

LIBER 04786 PG 319

#1102

LIBER 3814 PAGE 525

(A958889)

Detroit Edison

Right of Way Agreement

B423502

August 16, 1985

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, of 2000 Second Avenue, Detroit, Michigan 48226 and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 hereinafter referred to as "UTILITIES", the easement and right to erect, lay, maintain, reconstruct and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required in, under, upon, over and across the land located in the Township of Shelby, Macomb County, Michigan, and more particularly described on the attached Appendix "A", with the full right to the UTILITIES of ingress and egress upon said land for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the easements herein described.

Said easements shall be 10 feet in width unless otherwise indicated and their 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.

In order to provide for the proper maintenance and protection of UTILITIES, the undersigned covenant and agree that:

1. The easements will be graded to within four (4) inches of final grade before the UTILITIES lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around above ground UTILITIES' equipment.

2. No buildings or structures other than UTILITIES equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easement without approval of UTILITIES.

3. If the lines or facilities of UTILITIES are damaged by the acts of Owners, their agents, employees or contractors, repairs shall be made by the Utility company so damaged at the cost and expense of Owners. Owners are defined as those persons owning the land at the time the damage occurred.

4. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. UTILITIES 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 easement causing an interference with UTILITIES maintenance of their equipment.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licenses and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal on this date.

Witnesses:

Grantors:

X Mary Simpson
Mary Simpson

CHIRCO HOMES, INC.
a Michigan Corporation

X Gwendolyn Shell
Gwendolyn Shell

Michael J. Chirco, President

RECORDED IN MACOMB COUNTY
RECORDS AT 1:52p M.

DEC 20 1989

Catherine Basile

Catherine Basile

Prepared By: Michael J. McCabe
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN
15600 - 19 Mile Road
Mt. Clemens, Michigan 48044

Address: 48645 Van Dyke
Utica, Michigan 48087

RECORDED IN MACOMB COUNTY
RECORDS AT: 11:34A.M.
AUG 28 1985

REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 401571

Being Re-Recorded to include Appendix B

Handwritten marks

Date: January 10, 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 Shelbian Apartments, Step II, located
in part of the Southwest 1/4 of Section 4, Town 3
North, Range 12 East, Shelby Township, Macomb County,
Michigan

Attached for Records Center is the executed Right of Way Agreement, dated August 16, 1985, and other pertinent papers for the above named project.

Easement for this project was requested by Anthony Garnatz, 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 and Michigan Bell Telephone Company made this agreement with Chirco Homes, Inc., Michael J. Chirco, President, the developers of Shelbian Apartments, Step II.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 40157

STATE OF MICHIGAN

County of Macomb) SS

(LIBER 3814 PAGE 526)

On this 16 th day of August, A.D. 19 85, before me,

the subscriber, a notary public in and for said County, appeared ~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~

and

Michael J. Chirco

HE IS

to me personally known, who being by me duly sworn did say that they are the ~~XXXXXX~~ President

and

Chirco Homes, Inc., a Michigan Corporation

and that the seal affixed to said instrument is the corporate seal of said corporation and said instrument was signed

and sealed in behalf of said corporation by authority of its board of directors and Michael J. Chirco

and

acknowledged said instrument to be the free act and deed of said corporation.

Mary V. Simpson
Mary V. Simpson

Notary Public, Macomb County, Michigan

My commission expires: April 25, 1987

DE 963-4182 10-79 CS

APPENDIX "A"

"SHELBIAN APARTMENTS, STEP II", A parcel of land being a part of the Southwest 1/4 of Section 4, T3N, R12E, Shelby Township, Macomb County, Michigan, described as beginning at a point on the South line of said Section 4, located S 89°59'30" E 668.27 feet from the Southwest corner of said Section 4 and proceeding thence N 00°17'15" E 661.81 feet; thence S 89°50'50" E 659.03 feet; thence S 00°17'15" W 660.15 feet to the South line of said Section 4; thence along said South line of said Section 4 N 89°59'30" W 659.03 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 40157

