

1167

Detroit Edison

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

✓ FEBRUARY 28, 19 89

LIBER 1332 PAGE 0565

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, A Michigan Corporation of 212 Michigan, Jackson, Michigan and THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN and MICHIGAN BELL TELEPHONE CO., A Michigan Corporation of 444 Michigan Avenue, Detroit, MI. and COLUMBIA CABLE OF MICHIGAN, a Michigan Limited Partnership ~~corporation~~

of P. O. Box 998, 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, 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 Genoa, 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 Six (6) 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 4 2 35 PM '89

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI
48843

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI
48843

MAR 13 3 35 PM '89

RECORDED

RECORDED RIGHT OF WAY NO. 47496

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:

Livingston County Condo Development

Joseph C. DeKroub, Jr. Partner

Holly G. Elie

EMILIE J. KLANN

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

Address: 7600 E. GRAND RIVER
BRIGHTON, MI. 48116

Acknowledgement-Individual

STATE OF MICHIGAN

County of Livingston)SS

On this 28th day of February, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Joseph C. De Kroub Jr., partner - Livingston County Condo. Development

Emilie J. Klann
Notary Public, Livingston County, Michigan

My commission expires 30 Sept 1990

EMILIE J. KLANN

LIBER 1332 PAGE 0566

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 _____

LIBER 1455 PAGE 038

A P P E N D I X " A "

A part of the Southeast ¼ of Section 13 and part of the Northeast ¼ of Section 24, T2N, R5E, Genoa Township, Livingston County, Michigan, described as follows: Beginning at the South ¼ corner of said Section 13; thence N 00°24'29" E along the North-South ¼ line of said Section, 1802.18 feet; thence N 77°21'08" E 1472.15 feet to the centerline of Grand River Avenue; thence Southeasterly along said centerline 611.25 feet on an arc right, which has a central angle of 10°17'21" radius of 3403.83 feet and long chord which bears S 41°24'37" E, 610.43 feet; thence along the Westerly line of "Birkwood Hills," a subdivision recorded in Liber 8 of Plats, Pages 49 & 50, Livingston County Records, on the following 10 courses: 1) S 59°36'29" W (recorded as S 59°19'00" W) 255.89 feet; 2) S 28°20'02" W 763.14 feet (recorded as S 28°04'00" W 765.00 feet); 3) S 05°49'18" W (recorded as S 05°04'00" W) 604.83 feet; 4) N 87°10'45" E (recorded as N 86°33'00" E) 47.45 feet; 5) S 01°55'52" E (recorded as S 03°27'00" E) 50.00 feet; 6) Southeasterly 104.29 feet on an arc right which has a central angle of 100°50'02" radius of 59.26 and long chord which bears S 42°23'37" E 91.34 feet; 7) Southwesterly 130.47 feet on an arc right which has a central angle of 14°57'13", radius of 499.90 and long chord which bears S 15°03'07" W 130.10 feet; 8) S 66°59'28" E (recorded as S 67°38'00" E) 50.00 feet; 9) S 23°01'43" W (recorded as S 22°22'00" W) 50.00 feet; 10) S 61°06'05" E (recorded as S 61°58'00" E) 21.53 feet to the Southeast corner of the Southwest ¼ of the Southeast ¼ of said Section; (as monumented); thence S 01°31'57" W 483.29 feet to the centerline of Herbst Road; thence S 87°51'24" W along said centerline of Herbst Road 191.96 feet (recorded as S 88°37'00" W 190.48 feet); thence continuing along said centerline N 64°15'00" W 424.98 feet; thence due North 388.38 feet; thence N 87°43'22" W 132.00 feet; thence due South 330.00 feet to the centerline of Herbst Road; thence N 64°15'00" W along said centerline 331.67 feet; thence N 00°26'08" E 471.32 feet; thence N 88°15'22" W 254.00 feet; thence S 00°26'08" W 357.00 feet to the centerline of Herbst Road; thence N 64°15'00" W along said centerline, 66.36 feet to the Point of Beginning, containing 70.32 acres, more or less.

