

LIBER 04797 PG 126

HERITAGE PLACE NORTH CONDOMINIUMS

#1300

RECORDED IN MACOMB COUNTY

RECORDS AT

12:07 P.M.

JAN 10 1990

Detroit Edison

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

(LIBER 3920 PAGE 947)

(B020495)

B428407

Right of Way Agreement

(B012664)

(LIBER 3936 PAGE 712)

March 17, 19 86

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.

Being Re-recorded to include Appendix B

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 Victoria H. Sivec
Victoria H. Sivec

RECORDED IN MACOMB COUNTY
RECORDS AT: 1:45 P.M.
MAY - 1 1986

ASTRO HOMES, INC.
a Profit Sharing Plan

x Dawn Conway
Dawn Conway

Edna [Signature]

BY: Cosimo Lombardo
Cosimo Lombardo, Trustee

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

LOMBARDO ENTERPRISES, INC.
a Michigan Corporation

Prepared By: Michael J. McCabe
Return to: 15600 - 19 Mile Road
Mt. Clemens, MI 48044

Address: BY: Cosimo Lombardo
Cosimo Lombardo, President

RECORDED IN MACOMB COUNTY
RECORDS AT: 3:00 P.M.
APR - 2 1986

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

7200 Van Dyke, Utica, Michigan 48087

DE 963-4187 10-79 CS (D.E. U.R.D.-MBT)

RECORDED RIGHT OF WAY NO. 40157

13

CORPORATION

LIBER 04797 PG 127

STATE OF MICHIGAN

County of Macomb) SS

(LIBER 3936 PAGE 713)

(LIBER 3920 PAGE 948)

On this 17th day of March, A.D. 19 86, before me,

the subscriber, a notary public in and for said County, appeared Cosimo Lombardo

and

to me personally known, who being by me duly sworn did say that ^{he is} ~~they are~~ the President

and

Lombardo Enterprises, Inc., a Michigan Corporation of

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 Cosimo Lombardo

and

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

Victoria H. Sivec
Victoria H. Sivec
Notary Public, Macomb County, Michigan

My commission expires: July 26, 1987

DE 963-4182 10-79 CS

RECORDED RIGHT OF WAY NO. 4015-7

Acknowledgement

(LIBER 3920 PAGE 949)

INDIVIDUAL

(LIBER 3936 PAGE 714)

STATE OF MICHIGAN

County of Macomb)
) SS

LIBER 04797 PG 128

On this 17th day of March, A.D. 19 86, before me,

the undersigned, a notary public in and for said county, personally appeared Cosimo Lombardo, Trustee
of Astro Homes, Inc., a Profit Sharing Plan

known to me to be the person

who executed the foregoing instrument, and acknowledged the same to be his

free act and deed.

Victoria H. Sivec

Victoria H. Sivec
Notary Public, Macomb County, Michigan

My commission expires: July 26, 1987

APPENDIX "A"

"HERITAGE PLACE NORTH CONDOMINIUMS", Part of the Southeast 1/4 of Section 24, Town 3 North, Range 12 East, Shelby Township, Macomb County, Michigan. More particularly described as beginning at the South 1/4 corner of said Section 24; thence N 01°22'54" E 1333.75 feet along the North and South 1/4 line of said Section 24; thence N 88°49'09" E 664.07 feet; thence S 01°24'39" W 1346.85 feet to a point in the South line of Section 24; thence S 89°56'50" W 662.92 feet along the South section line to the point of beginning.

RECORDED RIGHT OF WAY NO. 4015-7

Date: January 25, 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 Heritage Place North Condominiums,
located in part of the Southeast 1/4 of Section 24,
Town 3 North, Range 12 East, Shelby Township, Macomb
County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated March 17, 1986 and other pertinent papers for the above named project.

Easement for this project was requested by Ronald Pagels, 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 Astro Homes, Inc., Cosimo Lombardo, Trustee, Lombardo Enterprises, Inc., Cosimo Lombardo, President, the developers of Heritage Place North Condominiums.

