

Real Estate and Rights of Way

Detroit Edison

Joint Underground Right of Way Agreement

✓ AUGUST 2, 1990

FIBER 1427 PAGE 0776

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 MULTI-Cable-Vision of Liv/Wash a Michigan corporation of P.O. Box 660, Hamburg, Mi. 48139, hereinafter referred to collectively as "GRANTEE," the right to construct, reconstruct, modify, add to, operate and maintain underground line facilities consisting of poles, conduits, wires, cables, manholes, transformers and accessories required to provide electric and communication services in, under, upon and across property located in the Township of Putnam, County of Livingston, State of Michigan, further described as follows:

The southerly twelve (12) feet of the following described land:

PARCEL 3

A parcel of land in the Southeast 1/4 of Section 14, Town 1 North, Range 4 East, Putnam Township, Livingston County, Michigan, more particularly described as beginning at a point, said point being distant South 87 degrees 40 minutes 46 seconds East 987.01 feet along the South line of Section 14 and North 00 degrees 50 minutes 59 seconds East 337.11 feet from the South 1/4 corner of Section 14; proceeding thence from said point of beginning North 65 degrees 55 minutes 56 seconds West 403.88 feet; thence North 41 degrees 24 minutes 30 seconds West 33.00 feet; thence 147.41 feet along the arc of a 786.07 foot radius curve to the left (not tangent to previous course), having a central angle of 10 degrees 44 minutes 40 seconds, whose chord measures 147.20 feet and bears North 43 degrees 13 minutes 09 seconds East; thence North 35 degrees 52 minutes 18 seconds East 340.07 feet (not tangent to previous course); thence South 89 degrees 09 minutes 01 seconds East 99.00 feet; thence South 00 degrees 50 minutes 59 seconds West 570.89 feet to the point of beginning.

~~as shown on the attached drawing which is made a part hereof~~

The right of way is Twelve (12) feet in width.

The rights hereby granted include the right of access to and from the right of way and the right to trim, cut down or otherwise control trees, brush or roots of any kind either within the right of way or on property adjoining the right of way which in the opinion of the GRANTEE interferes with the construction or operation of the line facilities. It is expressly understood and agreed that the GRANTEE shall, at no time, trim or cut down any trees unless, in the GRANTEE'S opinion, it is absolutely necessary to do so. The GRANTEE shall restore premises to its original condition or as near as can be in the event of damages caused by its employes, contractors, vehicles and equipment entering premises for the purposes set forth herein.

No buildings or structures are to be placed within said right of way herein granted without the written consent of the GRANTEE.

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:

James M. Davenport Jr.
JAMES M. DAVENPORT JR.
Mark McMacken
MARK McMACKEN

Grantors:
Roy L. Nowitzke
Roy L. Nowitzke
Margaret E. Nowitzke
Margaret E. Nowitzke, husband and wife

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

Address: 9935 Martz Road
Ypsilanti, Mi. 48197

APPROVED AS TO FORM 8/24/90 DATE
LEGAL DEPARTMENT [Signature]

over

RECORDED
AUG 29 2 19 PM '90
NANCY HAYLAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI

RECORDED RIGHT OF WAY NO. 41426

LIBER 1427 PAGE 0777

Acknowledgement-Individual

STATE OF MICHIGAN

County of LIVINGSTON SS

On this 2ND day of AUGUST, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Roy L. Nowitzke and Margaret E. Nowitzke, husband and wife

James M. Davenport, Jr.
Notary Public, _____ County, Michigan

My commission expires ✓

JAMES M. DAVENPORT, JR.
Notary Public, Wayne County, MI
My Commission Expires Jan. 22, 1991

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

To (Supervisor, RE & R/W) RICHARD LONGWISH	For RE & R/W Dept. Use	Date Received	DE/Bell/C.P. No
Division ANN ARBOR	Date 6-28-90	Application No. HS-4132	

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).

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH BY <u>J. DAVENPORT</u> DATE <u>8-6-90</u> DATE WANTED _____ DISTRICT FIELDMAN <u>Richard Longwish</u>	PERMITS TO: RECORD CENTER <u>1</u> R/W FILES <u>1</u> MBT <u>1</u> ORIGINATOR <u>1</u> TOTAL <u>1</u>
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Note: Do not submit application for URD easements until all above material has been acquired.

