

Lexington Twp
SEC. 31

**Detroit
Edison**

THUMB DIVISION - Rights of Way

Date: January 14, 1991

To: Records Center

From: Richard F. Collins *RFC*
Senior Representative

Subject: **Lakeview Mobile Home Court**

Attached for Records Center is the executed Agreement dated December 7, 1988 for the above named project. Also, enclosed are other pertinent papers relative to this project.

Easement for this project was requested by Rod Lien of Service Planning, Thumb Division.

The Agreement was negotiated by Richard Collins of this Department.

The Detroit Edison Company & Michigan Bell Telephone Co. made this agreement with John & Mary DiVico Jr. & Victor DiVico (Joint Tenants on Land Contract with John & Ollie Drake)

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

RFC:lq:13

Attachments

RECORDED RIGHT OF WAY NO. 41228

Serving Customers

We're all a part of it!

TO: RICHARD C. LINS
REAL ESTATE AND RIGHTS OF WAY - SUPERVISOR

Application No. 5-306

DISTRICT SANILAC / THUMB

Date 9-8-88

A-99694

We have included the following necessary material and information:

MATERIAL:

- A. Subdivision
 - 1. Copy of complete final proposed plat, or
 - 2. Recorded plat
 - a. Site plan
 - b. Title information (deed, title commitment, contract, or title search)

or

- B. Other than subdivision
 - 1. Property description.
 - 2. Site plan.
 - 3. Title information (deed, title commitment, contract with title commitment, or title search).

2054 S. LAKE SHORE PORT SAN.
JOHN DRAKE & WIFE
122-8285

INFORMATION:

1. Project name LAKEVIEW MOBILE HOME COURT County SANILAC

City/Township/Village LEXINGTON Section No. _____

Type of Development

Subdivision Mobile Home Park

Apartment Complex Other

2. Name of Owner JOHN DIVICO JR, MARY DIVICO Phone No. 982-4100

Address VICTOR DIVICO
5767 MAIN ST. LEXINGTON

Owner's Representative ABOVE Phone No. 984-2583

3. Date Service is Wanted OCT 1988

- 4. Entire project will be developed at one time YES NO
- 5. Cable poles on property YES NO
- 6. Joint easements required YES NO

a. Name of other utilities MST

b. Other utility engineer names, addresses, phone numbers: JIM ECARIUS - 984-7017
DALE REINKE - 648-4304

7. Part of subdivision is fed from overhead service. YES NO

Lot No. _____

8. Additional information or comments: SEVERAL OPL'S FEED
OVERHEAD (EXISTING)

RECORDED RIGHT OF WAY NO. 47288

NOTE: Trenching letter attached will be submitted later.

Signed Ron Lins

Address Sanders by Phone 5513

SERVICE PLANNING DEPARTMENT

Detroit Edison

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

12-7-88, 1988

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 Village of Lexington, County of Sanilac, 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 10 feet in width unless otherwise indicated and the route is described as follows:

Location of said easements to be shown on a drawing to be recorded within 90 days after construction.

RECEIVED FOR RECORD
90 DEC 18 PM 3:24
LIBER NO. 482 PAGE NO. 22
ESTHER LEE
REGISTER OF DEEDS
SANILAC CO., MICHIGAN

RECORDED RIGHT OF WAY NO. 41228

In order to provide for the proper maintenance and protection of UTILITY, the undersigned covenant and 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:

Lakeview Mobile Home Court
Grantors:

X Lucille Battelone
Lucille Pattelene

X Alexandra Lavis
Alexandra Lavis

Larry Bruzzese
Larry Bruzzese

Alba Pruzzese
Alba Pruzzese

X John J. Drake
John Drake A/K/A John J. Drake

X Ollie Drake
Ollie Drake, his wife

John DiVico Jr.
John DiVico, Jr.

Mary DiVico
Mary DiVico, his wife

Prepared by:

Victor DiVico
Victor DiVico

Return to: Richard F. Collins
600 Grand River
Port Huron, MI 48060

5767 Main St., Lexington, MI 48450

"APPENDIX A"

Commencing at the intersection of the West line of Fractional Section 31 with East and West 1/4 line of said Section (as fenced) in the Village of Lexington, Sanilac County, Michigan; thence North along the West line of Section 31 a distance of 282.15 feet; thence N. 89 deg 25' E. 33.0 feet to the Point of Beginning of this description; thence continuing N. 89 deg. 25' E. 924.69 feet to Lake Huron; thence N. 11 deg. 39' E. along Lake Huron 277.9 feet; thence S. 89 deg. 20' W. 880.8 feet; thence South 60 feet; thence S. 89 deg. 20' W. 100.0 feet; thence South 210.05 to the beginning.

RECORDED HIGHWAY NO. 4238

Acknowledgement-Individual

STATE OF ~~MICHIGAN~~ ^{Florida}
County of Palm Beach 1988

On this 1 day of Dec, 1988, the foregoing instrument was acknowledged before me, a notary public in and for said county, by John J. Drake, E. O. DRAKE, HIS WIFE

Richard A. White
Notary Public, Palm Beach County, Michigan
Fla.

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR 21, 1989
My commission expires BONDED THRU GENERAL INS. UND.

MEMORANDUM ORDER
FOR GENERAL USE
DE FORM MS 77 12-83

TO Rod Lien-Sandusky Office

DATE 1/9/89

TIME _____

RE: LAKEVIEW MOBILE HOME COURT - Village of Lexington, Sanilac County

Agreement - Easement - Restrictions obtained. OK to proceed with construction.

COPIES TO: Mike Mancini

SIGNED

Richard F. Collins
Richard F. Collins, Sr. Representative
Real Estate and Rights of Way

REPORT _____

DATE RETURNED _____

TIME _____

SIGNED _____

RECORDED RIGHT OF WAY NO. 41228

etroit
Edison

Thumb Division
Box 588
600 Grand River Avenue
Port Huron, Mich. 48060

November 1, 1988

John DiVico Jr., Mary DiVico & Victor DiVico
5767 Main Street
Lexington, Michigan 48450

RE: Lakeview Mobile Home Court, Village of Lexington, Sanilac County

Enclosed is a Right of Way Agreement covering the above described project prepared for signatures of owners of record as indicated on documents furnished by you. If there are now any additional owners involved, their signatures and evidence of their ownership are also required. Please have the original and one (1) copy executed and returned to us. A copy should be retained by you for your records.

In order to comply with the recording statutes of the State of Michigan, please have two separate witnesses. The notary can be one of the witnesses. Also, print or type the names of all parties signing the documents, including witnesses, and notary.

Your attention is called to Paragraph No. 4 of this Agreement, whereby you would be responsible for any damage which might occur to the Company's underground lines after installation. It is, therefore, extremely important that not only you, but any contractors working for you, exercise due care to avoid any damage.

Prompt return of this instrument, fully executed, will assist in prompt scheduling of our work to be completed in your project. Please return the documents to me at 600 Grand River Avenue, Port Huron, Michigan, 48060. If you have any questions I can be reached on (313)984-6733.

Sincerely,

Richard F. Collins
Richard F. Collins
Sr. Representative

RFC/lq

RECORDED RIGHT OF WAY NO. 41228