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

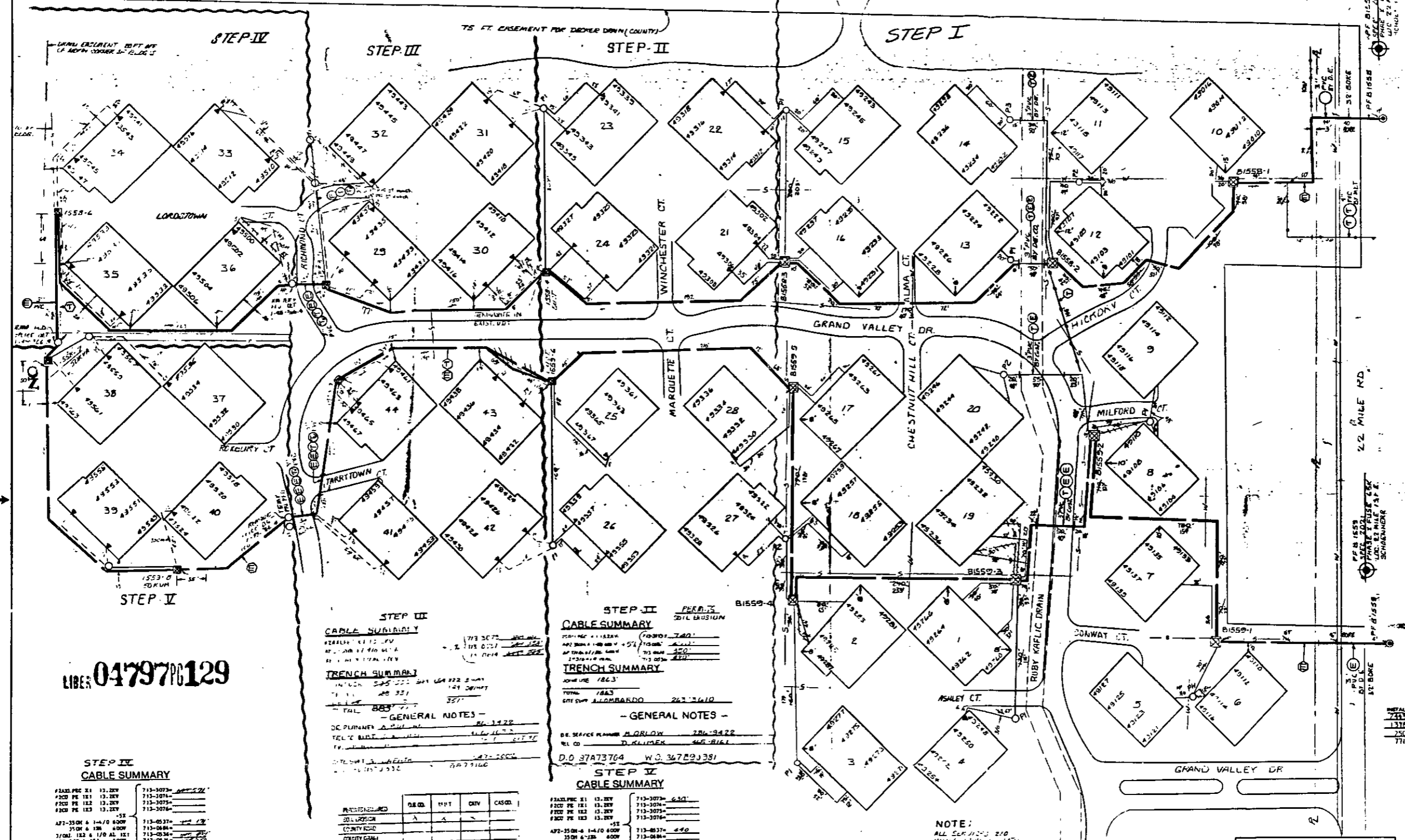
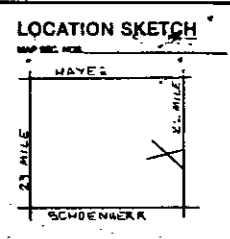
MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