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

Genoa Twp
Sec 13 + 24

**Detroit
Edison**

DATE: 3-4-91
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 LAKE EDGEWOOD TOWNHOUSES - PHASES 1, 2, 3, & 4
Located In: GENOA TOWNSHIP
County: LIVINGSTON

Attached is the executed agreement dated 2/28/89 for the above named project.

Easements for this project were requested by TIM DEL
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.

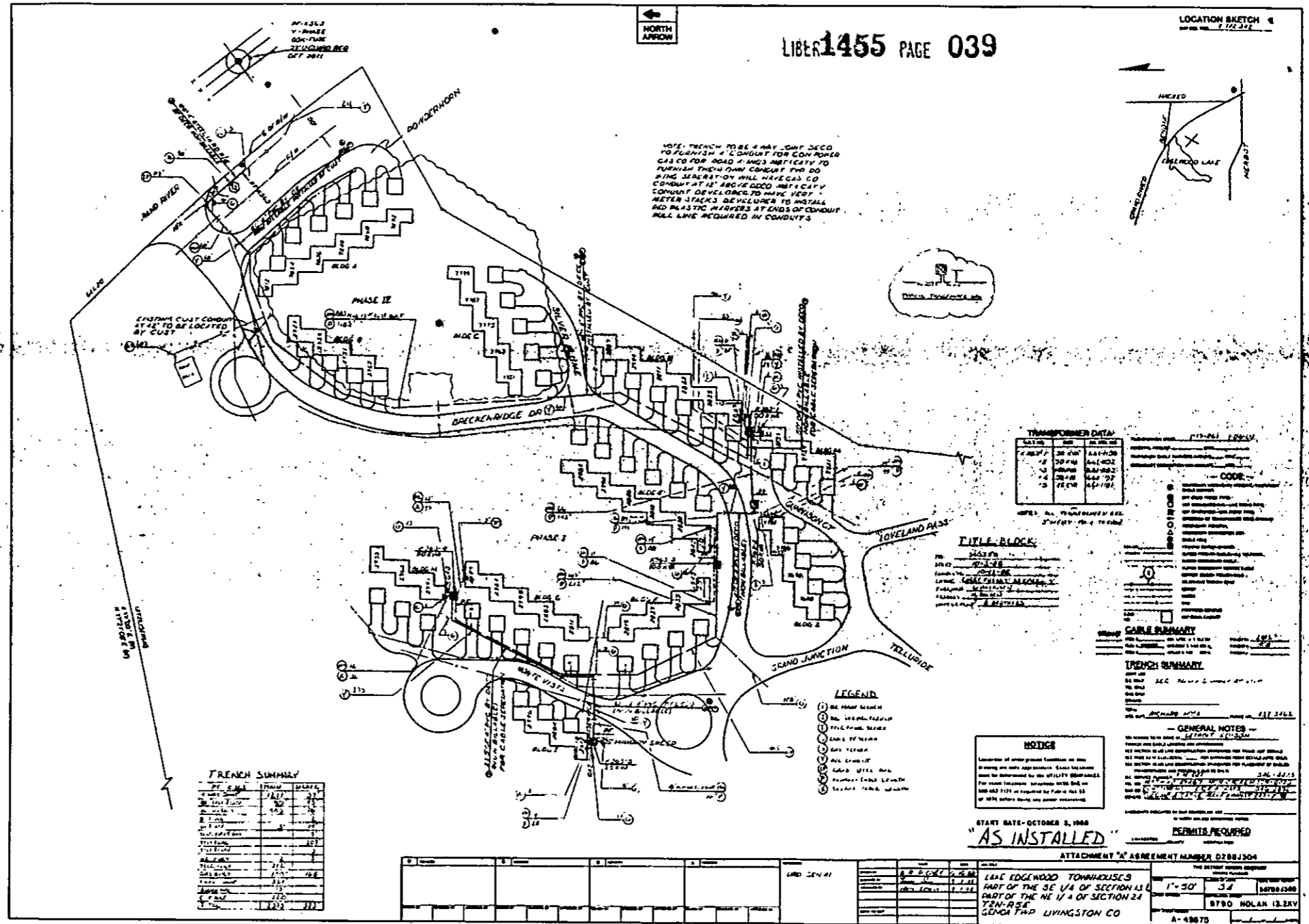
Please make the attached papers a part of the recorded Right-of-Way file.

