Real Estate and Rights of Way (LIBER 4409 PAGE 379)

## Joint Underground Residential Distribution **Right of Way Agreement** B410816

B**247821** 

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 Michigan hereinafter referred to collectively as corporation of 5580 New Haven Road, New Haven, MI 48048 "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 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. feet in width unless otherwise indicated and the route is described as follows: Said right of way shall be 10 HECORDED 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 RECORDED IN MACOMB COUNTY RIGHT RECORDS AT: 2:54P RECORDS AT: ဝဋ္ဌ NOV - 6 1989 APR 27 1988 WAY CLERK - REGISTER OF DEEDS COMB COUNTY, MICHIGAN In order to provide for the proper maintenance and protection of GRANTEE, the undersigned covenant and agree 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: Grantors: Witnesses: LANZO CONSTRUCTION COMPANY. a Michigan Corporation -VANGELISTA

OF REIVEN TO:

Prepared by: The Nachael J. McCabe

15600 - 19 Mile Road

Mt. Clemens, Michigan 48044

Address: 28135 Groesbeck Highway

Roseville, Michigan 48066

My commission expires

## (LIBER 4409 PAGE 380)

## Acknowledgement-Individual

STATE OF MICHIGAN	LIBER <b>047</b> 58PG <b>885</b>
County of)\$\$	
On this day of, 19	, the foregoing instrument was acknowledged before me , a notary public in and fo
aid county, by	·
	Notary Public, County , Michigan
My commission expires	
A	cknowledgement-Individual
STATE OF MICHIGAN	
County of)\$\$	•
	, the foregoing instrument was acknowledged before me , a notary public in and fo
aid county, by	
	Notary Public,County , Michigar
Ay commission expires	
Ac	knowledgement-Corporation
STATE OF MICHIGAN	knowledgement-corporation
County of MACOMB )SS	
on this 47Aday of APRIL 1988	the foregoing instrument was acknowledged before me, a notary public in and for the corporation, on behalf of the corporation.
aid county, by FRANK N	10NACELLI
vhose title(a) is /are A 55/5/7A	VT SECRETARY
1 LANZO CONSTRUCTION CON	
	Notary Public, MACOMB County, Michigan
. ,	Notary Public. MACOMB County Michigan
My commission expires $\frac{4/28/89}{}$	
Ac	knowledgement-Partnership
TATE OF MICHIGAN	
ounty of)SS	
	, the foregoing instrument was acknowledged before me , a notary public in and fo
aid county, by	a partnership.
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APPENDIX "A"

## LIBER 0475811886

"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 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.

HECORDED RIGHT OF WAY NO. 40178

Date:

November 17, 1989

To:

Records Center

From:

Michael J. McCabe

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.

LIBER 0475811888 una 04758 11887 Affendix B LOCATION SKETCH NORTH ARROW **decorded** DEC. VS. 141-158. P. 157-34. Z. 1415. 1824 (C. V. S. JONELL, BEN 15. APHASE IL PART IL O PATURE H 24115 12" C. 314 07" 37515 \*\* 11515 PHASE II- PART-II CARLE SUMMARY LYNHURST DR. 40175 TRENCH SUMMARY DIA 1403. /770. 485 DE SENCE MANNER G. MANCHET
MST N. KMISHET 540-0101
MERSON CRTV R. STERUSE THE 1561
SWILL SUFT ZEKEN BUSNIO 151-210 11538 TRANSFORMER DATA 2 2 200 A TEAMPOREE BECK 1-17-261
PEDESTAL AMOUNT 4 BEC 1:9531 PHASE II /470 - 1 /00 661-//53 11175 11635 MICHARY CARLE WARKERS 440UNT 991C //603 //6// - CODE -O TEMPORARY SECONDARY PEDEST CARE, MARIE CAMETO SOR CARE TO JUST COME TO JUST COME TO JUST COME PHASE II PART III /A/ PHASE II PART III

CABLE AP 1:350M 1140 600Y 713-6537 203 AP 2:2661-1:600Y 713-6137 2055 5. 75 37 17 W. - N.DI\* 42 45" W 51.00" TRENCH JOINT USE 795" BEACONSFIELD 80 PEDESTALS . Z # #3\*2/\*23\* W PHASE II PART-I PHASE IT PARTIT CAELE - AP2-350M+1-40 600V 713-0337 = 215 CABLE SUMMARY TRENCH - JOINT USE = 170' PEDESTAL'S . 2 TRENCH SUMMARY MAN SERY 1790': 3 VMT

at the 1790': 3 VMT

at the 1790': 3 VMT

at the 1790': 5 VMT

area 20'5':

BYE BYE 1 A ALOUED ... - GENERAL NOTES -AND CARLESTING ARE APPROXIMATE NOTICE Laccifors of underground facilities on this framing of anyl approximate. Excet Sections must be determined by the UTFLITY COMPANIS For exact Sections, telephone MISS OTG on 200-127-712 as required by Public Act 53 of 1874 before doing one power encireting. TITLE BOOK-PARTAMET 00. 87473737 MD. 267897673 97777 17-20-87 FMISH 12-3-87 FMISH 12-3-87 FMISH 15-0160716 LASAN WHINN IC CO SHEWN MATCH 2023, F. CAPOLI FECAPOS L. GAPOLII PERMITS REQUIRED START DATE. #00ED PMSE II PART III BIA-13420 347898923 FEED TO BLOCS 10 - 13 SHOWN AS INSTALLED IN IN FIELD PHASE II PART I PHASE II PART III. WASHINGTON PINK PLUSE II PART OF THE SOUTHERST 114 MS SECTION 34 7 I 1/6-3/868 SHOWN RS INSTALLED REVISED TO SHOW 11.50 IN FIELD - PHASE II - PATI PHASE IL FART IL 2.4.87 R. P. ... 2-6-17 TWP OF WALLE THE COUNTY OF MACON BEAT 12820 PHOT II - 1 2-9-83 J-7-90 J-7-9V 7-15-87 27-15-77 J-7-15-77 J-20-77 1-20-87 STATETE PARTIE