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Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

✓ NOV 30, 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, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan and COLUMBIA CABLE OF MICHIGAN, a Michigan Limited partnership

corporation of P. O. Box 998, Ann Arbor, Michigan 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 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 Ypsilanti, County of Washtenaw

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.

TIME RECORDED 9:31 A.M.
DATE DEC. 17 1990
PEGGY M. HAINES
WASHTENAW COUNTY CLERK/REGISTER

RECORDED RIGHT OF WAY NO. 771281

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:

James M. Davenport
JAMES M. DAVENPORT

~~THE OXIDYNE GROUP INC.,
A Delaware Corporation~~

✓
ANTHONY V. PIERONI, Vice President

Marjorie Winston
Marjorie Winston

COMMONS OF ROUNDTREE INC.,
A Michigan Corporation

JACK W. BELKIN, President

Prepared by: James M. Davenport
425 S. Main
Ann Arbor, MI 48104

Address: 26555 Evergreen Road
Suite 610
Southfield, MI 48076

-- OVER --

STATE OF MICHIGAN

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County of _____)SS

WASHTENAW COUNTY MI

DEC 17 9 31 AM '90

On this _____ day of _____, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Anthony V. Pieroni whose title(s) is/are Vice President of THE OXIDYNE GROUP, a Delaware corporation, on behalf of the corporation.

PLUG, H. HAINES
COUNTY CLERK/REGISTER

JUDY J. GLASS
Notary Public, Macomb County, Michigan
My Commission Expires January 25, 1992

Judy J. Glass
Notary Public, Macomb County, Michigan

My commission expires 1-25-92

NUMB 305
DEED
8333 0333003 7794 9:27AM 12/17/90
7.00
7.80

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Oakland)SS

On this 30 day of Nov., 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Jack W. Belkin whose title(s) is/are President of Commons of Roundtree, a Michigan corporation, on behalf of the corporation.

JUDY J. GLASS
Notary Public, Macomb County, Michigan
My Commission Expires January 25, 1992

Judy J. Glass
Notary Public, Macomb County, Michigan
Acting in Oakland

My commission expires 1-25-92

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

APPENDIX "A"

Situated in Township of Ypsilanti, Washtenaw County, Michigan

Beginning at a point on the West line of Fractional Section 18, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan, said point being located S 01°36'23" West 750.00 feet from the NW corner of Fractional Section 18; thence N 82°56'18" E 300.00 feet; thence S 89°25'22" E 539.95 feet; thence S 71°57'55" E 223.91 feet; thence 23.64 feet along the arc of a 670.00 foot radius circular curve concave NW'ly through a central angle of 02°01'19", the long chord of which bears S 20°42'15" W 23.64 feet; thence N 68°17'06" W 7.00 feet; thence S'ly 104.94 feet along the arc of a 663.00 foot radius circular curve concave NW'ly through a central angle of 09°04'08", the long chord of which bears S 26°14'58" W 104.83 feet; thence S 30°47'02" W 45.00 feet; thence S'ly a distance of 331.19 feet along the arc of a circular curve 505.67 feet concave to the East, radius 282.00 feet, central angle 102°44'26", chord S 20°35'11" E 440.60 feet; thence S 60°26'02" W 306.82 feet; thence S 69°07'24" W 230.11 feet; thence N 70°17'00" W 183.77 feet; thence N 90°00'00" W 232.84 feet; thence N 00°00'00" W 100.00 feet; thence N 90°00'00" W 110.90 feet to the West line of said Fractional Section 18; thence N 574.59 feet to the Place of Beginning.

EXCEPTING THEREFROM a 2.56 acre community center described as commencing at the NW corner of said Fractional Section 18; thence S 01°36'23" W 750.00 feet along the West line of Fractional Section 18; thence N 82°56'18" E 300.00 feet; thence S 89°25'22" E 539.95 feet; thence S 00°34'38" W 190.00 feet for a place of beginning; thence S 89°25'22" E 49.31 feet; thence S'ly 207.01 feet along the W'ly line of proposed Roundtree Boulevard and the arc of a circular curve concave E'ly, radius 368.00 feet, central angle 32°13'51", chord S 12°20'41" W 204.29 feet; thence S 37°32'59" W 116.66 feet; thence S 63°34'38" W 89.10 feet; thence N 65°00'33" W 117.70 feet; thence N 89°25'22" W 130.00 feet; thence N 00°34'38" E 210.00 feet; thence N 47°05'27" E 108.99 feet; thence S 89°25'22" E 300.00 feet to the Place of Beginning of said exception.

Detroit
Edison

DATE: 12-27-90

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 ROUNDTREE
COMMONS CONDOS.
Located In: YPSILANTI TOWNSHIP
County: WASHTENAW

Attached is the executed agreement dated NOV 30, 1990
for the above named project.

Easements for this project were requested by R. HALL
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. 41287

Serving Customers

We're all a part of it.