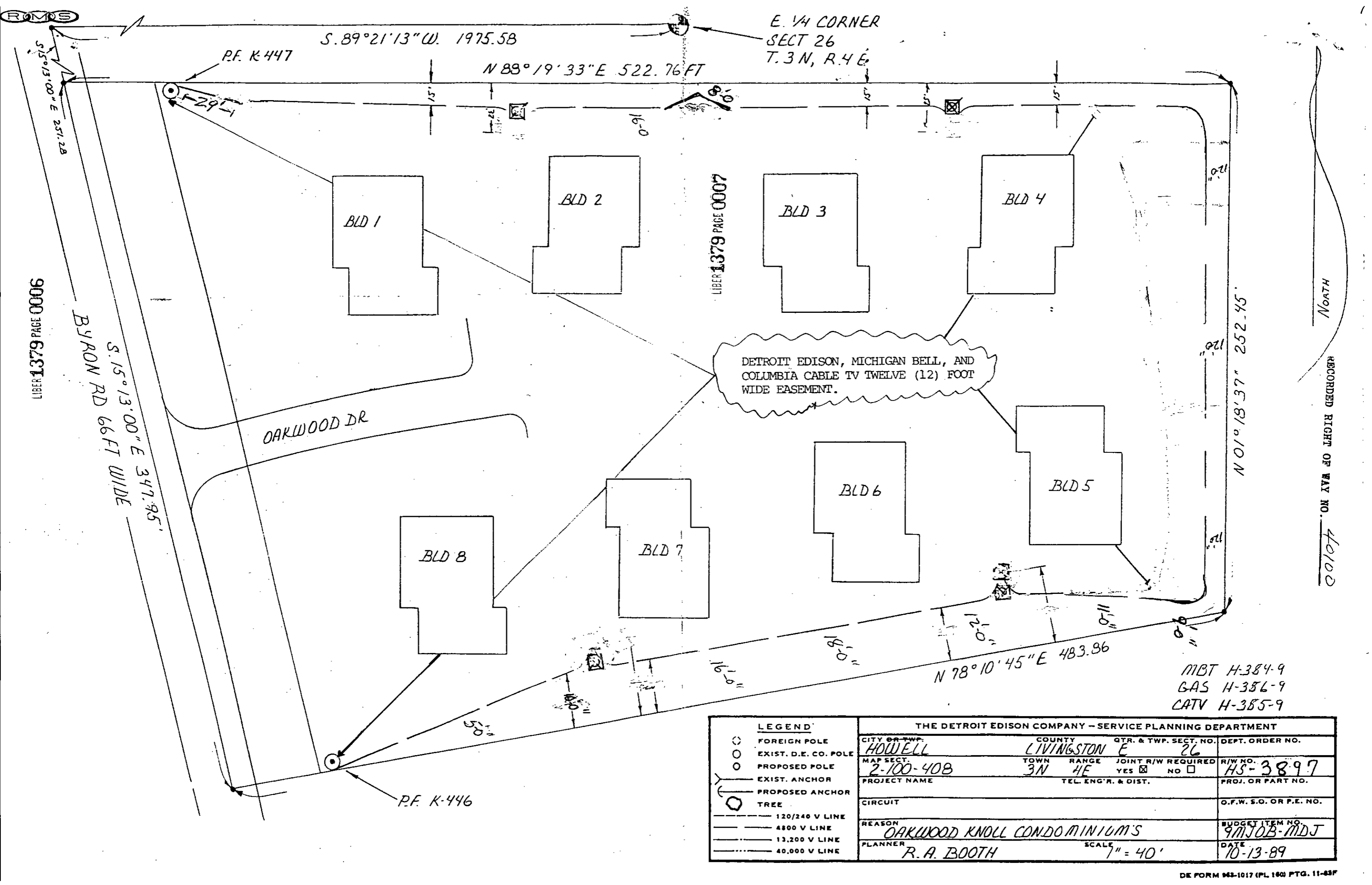
The agreement was negotiated by _____
of the Real Estate and Rights of Way Department
Ann Arbor Division.

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

(Additional Information) _____

Attachment

RECORDED RIGHT OF WAY NO. 40100



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LIBER 1379 PAGE 0007

NOTA

RECORDED RIGHT OF WAY NO. 40100

DETROIT EDISON, MICHIGAN BELL, AND COLUMBIA CABLE TV TWELVE (12) FOOT WIDE EASEMENT.

MBT H-384-9
 GAS H-386-9
 CATV H-385-9

LEGEND			
	FOREIGN POLE		
	EXIST. D.E. CO. POLE		
	PROPOSED POLE		
	EXIST. ANCHOR		
	PROPOSED ANCHOR		
	TREE		
	120/240 V LINE		
	4800 V LINE		
	13,200 V LINE		
	40,000 V LINE		

THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT			
CITY OR TWP.	COUNTY	QTR. & TWP. SECT. NO.	DEPT. ORDER NO.
HOWELL	LIVINGSTON	E 26	
MAP SECT.	TOWN	RANGE	JOINT R/W REQUIRED
2-100-408	3N	4E	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
PROJECT NAME	TEL. ENG'R. & DIST.		
CIRCUIT	O.F.W. S.O. OR P.E. NO.		
REASON	BUDGET ITEM NO.		
OAKWOOD KNOLL CONDOMINIUM'S	9MJOB-MDJ		
PLANNER	SCALE	DATE	
R. A. BOOTH	1" = 40'	10-13-89	

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