

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

(LIBER 4396 PAGE 867)

MARCH 16, 19 88

(B418873)

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 and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "UTILITY", 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 required to provide communication and electric services in, under, upon, over and across the property located in the Township of Shelby, County of Macomb State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the UTILITIES 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 ten (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.

See APPENDIX "A"

RECORDED IN MACOMB COUNTY RECORDS AT: 1:40P M. APR 6 1988 Edna Miller

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

- 1. The right of way will be graded to within four inches of final grade before the UTILITY'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 UTILITY'S above ground equipment.
2. No buildings or structures other than UTILITY'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 UTILITY.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. UTILITY 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 UTILITY'S maintenance of their equipment.
4. If the lines or facilities of UTILITY are damaged by the acts of owners, their agents, employes 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 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 Sandy Rose Sandy Rose

Grantors: Crystal Lake Apartments, a Michigan co-partnership

RECORDED IN MACOMB COUNTY RECORDS AT: 1:45P M. DEC - 5 1989

X Gail Archibald Gail Archibald

Michele LoChirco, general partner

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

Prepared by: Susan Putrycus & return to: 15600 - 19 Mile Road Mt. Clemens, Michigan 48044

Address: 2001 Crystal Lake Drive Utica, Michigan 48087

Being Re-recorded to include Appendix B

RECORDED RIGHT OF WAY NO 4015-3

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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 _____

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 16th day of March, 19 88, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Michele LoChirco

(a) general/managing partner(s), on behalf of Crystal Lake a partnership.

Joyce Cadden
Notary Public, Macomb County, Michigan

My commission expires 1-22-92

RECORDED RIGHT OF WAY NO. 40153

APPENDIX "A"

LIBER 04776PG158

"CRYSTAL LAKE APARTMENTS-PHASE I-STEP III", Part of the SW 1/4 of Section 18, T3N, R12E, Shelby Township, Macomb County, Michigan is described as:
 Beginning at the West 1/4 corner of Section 18; thence N 00°49'47" W, 524.58 feet along the centerline of Dequindre Road which is the West line of Section 18; thence N 89°19'15" E, 1358.33 feet; thence S 00°38'00" E, 524.66 feet to a point on the East-West 1/4 line of Section 18; thence S 00°32'20" E, 754.74 feet to a point on the centerline of Yates Road; thence N 85°16'45" W, 1033.79 feet along the centerline of Yates Road; thence N 04°43'15" E, 100.00 feet; thence N 27° 25'24" W, 313.99 feet; thence S 89°11'46" W, 150.00 feet; thence N 00°48'14" W, 23.00 feet; thence S 89°11'46" W, 43.00 feet to a point on the centerline of Dequindre Road which is the West line of Section 18; thence N 00°48'14" W, 255.00 feet along the West line of Section 18 to the point of beginning.

RECORDED RIGHT OF WAY NO. 40153

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 Crystal Lake Apartments, Phase I, Step
III, located in part of the Southwest 1/4 of Section
18, Town 3 North, Range 12 East, Shelby Township,
Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated March 16, 1988, and other pertinent papers for the above named project.

Easement for this project was requested by Robert J. Burcar, Service Planner, Macomb Division. The Agreement was negotiated by Susan Putrycus, Representative of Real Estate, Rights of Way and Claims, Macomb Division.

Detroit Edison Company and Michigan Bell Telephone Company made this agreement with Crystal Lake Apartments, Michele LoChirco, General Partner, the developers of Crystal Lake Apartments, Phase 1, Step 3.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

40153

