

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution
Right of Way Agreement

B427245

LIBER 04794PG721

July 27, 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 Comcast Cable Television, a Delaware

corporation of 6065 Wall St., Sterling Heights, MI 48077 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 Macomb, 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: 2:18 P.M.

JAN 5 1990

Edna M. Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY, RECORDS AT: 3:15 P.M.

AUG 15 1989

Edna M. Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 40114

Being Re-recorded to include Appendix B

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, employees 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:

x Charlotte Yakima
 CHARLOTTE YAKIMA
 Michael J. McCabe
 x Sharon A. Sharpe
 SHARON A. SHARPE
 Carol A. Wuschack

Grantors:

D M INVESTMENT COMPANY
 a Michigan Co-Partnership
 BY: [Signature]
 SIMONE MAURO
 FARBROOKE PARTNERS SIMONE MAURO, PARTNER,
 a Registered Michigan Co-Partnership
 BY: [Signature]
 SALVATORE COTTONE, PARTNER

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

Address:
42500 Hayes
Mt. Clemens, MI

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

LIBER 04794PG722

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 _____

Acknowledgement-Partnership

STATE OF MICHIGAN

County of MACOMB)SS

On this 07 day of July, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by SIMONE MAURO

(a) general/managing partner(s), on behalf of DM INVESTMENT a partnership.


Notary Public, MACOMB County, Michigan

My commission expires _____
CATERINA C. D'AGOSTINI
Notary Public, Macomb County, Michigan
My Commission Expires October 30, 1989

RECORDED RIGHT OF WAY NO. 40114

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

LIBER 04794 PG 723

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.

Acknowledgement-Partnership

STATE OF MICHIGAN

County of MACOMB)SS

On this 4 day of August, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by SALVATORE COTONE

(a) general/managing partner(s), on behalf of FARM BROOKE PARTNERS a partnership.

Sharilyn A Sharpe, Notary Public
St. Clair County, MI
Acting in Macomb County, MI
My commission expires: 04-08-92

Sharilyn A. Sharpe
Notary Public, _____ County, Michigan

My commission expires _____

(LIBER 04704PG077)

APPENDIX "A"

LIBER 04794PG724

"FARMBROOK CONDOMINIUMS, PHASE III", Part of the Northwest 1/4 of Section 30, T3N, R13E, Macomb Township, Macomb County, Michigan described as beginning at a point, said point being the Northwest corner of said Section 30; thence from said point of beginning N 87°54'21" East 1018.40 feet along the North line of said Section 30; thence S 01°52'56" East 910.00 feet; thence S 87°54'21" West 1020.86 feet; thence N 01°43'39" West 910.01 feet along the West line of said Section 30 to the point of beginning.

RECORDED RIGHT OF WAY NO.

40114

Date: January 23, 1990
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 Farmbrooke Condominiums, Phase 3,
located in part of the Northwest 1/4 of Section 30,
Town 3 North, Range 13 East, Macomb Township, Macomb
County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated July 27, 1989, 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, Comcast Cable Television and Michigan Bell Telephone Company made this agreement with D M Investment Company, Frank D'Anna and Simone Mauro, Farmbrooke Partners, Salvatore Cottone, Partner, the developers of Farmbrooke Condominiums, Phase III.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 40114

