

**Real Estate and Rights of Way  
Joint Underground Residential Distribution  
Right of Way Agreement**

October 3, 1990

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, and UNITED CABLE TELEVISION OF OAKLAND COUNTY, INC. a Michigan Corporation of 4500 Delemere Blvd., Royal Oak, Michigan 48073 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 Orion, County of Oakland, 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 ten (10) ft in width unless otherwise indicated and the route is described as follows:

As shown on the attached drawing 90 A-64151 which is made a part hereof.

The exact location of said easements shall be shown on a drawing to be recorded 90 days after construction.

In order to provide for the property 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 with 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, employees 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Next Page

#92 REG/DEEDS PAID  
0001 NOV.30 '90 10:55AM  
4222 MISC 5.00

O.K. — LM

Prepared by: Omer V. Racine/lhp  
The Detroit Edison Company  
30400 Telegraph Road, Suite 277  
Birmingham, Mi 48010

Address:

APPROVED AS TO FORM 10/3/90 DATE  
LEGAL DEPARTMENT [Signature]

Return on Back

RECORDED RIGHT OF WAY NO. 912473

482001

RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, 277 OAKDH  
BIRMINGHAM, MICHIGAN 48010

Witness:

Sheri L. Dennis  
SHERI L. DENNIS

LIBER 116531689

Nancy L. Caruso  
Nancy L. Caruso  
9213 Eves  
Clarkston, MI 48016

Omer V. Racine  
OMER V. RACINE

State of Michigan )  
                                  ) SS:  
County of Oakland )

On this 3rd day of October, 1990, the above named NANCY L. CARUSO to me known to be the person who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

My Commission Expires: \_\_\_\_\_

Omer V. Racine  
Notary Public,  
County, Michigan OMER V. RACINE  
Notary Public, Oakland County, MI  
My Commission Expires May 29, 1994

Parcel H2

Appendix "A"

Part of the SE 1/4 of Section 11, T4N., R10E., Orion Township, Oakland County, Michigan:

Beg at pt dist N 03° 33' 17" E 1371.20 ft & N 00° 41' 27" E 1299.34 ft from S 1/4 cor, th N 00° 41' 27" E 15 ft, th S 82° 26' 44" E 193.12 ft, th S 03° 17' 49" W 164.56 ft, th N 46° 12' 09" W 252.38 ft to beg. 0.40 acres

Sidwell No: 09-11-410-009

RECORDED RIGHT OF WAY NO. 41243

RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, 277 OAKDH  
BIRMINGHAM, MICHIGAN 48010



Applicant Name <b>JIM McDOWALD</b>	Date <b>9-18-90</b>	Application No. <b>OE 90-256</b>
Division <b>OAKLAND</b>	Date <b>9-11-90</b>	

We have included the following necessary material and information:

**Material:**

**A. Proposed Subdivision**

- 1. copy of complete final proposed plat - All pages

or

**B. Other than proposed subdivision (condo., apts. mobile home park**

— other)

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

Note: Do not submit application for URD easements until all above material has been acquired.

**Information**

1 Project Name <b>WALTERS ESTATES</b>	County <b>OAKLAND</b>
City/Township <b>ORION TOWNSHIP</b>	Section No. <b>SECT. 11</b>

**Type of Development**

- |  |  |                                      |
|--|--|--------------------------------------|
| <input checked="" type="checkbox"/> Proposed Subdivision | <input type="checkbox"/> Apartment Complex | <input type="checkbox"/> Condominium |
| <input type="checkbox"/> Subdivision                     | <input type="checkbox"/> Mobile Home Park  | <input type="checkbox"/> Other       |

**2 Name of Owner**

**DAN MATTINGLY**

**Address**

**c/o NAULY CARUSO REALTY, LTD. 6275 SASHABAW RD CLARKSTOWN MI 48016**

**Owner's Representative**

**SAME**

**Date Service is wanted**

**9-20-90**

4. Entire Project will be developed at one time  Yes  No

5. Joint easements required — Michigan Bell Telephone  Yes  No  
 — Consumers Power  Yes  No

**6 Name of Other Utilities if Not Michigan Bell Telephone or Consumers Power**

**TRIBUNE/UNITED CATV**

**7 Other Utility Engineer Name(s)**

**JIM KREMER - CATV / VIVA FOSTER - MBT 456 - 0818 MBT 549 - 1236**

**Addresses**

**CATV - 4500 DELEMEKE ROYAL OAK, MI. 48073**

**MBT - 54 N. MILL PONTIAC, MI 48058**

**8 Additional Information or Comments**

Note: Trenching letter  attached  will be submitted later

Service Planner <b>KEN WEATHERS</b>	Signed (Service Planning Supervisor) <b>John F. Baumgardner</b>
Phone No. <b>645-4153</b>	Address

RECORDED RIGHT OF WAY NO. 41243

MEMORANDUM ORDER  
FOR GENERAL USE  
DE FORM MS 77 12-53

TO Records Center

DATE 1-17-91 TIME \_\_\_\_\_

Please set up R/W file for: WALTERS ESTATES  
Being a part of SE 1/4 of Section 11, ORION TOWNSHIP  
Oakland County, Michigan

COPIES TO: \_\_\_\_\_

SIGNED

*Omer V. Racine*  
Omer V. Racine

REPORT \_\_\_\_\_

277 Oakland Division Headquarters

DATE RETURNED \_\_\_\_\_

TIME \_\_\_\_\_

SIGNED \_\_\_\_\_

RECORDED  
HEIGHT  
OF  
WAY  
NO.  
41943