40157

APPENDIX B

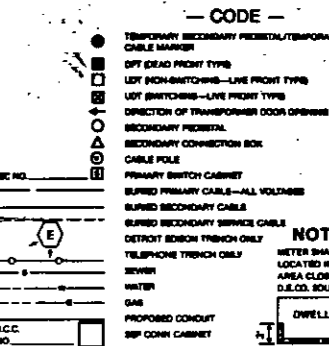


LIBER 04797PG129

LIBER 04797PG130

TRANSFORMER DATA			
UTD NO	SIZE	ED STK NO	
B1558-1	25 KVA	1151	1151
2	100 "	1152	1152
3	100 "	1153	1153
B1558-4	50 KVA	1152	1152
1	100 "	1153	1153
2	100 "	1154	1154
3	50 "	1155	1155
STEP II	B1558-4	100	1152
B1558-6	100	1153	1153
STEP III	B1558-5	100	1152
B1558-7	50	1153	1153
STEP IV	B1558-2	50	1152
B1558-8	50	1153	1153

TRANSFORMER PRICE - 1-1-74
 FEDERAL AMOUNT - 10 SPEC 1-2-73
 TEMPORARY CABLE MANHOLE AMOUNT - SPEC
 SECONDARY CONNECTION BOX AMOUNT - SPEC



CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	ESTIMATED PRICE
1312	APPROX 8 1/4" DIA 1/2" WALL	175	2750
1317	APPROX 4 1/2" DIA 1/2" WALL	713	12831
711	TRENCH SUMMARY MAIN SERVICE		
	JOINT UNITS - 3220'	3200'	788
	D.E. ONLY - 350'	214'	
	TEL. ONLY - 350'	336'	
	GAS ONLY		
	OTHERS		
	TOTAL - 3930'	3587	738

— GENERAL NOTES —

TRENCHING TO BE DONE BY [redacted]
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE SECTION 42 US LINE CONSTRUCTION STANDARDS FOR TRENCH MAT DETAILS.
 SEE PAGE 32 (11.81A) DETAIL " " FOR EXISTENCE POINT DETAILS (APTS ONLY).
 SEE SECTION 42 US LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (OUTS ONLY).
 D.E. SERVICE PLANNED BY [redacted] 226-3222
 TEL. CO. D. KLUMBER 422-7121
 GAS CO. [redacted]
 OTHERS [redacted]

— GENERAL NOTES —

LABORERS INDICATED BY OUR CIRCLELINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

COUNTY NOTIFICATION TO BE FILED BY [redacted]
 STATE YES NO SOIL [redacted]
 STATE YES NO [redacted]

START DATE

THE DESIGN ENGINEER COMPLETES [redacted] DATE [redacted]

NO. OF DAYS [redacted] NO. OF DAYS [redacted]
 STEP I = 50 STEP II = 50
 STEP III = 32 STEP IV = 32

CLIENT NUMBER [redacted] PROJECT NUMBER [redacted]
 4 BEAC MALTA 13.2.74

STEP I PLAN 72664
 STEP II PLAN 72664

STEP III 2A79371

STEP III CABLE SUMMARY

GENERAL NOTES

TRENCH SUMMARY

GENERAL NOTES

D.O. [redacted]

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

STEP II CABLE SUMMARY

GENERAL NOTES

TRENCH SUMMARY

GENERAL NOTES

D.O. [redacted]

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

STEP I CABLE SUMMARY

GENERAL NOTES

TRENCH SUMMARY

GENERAL NOTES

D.O. [redacted]

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

STEP IV CABLE SUMMARY

GENERAL NOTES

TRENCH SUMMARY

GENERAL NOTES

D.O. [redacted]

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

REVISIONS

NO.	DATE	BY	DESCRIPTION
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REVISIONS

