

Detroit Edison

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

✓ 11-13, 19 89

LIBER 1456 PAGE 369 DEED 1376 PAGE 0248

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 COLUMBIA CABLE OF MICHIGAN, a Michigan corporation of 9903 Webber Street, Brighton, Mi. 48116, 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 City of Brighton, County of Livingston, 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 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

FEB 13 10 13 AM '91

NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
48343

NOV 14 1 38 PM '89  
NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
48343

RECORDED

RECORDED RIGHT OF WAY NO. 4474

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:

Frances A. Corona  
FRANCES A. CORONA  
7000 W. GRIFFIN

GARY A. Ceccolini  
FRANCES A. CORONA  
GARY A. Ceccolini

Grantors:

GUENTHER BUILDING CO. - a Michigan Corporation  
Robert F. Guenther, president

BSM of Ann Arbor Inc - a Michigan Corporation  
Berneda S. Meeks, president  
Address: 2864 Carpenter  
Ann Arbor, Mi. 48108

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

acknowledgement-Corporation

STATE OF MICHIGAN

County of Washtenaw

On this 13<sup>th</sup> day of November, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Berneda S. Meeks whose title(s) is /are president of BSM of Ann Arbor Inc., a Michigan corporation, on behalf of the corporation.

FRANCES A. CORONA  
NOTARY PUBLIC - WASHTENAW COUNTY, MICH.  
MY COMMISSION EXPIRES 1-2-91

Frances A. Corona  
Notary Public, Washtenaw County, Michigan

My commission expires

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Washtenaw

On this 13<sup>th</sup> day of November, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Robert F. Guenther whose title(s) is /are president of Guenther Building Co., a Michigan corporation, on behalf of the corporation.

FRANCES A. CORONA  
NOTARY PUBLIC - WASHTENAW COUNTY, MICH.  
MY COMMISSION EXPIRES 1-2-91

Frances A. Corona  
Notary Public, Washtenaw County, Michigan

My commission expires

A P P E N D I X "A"

DESCRIPTION OF A 15.106 ACRE MULTIPLE SITE PARCEL  
IN THE S 1/2 OF SECTION 31, CITY OF BRIGHTON, LIVINGSTON  
COUNTY, MICHIGAN, FOR GUENTHER BUILDING COMPANY

Commencing at the S.W. Corner of Section 31, T2N, R6E, City of Brighton, Livingston County, Michigan and proceeding thence S88°28'00"E 909.90 feet and S86°49'16"E 608.17 feet and S87°22'04"E 786.54 feet and N01°33'53"E 1375.22 feet and S88°26'07"E 662.00 feet and S80°12'53"E 125.19 feet; thence 406.55' feet along the arc of a curve to the right having a radius of 437.77 feet passing through a central angle of 53°12'37" with a long chord bearing S45°23'20"E 392.10 feet; thence S18°47'02"E 514.71 feet to the POINT OF BEGINNING; thence S18°47'02"E 186.16 feet; thence 239.98 feet along the arc of a curve to the left having a radius of 500.00 feet passing through a central angle of 27°30'00" with a long chord bearing S32°32'02"E 237.69 feet; thence N43°43'00"E 18.00 feet; thence 525.13 feet along the arc of a curve to the left having a radius of 716.00 feet passing through a central angle of 42°01'18" with a long chord bearing of S67°17'41"E 513.43 feet; thence S88°18'19"E 770.18 feet; thence N15°48'40"W 549.51 feet; thence N87°46'18"W 655.00 feet; thence N87°46'14"W 300.00 feet; thence N2°09'16"E 120.00 feet; thence S73°37'03"W 358.77 feet to the Point of Beginning, being part of the S 1/2 of said Section 31, containing 15.106 acres of land, more or less, and subject to easements of record, if any.

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370 0249

**Detroit  
Edison**

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DATE: 3-11-91

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 WOODLAKE  
CONDOMINIUMS  
Located In: CITY OF BRIGHTON  
County: LIVINGSTON

Attached is the executed agreement dated 11-13-89  
for the above named project.

Easements for this project were requested by CHRIS  
FLOYD  
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. 44474



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