

Page 1 of 2
Re-Recorded

Page 1 of 2

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

August 22, 19 89

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 corporation of _____, a Michigan _____

incorporation of _____, Ann Arbor, MI 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 Superior 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:

Easements to be as shown on a drawing to be recorded after construction.

THIS INSTRUMENT IS RE-RECORDED TO SHOW AS INSTALLED DRAWING AS STIPULATED. RECORDED

WASHTENAW COUNTY MI

JAN 31 11 44 AM '91

PEGGY M. HAINES COUNTY CLERK/REGISTER RE-RECORDED.

RECORDED RIGHT OF WAY NO. 211447

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:

Jan Vliet

Jan Vliet

Christie Duguid

Christie Duguid

SUPERIOR PROSPECT COMPANY, A Michigan Co-Partnership

Donald S. Chisholm
DONALD S. CHISHOLM General Partner

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

Address: 315 E. Eisenhower Ann Arbor, MI 48108

OVER

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Re-Recorded

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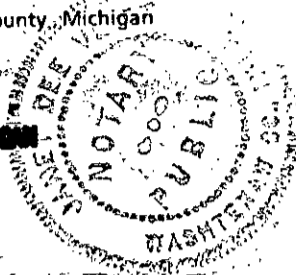
On this 22 day of August, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Donald S. Chisholm

(a) general/managing partner(s), on behalf of SUPERIOR PROSPECT COMPANY, A Michigan Co- partnership.

Janet Dee Vliet
Notary Public, Washtenaw County, Michigan

JANET DEE ~~WELT~~
VLIET

NOTARY PUBLIC, WASHTEENAW COUNTY, MICHIGAN
MY COMMISSION EXPIRES OCT. 24, 1991



My commission expires 10-16-91

A P P E N D I X " A "

A parcel of land being part of the Southwest 1/4 of Section 34, T2S, R7E, Superior Township, Washtenaw County, Michigan, more particularly described as commencing at the Southwest corner of Section 34; thence N 01°53'15" W along the West line of Section 34, also being the centerline of Propsect Road, 993.00 feet; thence N 88°06'45" E, leaving said centerline 60.00 feet to a point on the East Right of Way line of Prospect Road, also being the Point of Beginning; thence N 01°53'15" W, along said Right of Way line 840.12 feet; thence N 87°59'50" E, leaving said Right of Way line, 230.00 feet; thence S 04°05'00" E, 114.42 feet; thence S 00°40'00" W 250.00 feet; thence S 24°15'00" E 61.78 feet; thence N 85°06'47" E 12.70 feet; thence S 15°03'21" E 74.97 feet; thence S 05°35'00" W 350.00 feet; thence S 88°06'45" W 231.00 feet to the Point of Beginning, containing 4.70 acres, more or less.

RECORDED
WASHTEENAW COUNTY MI
Aug 29 11 54 AM '89
ROBERT N. HARRISON
COUNTY CLERK/REGISTER

RECORDED
WASHTEENAW COUNTY MI
Aug 29 11 54 AM '89
ROBERT N. HARRISON
COUNTY CLERK/REGISTER

007

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

NUMB 302 DEED 7.00
B333 0333003 2938 11:48AM 8/29/89

Handwritten initials and numbers: "J" and "151"

Superior Twp
Sec. 34

Detroit
Edison

DATE: 2-19-91

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 PROSPECT PARK
CONDO - PHASE I
Located In: SUPERIOR TOWNSHIP
County: WASHTENAW COUNTY

Attached is the executed agreement dated 8-22-89
for the above named project.

Easements for this project were requested by VERN
JOHNSON
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. 41447

Serving Customers

We're all a part of it!

RECORDED

WASHTENAW COUNTY MI

JAN 31 11 44 AM '91

PEGGY M. HAINES
COUNTY CLERK/REGISTER

11
2-80

note

As noted

DEED 11.00
8333 0333003 9993 11:37AM 1/31/91

SRF 2.00
8333 0333003 9993 11:37AM 1/31/91

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