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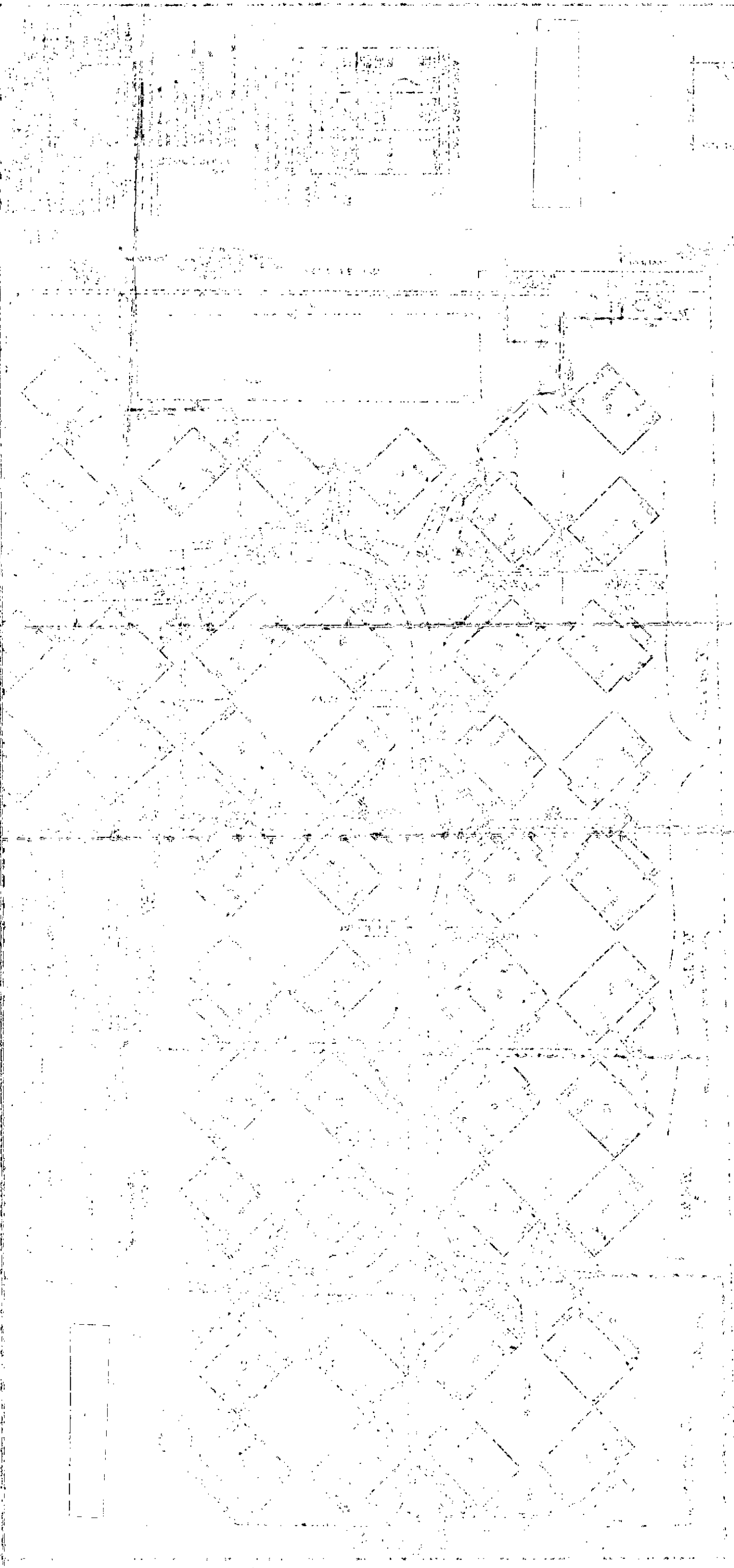
REVISIONS

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REVISIONS

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RECORDED RIGHT OF WAY NO. 40157



6.00