Information

1. Project Name NOWITZKE RESIDENCE	County LIVINGSTON
City/Township/Village PUTNAM	Section No. 14
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Condominium <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input checked="" type="checkbox"/> Other	
2. Name of Owner SAME AS ABOVE	Phone No. 313 483-6805
Address 8991 THORNAPPLE (NEW)	
Owner's Representative 9935 MARTZ RD YPSILANT 48197 (PRESENT)	
Date Service is Wanted 7-23-90	

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

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

a. Name of Other Utilities if Not Michigan Bell Telephone or Consumers Power
MULTI CABLEVISION

b. Other Utility Engineer Names
DAN BACKUS Phone Numbers
231-1872

Addresses
P.O. BOX 660 HAMBURG MI 48139

6. Additional Information or Comments

CATV	TM #	H-256-0	AGREED	5-11-90
MBT	#	H-255-0	AGREED	5-11-90

Note: Trenching letter attached will be submitted later

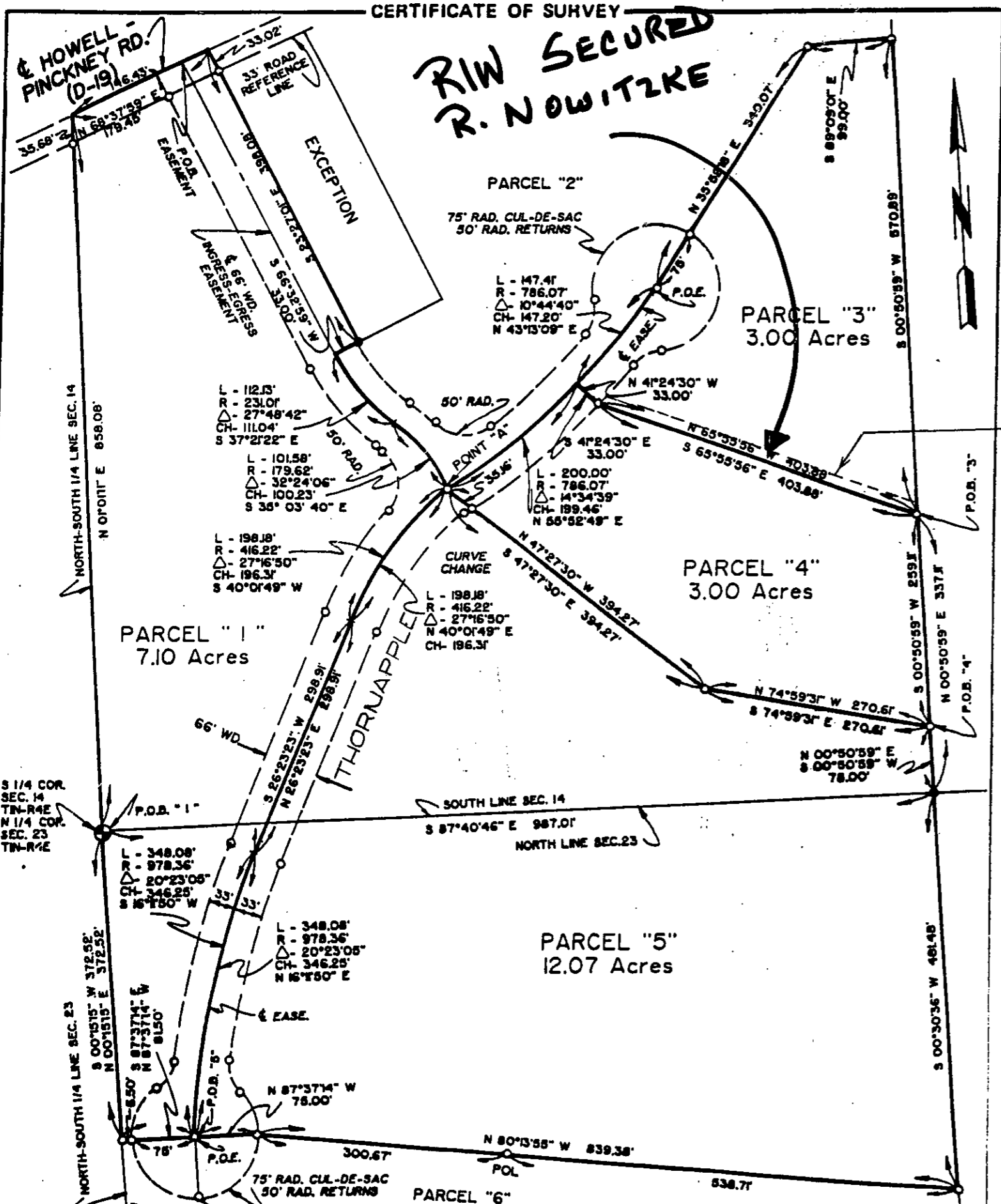
Service Planner BRIAN R. PUDNEY	Signed (Service Planning Supervisor) <i>[Signature]</i>
Phone No. 3314	Address LOWELL S/C

