

Detroit
Edison

Real Estate and Rights of Way

Joint Underground Residential Distribution
Right of Way Agreement

Nov 26, 1990

LIBER 1445 PAGE 0973

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 West Michigan Avenue, Jackson, Michigan, 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 COLUMBIA CABLE OF MICHIGAN, a Michigan corporation of P.O. Box 998, Ann Arbor, Mi, 48106, 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, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide gas, electric and communication services with the usual services, connections and accessories in, under, upon, over and across the property located in the Township of Brighton, County of Livingston, 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 12 feet in width unless otherwise indicated and the route is described as follows:

The exact location of underground equipment must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said Right of Way.

RECORDED
DEC 6 3 45 PM '90
NANCY HAVLAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI
48401

RECORDED RIGHT OF WAY NO. 41186

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 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:

[Signature]
MARK J. WUDYKA

[Signature]
ROBERT D. ODAM

James M. Davenport
316 E. Grand River
Howell, Mi. 48843

Prepared by:

MALIK DEVELOPMENT COMPANY -
a Michigan Corporation

[Signature]
MICHAEL F. MALIK, PRES

[Signature]
Clarence E. Johnson

[Signature]
Mary Johnson, husband and wife

[Signature]
Sidney M. Gelman

[Signature]
Elaine R. Gelman, husband and wife

Address: 9880 E. Grand River
Brighton, Mi. 48116

Acknowledgement-Corpora'

STATE OF MICHIGAN

County of LIVINGSTON SS

On this 28th day of NOVEMBER, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by ✓ MICHAEL MALIK

whose title(s) is/are ✓ PRESIDENT
of Malik Development Company, a Michigan corporation, on behalf of the corporation.

✓ Robert Detwiler
✓ ROBERT DETWEILER
Notary Public, LIVINGSTON County, Michigan

My commission expires ✓ 9-25-91

LIBER 1445 PAGE 0974

Acknowledgement-Individual

STATE OF MICHIGAN

County of LIVINGSTON SS

On this 28th day of NOVEMBER, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Clarence E. Johnson and Mary Johnson, husband and wife

✓ Robert Detwiler
✓ ROBERT DETWEILER
Notary Public, LIVINGSTON County, Michigan

My commission expires ✓ 9-25-91

Acknowledgement-Individual

STATE OF MICHIGAN

County of LIVINGSTON SS

On this 28th day of NOVEMBER, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Sidney M. Gelman and Elaine R. Gelman, husband and wife

✓ Robert Detwiler
✓ ROBERT DETWEILER
Notary Public, LIVINGSTON County, Michigan

My commission expires ✓ 9-25-91

APPENDIX "A"

The Northeast 1/4 of the Northeast 1/4 of Section 19, Town 2 North, Range 6 East, Michigan

✓
RETURN TO:
RICHARD LONGWISH
THE DETROIT EDISON COMPANY
425 S. MAIN STREET, ROOM 332
ANN ARBOR, MI 48104

**Detroit
Edison**

DATE: 1/18/91

TO: Corporate Real Estate Services
2310 W.C.B.

FROM: James M. Davenport *JMD*
Real Estate & Rights-of-Way
Howell Office
Ann Arbor Division

SUBJECT: Agreement/Easement/Restrictions for underground
residential distribution for PEBBLE BAY
CONDOS.
Located In: BRIGHTON TOWNSHIP
County: LIVINGSTON

Attached is the executed agreement dated 11/26/90
for the above named project.

Easements for this project were requested by BILL WILES
Service Planning Department, Ann Arbor Division.

The agreement was negotiated by James M. Davenport of the
Real Estate and Rights-of-Way Department, Ann Arbor
Division.

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

Additional Information: _____

JMD:pg:wp
Attachment(s)

RECORDED RIGHT OF WAY NO. 41186