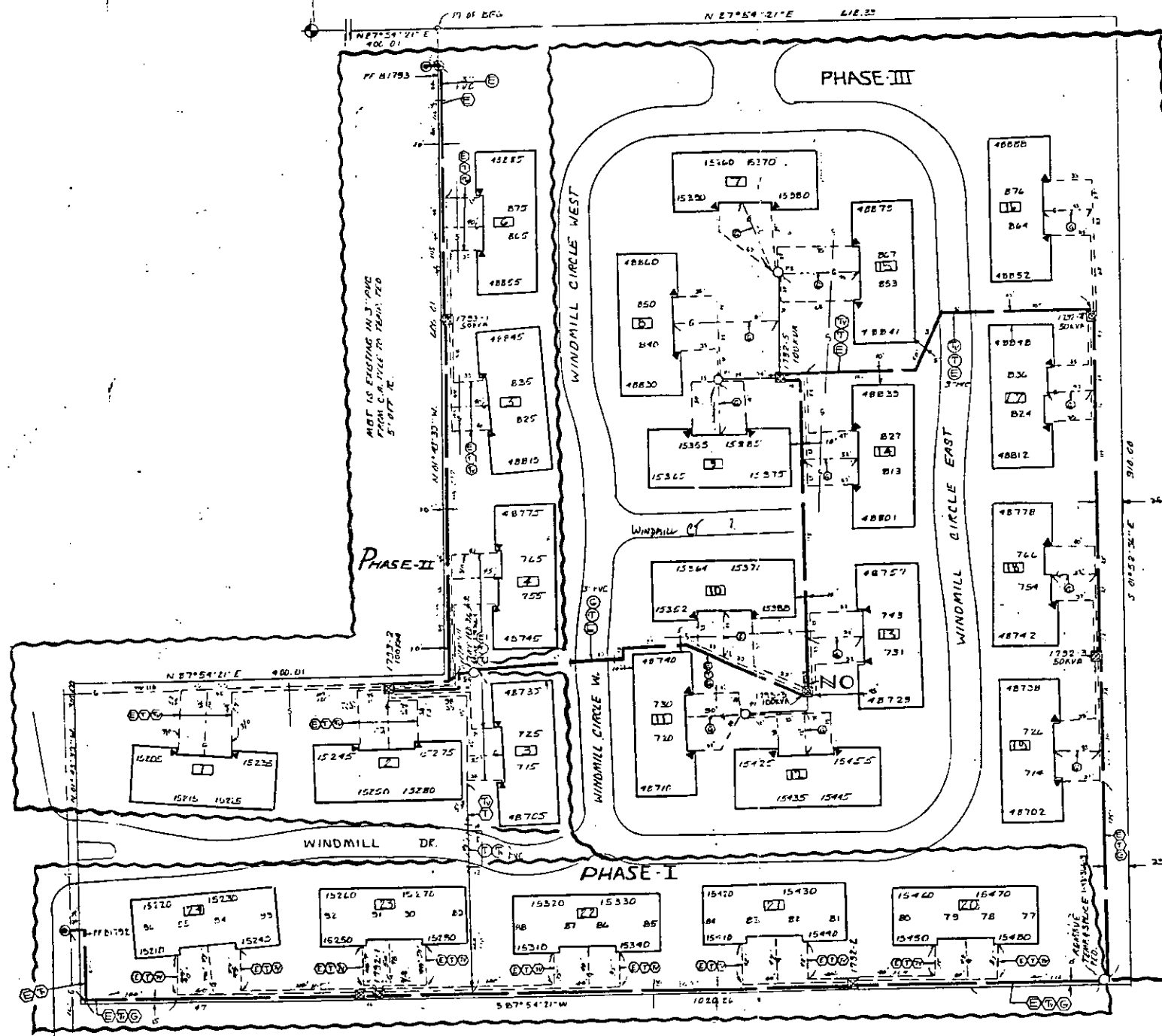
LIBER 04794 PG 725

PF 01793
CITY OF DETROIT
1001 N. WINDMILL DR.
LOC. 1 P.S. 22 MILE RD. OFF 2 P.E. MILES

22 MILE RD 120' W.D.

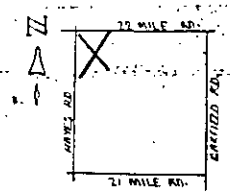
U.M. CORN. SEC 30
7.5N R13E

N 27° 54' 21" E 418.23'



LIBER 04794 PG 726

LOCATION SKETCH



PHASE III
CABLE SUMMARY

Table with columns for cable type, size, length, and other specifications for Phase III.

TRENCH SUMMARY

Table with columns for trench type, depth, length, and other specifications for Phase III.

GENERAL NOTES

Site info, service plan, and other general notes for Phase III.

NOTES & PERMITS
SEE PHASE II

TRANSFORMER DATA

Table with columns for U.D. NO., SIZE, ED. STK. NO., and other transformer details for Phase II.

PHASE II
CABLE SUMMARY

Table with columns for cable type, size, length, and other specifications for Phase II.

TRENCH SUMMARY

Table with columns for trench type, depth, length, and other specifications for Phase II.

GENERAL NOTES

Site info, service plan, and other general notes for Phase II.

Legend and code key for symbols used in the diagrams, including cable markers, trench types, and transformer symbols.

Table with columns for item number, description, and quantity for Phase II.

Table with columns for item number, description, and quantity for Phase II.

GENERAL NOTES for Phase II.

NOTES:

CONDUIT INSTALLED BY DEVELOPER
PHASE II NOTE:
ALL SERVICES ARE 210 UNLESS OTHERWISE NOTED
ALL ROAD CROSSINGS ARE FURNISHED BY D.E. CO. & INSTALLED BY DEVELOPER

TRENCHING TO BE DONE BY D.E. CO.
TRENCH AND CABLE LENGTHS ARE APPROXIMATE
SEE SECTION 88 UNLESS OTHERWISE NOTED
FOR ENTRANCE POINT DETAILS (APTS ONLY) SEE SECTION 40 UNLESS OTHERWISE NOTED
FOR PLACEMENT OF CABLES
TRANSFORMERS AND DETAILS (APTS ONLY) SEE SECTION 40 UNLESS OTHERWISE NOTED
D.E. SERVICE PLANNER: J. WHITE 226-9420
TEL. CO. M.T. D. KILGUS 226-1039
CITY OF DETROIT 502-5000 EXT. 409
CONTRACT NO. 1571 878-0270-0112

CONTACT "MRS. DORIS" 800-487-1175 BEFORE DIGGING ANY EXCAVATION
EARTHWORKS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED

PERMITS REQUIRED

CITY OF DETROIT NOTIFICATION ONLY
STATE NOTIFICATION ONLY

Table with columns for D.O. number, name, and other details for various personnel.

Approval table with columns for revision, description, and approval signatures for various phases.

Table with columns for RECD, DATE, CITY, and other details for various entities.

FARMBROOK CONDOS
222 N. WINDMILL DR. 7TH FLOOR
DETROIT, MI 48202

Table with columns for project name, location, and other details for Farmbrook Condos.

APPENDIX B
RECORDED RIGHT OF WAY NO. 40114