UNRECORDED RIGHT OF WAY NO. 41426

(Multi) →

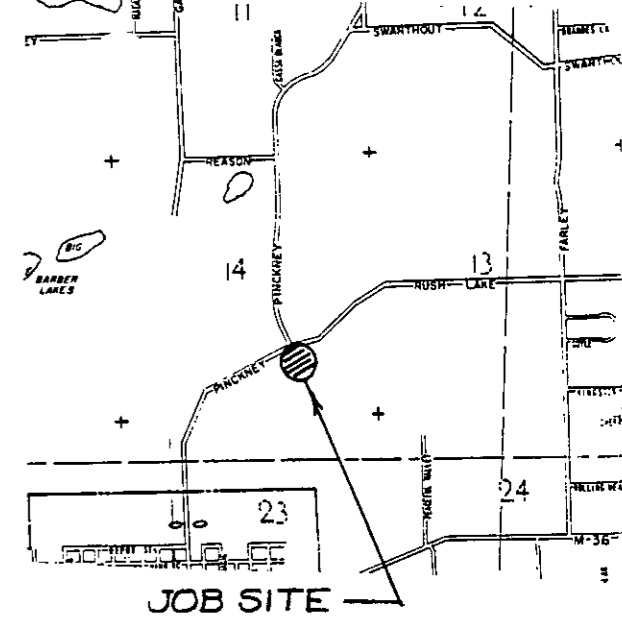
CERTIFICATE OF SURVEY

**R/W SECURED
R. NOWITZKE**



PARCEL 3

A parcel of land in the Southeast 1/4 of Section 14, Town 1 North, Range 4 East, Putnam Township, Livingston County, State of Michigan, more particularly described by Darrell Hughes, Michigan Registered Land Surveyor No. 19834, as beginning at a point, said point being distant South 87 degrees 40 minutes 46 seconds East 987.01 feet along the South line of Section 14 and North 00 degrees 50 minutes 59 seconds East 337.11 feet from the South 1/4 corner of Section 14; proceeding thence from said point of beginning North 65 degrees 55 minutes 56 seconds West 403.88 feet; thence North 41 degrees 24 minutes 30 seconds West 33.00 feet; thence 147.41 feet along the arc of a 786.07 feet radius curve to the left (not tangent to previous course), having a central angle of 10 degrees 44 minutes 40 seconds, whose chord measures 147.20 feet and bears North 43 degrees 13 minutes 09 seconds East; thence North 35 degrees 52 minutes 18 seconds East 340.07 feet (not tangent to previous course); thence South 89 degrees 09 minutes 01 seconds East 89.00 feet; thence South 00 degrees 50 minutes 59 seconds West 570.89 feet to the point of beginning, containing 3.000 acres, together with the use of, in conjunction with others, a 66 feet wide ingress, egress and public utility easement as described below.



U.G. EASEMENT 12' X 403.88 ALONG SOUTHERLY R/ DECO-MBT-CATV

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT. R/W SECURED AS INDICATED ON THIS SKETCH	PERMITS TO:
BY: J. DAVENPORT	RECORD CENTER: 1
DATE: 8-6-90	R/W FILES: 1
DATE WANTED: A.S.A.P.	MBT: 1
DISTRICT: _____	ORIGINATOR: 1
FIELDMAN: _____	TOTAL: 1

U.B.T. 90134125724

THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT			
CITY OR TWP.	COUNTY	QTR. & TWP. SECT. NO.	DEPT. ORDER NO.
PUTNAM	LIVINGSTON	14	
MAP SECT.	TOWN RANGE	JOINT R/W REQUIRED	R/W NO.
2-106-352	1N 4E	YES <input type="checkbox"/> NO <input type="checkbox"/>	45-4132
PROJECT NAME	TEL. ENGR. & DIST.		PROJ. OR PART NO.
NOWITZKE RESIDENCE			
CIRCUIT	O.F.W. S.O. OR P.E. NO.		
DC 301 PINCKNEY 4.8 KV AREA			
REASON	BUDGET ITEM NO.		
NEW SERVICE TO 8991 THORNAPPLE			
PLANNER	SCALE	DATE	
B.R. PUDNEY		6/28/90	

RECORDED RIGHT OF WAY NO. 41482