

#1309

Detroit Edison

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

B410816

APRIL 21, 1988 (B247821)

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 Harron Cable, a Michigan

corporation of 5580 New Haven Road, New Haven, MI 48048 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 Washington, 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 with 90 days after construction.

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:54P M.

NOV - 6 1989

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY
RECORDS AT: 11:58A M.

APR 27 1988

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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:

X *Sherry Gerstenberger*
SHERRY GERSTENBERGER

X *Angela Evangelista*
ANGELA EVANGELISTA

LANZO CONSTRUCTION COMPANY
a Michigan Corporation

BY: *Frank Monacelli*
FRANK MONACELLI
Asst Secretary

Prepared by: Michael J. McCabe
15600 - 19 Mile Road
Mt. Clemens, Michigan 48044

Address:
28135 Groesbeck Highway
Roseville, Michigan 48066

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 40175

13-
A

Acknowledgement-Individual

LIBER 04758 PG 885

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 MACOMB)SS

On this 4th day of APRIL, 1988, the foregoing instrument was acknowledged before me, a notary public in and for said county, by FRANK MONACELLI

whose title is ASSISTANT SECRETARY of LANZO CONSTRUCTION COMPANY, a MICHIGAN corporation, on behalf of the corporation.

John W. Barber
Notary Public, MACOMB County, Michigan

My commission expires 4/28/89

RECORDED RIGHT OF WAY NO. 40175

Acknowledgement-Partnership

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 _____

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

Notary Public, _____ County, Michigan

My commission expires _____

APPENDIX "A"

LIBER 047581886

"WASHINGTON PARK CONDOMINIUMS, PHASE II, STEPS I, II, III & IV", Part of the Southeast 1/4 of Section 34, Town 3 North, Range 12 East, Washington Township, Macomb County, Michigan, is described as commencing at the Southeast corner of Section 34, thence N 01°46'48" W 102.07 feet along the East line of Section 34, thence N 89°21'23" W 60.05 feet; thence N 01°46'48" W 1132.46 feet to the point of beginning; thence S 88°13'12" W 575.00 feet; thence N 01°46'48" W ~~21.00~~ ^{51.00} feet; ~~thence 55.57~~ feet along a non-tangent curve to the left radius 183.00 feet; a central angle of 17°23'50" (the chord of said curve bears S 79°31'17" W 55.35 feet); thence N 59°46'48" W 227.67 feet; thence S 30°13'12" W 265.00 feet; thence S 88°13'12" W 80.00 feet; thence N 59°46'48" W 190.16 feet; thence N 03°10'24" E 74.32 feet; thence N 21°46'21" E 593.14 feet; thence N 88°13'12" E 961.07 feet; thence S 01°46'48" 627.00 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 40175

Date: November 17, 1989

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 Washington Park Condominiums, Phase 2,
Steps 1, 2, 3, & 4, located in part of the Southeast
1/4 of Section 34, Town 3 North, Range 12 East,
Washington Township, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated April 21, 1988, and other pertinent papers for the above named project.

Easement for this project was requested by Gerald Mahoney, 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, Harron Cable Television and Michigan Bell Telephone Company made this agreement with Lanzo Construction Company, Frank Monacelli, Assistant Secretary, the developers of Washington Park Condominiums, Phase 2, Steps 1, 2, 3, and 4.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

40175