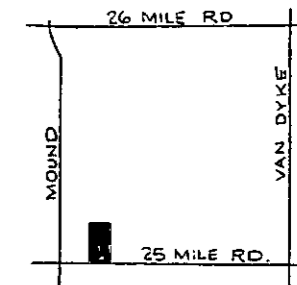
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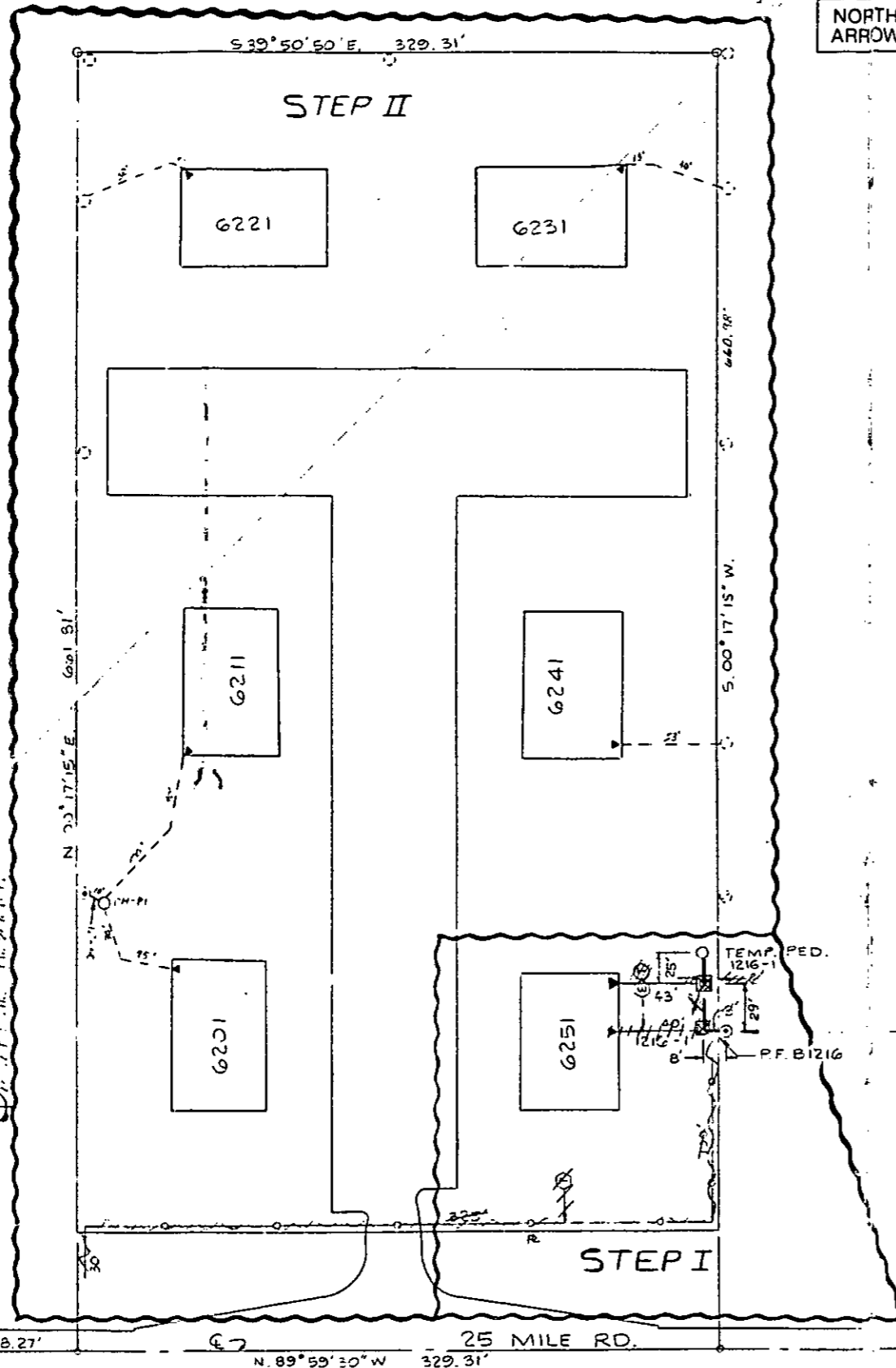
APPENDIX B

LOCATION SKETCH

MAP SEC. NO.



NORTH ARROW



TRANSFORMER DATA

Table with columns: U.D.T. NO., SIZE, ED. STK. NO. Row 1: 1216-1, 50

TRANSFORMER SPECS, PEDESTAL SPEC, NO. OF PEDESTALS, NO. OF TEMPORARY CABLE MARKERS, TEMPORARY CABLE MARKER SPEC, SECONDARY CONNECTION BOX SPEC

CODE

- Legend for symbols: Temporary secondary pedestal, DFT dead 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, Buried secondary cable, Buried secondary service cable, Detroit Edison trench only, Telephone trench only, Sewer, Water, Gas, Proposed conduit, Sep conn cabinet

CABLE SUMMARY table with columns: ITEM #, Description, Quantity, Notes

TRENCH SUMMARY table with columns: JOINT USE, DE ONLY, TEL ONLY, GAS ONLY, OTHERS, TOTAL, SITE SUPT

GENERAL NOTES

TRENCHING TO BE DONE BY... SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS... CONTACT 'MISS DIG' (800) 482-7171 BEFORE DOING ANY EXCAVATION

PERMITS REQUIRED

CITY OF... STATE YES NO

STEP II TITLE BLOCK table with columns: DO, WJ, START, FINISH, TECH, LABOR, SUPPLY, RECORDS

Title block table with columns: DO, WJ, START, FINISH, TECH, LABOR, SUPPLY, RECORDS

P.F. B1216 SPEC'S - K321E 1-9-65, 1-9-63, 1-22-71 PHASE - X FUSE - GEK LOC - 2ND. L.E. MOUND, 1/4 N. 25 MILE

Revision table with columns: REVISION, DATE, DESCRIPTION

Approval table with columns: NAME, DATE, JOB TITLE, DIRECT BURIED SYSTEM - URD -

Project information table with columns: THE DETROIT EDISON COMPANY, SERVICE PLANNING, SCALE, NUMBER OF SHEETS, SHEET 1 OF 1 SHEETS

RECORDED RIGHT OF WAY NO. 12151