

SEC. 26, NE 1/4 OF
T2N R13E

**Detroit
Edison**

Date: January 23, 1991
To: Record Center
From: Michael J. Mc Cabe *MSM*
Sr. Real Estate and Rights of Way Representative
Macomb Division
Subject: Right of Way Agreement for Underground Residential
Distribution for Saravilla Apartments, Phase II,
located in part of Glenwood Gardens Subdivision
Clinton Township, Macomb County, Michigan

Attached for Record Center is the executed Right of Way
Agreement dated December 27, 1990 for the above named project.

Easement for this project was requested by Frank Goettl,
Service Planning, Macomb Division. The Agreement was
negotiated by Michael J. Mc Cabe, Representative, Real
Estate and Rights of Way, Macomb Division.

Detroit Edison Company, Comcast Cablevision, Michigan Bell
Telephone Company and Consumers Power Company made this
agreement with Ceasar Badalamenti, Managing Partner for
Saravilla Apartments, Phase II

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

Attachment

RECORDED RIGHT OF WAY NO. 41313

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Real Estate and Rights of Way

Detroit Edison

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

LIBER 050260863

December 27, 1990

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 Comcast Cablevision Television, a Delaware corporation of 6065 Wall Street, Sterling Heights, MI 48078, 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 Clinton, 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.

Said right of way shall be 10 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 IN MACOMB COUNTY
RECORDS AT: 12:16p.
JAN 15 1991

Edna Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 41313

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:

Grantors:

X *Gwynn Stark*
Gwynn Stark

X *Anthony Badalamenti*
Anthony Badalamenti

SARAVILLA APARTMENTS
a Michigan Co-Partnership

BY: *Cesar Badalamenti*
Cesar Badalamenti, managing partner

Prepared by: & return to:
Michael J. McCabe
15600 - 19 Mile Road
Mt. Clemens, MI 48044

Address: 18860 Santa Marie
Mt. Clemens, MI 48043

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

On this ____ day of _____, 19____, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____

Notary Public, _____ County, Michigan

My commission expires _____

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

On this ____ day of _____, 19____, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____

Notary Public, _____ County, Michigan

My commission expires _____

Acknowledgement-Corporation

STATE OF MICHIGAN

County of _____)SS

On this ____ day of _____, 19____, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____

whose title(s) is /are _____

of _____, a _____ corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan

My commission expires _____

Acknowledgement-Partnership

STATE OF MICHIGAN

County of Macomb)SS

On this 27th day of December, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Cesar Badalamenti

(a) general managing partner(s), on behalf of SARAVILLA APARTMENTS, a Michigan Co- * partnership.

Gwynn M. Stark
Notary Public, Stark Macomb County, Michigan

My commission expires November 29, 1993

RECORDED RIGHT OF WAY NO. 41313

APPENDIX "A"

"SARAVILLA APARTMENTS, PHASE 2", Land in the Township of Clinton, Macomb County, Michigan, described as: The South 79 feet of Lot 68, except the North 51 feet of the South 79 feet of the East 150 feet of Lot 68 and all of Lot 69, 70 and 71, Glenwood Garden, according to the plat thereof as recorded in liber 2, pages 212 and 213 of Plats, Macomb County Records.

RECORDED RIGHT OF WAY NO. 41313