Additional Information: _____

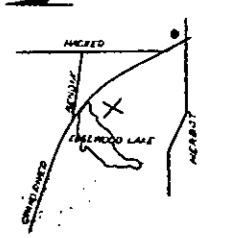
JMD:pg:wp

Attachment(s)

RECORDED RIGHT OF WAY NO. 41496



NOTE: TRENCH TO BE 4' MIN. ONLY DECO TO FURNISH 4" CONDUIT FOR CON POWER GAS CO FOR ROAD PLANNING SPECIFY TO FURNISH THEIR OWN CONDUIT FOR DO RING SEPARATION WILL HAVE GAS CO CONDUIT AT 12" ABOVE DECO METRICALLY CONDUIT DEVELOPER TO HAVE VERY METER STACKS DEVELOPER TO INSTALL AND PLASTIC WARRIERS AT ENDS OF CONDUIT ALL LINES ACQUIRED IN CONDUITS



TRANSFORMER DATA

TRANSFORMER NO.	TYPE	VOLTS	AMPS
1	200 PM	240V	100A
2	200 PM	240V	100A
3	200 PM	240V	100A
4	200 PM	240V	100A

TITLE BLOCK

PROJECT: LAKE EDGEWOOD TOWNHOUSES
 SHEET: 039
 DATE: 10/05/88
 DRAWN BY: [Name]
 CHECKED BY: [Name]

CABLE SUMMARY

TYPE	SIZE	LENGTH
1/2" ELEC	1/2"	1000'
3/4" ELEC	3/4"	1000'
1" ELEC	1"	1000'

TRENCH SUMMARY

TYPE	DEPTH	LENGTH
12" ELEC	12"	1000'
18" ELEC	18"	1000'
24" ELEC	24"	1000'

- LEGEND
- (1) 12" ELEC TRENCH
 - (2) 18" ELEC TRENCH
 - (3) 24" ELEC TRENCH
 - (4) GAS TRENCH
 - (5) 4" GAS TRENCH
 - (6) 6" GAS TRENCH
 - (7) 8" GAS TRENCH
 - (8) 10" GAS TRENCH
 - (9) 12" GAS TRENCH
 - (10) 14" GAS TRENCH
 - (11) 16" GAS TRENCH
 - (12) 18" GAS TRENCH
 - (13) 20" GAS TRENCH
 - (14) 22" GAS TRENCH
 - (15) 24" GAS TRENCH

TRENCH SUMMARY

TYPE	DEPTH	LENGTH
12" ELEC	12"	1000'
18" ELEC	18"	1000'
24" ELEC	24"	1000'
12" GAS	12"	1000'
18" GAS	18"	1000'
24" GAS	24"	1000'

NOTICE

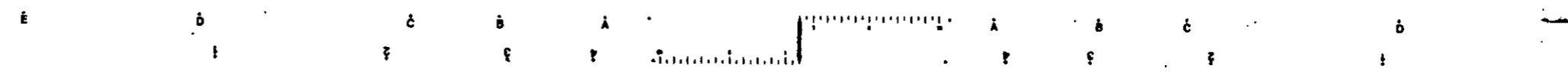
Location of other project facilities on this site may be determined by the utility departments. For more information, contact the utility departments at 500 11th St. or call 500 11th St. before any other excavation.

START DATE - OCTOBER 5, 1988
"AS INSTALLED"

ATTACHMENT "A" AGREEMENT NUMBER D2881304

NO.	DESCRIPTION	DATE	AMOUNT
1	LAKE EDGEWOOD TOWNHOUSES PART OF THE SE 1/4 OF SECTION 13 PART OF THE NE 1/4 OF SECTION 24 TOWN-RISE GENCO TRAP LIVINGSTON CO	10/05/88	1.150

1"=30' 34' 10/05/88
 8780 HOLLAN 12.2KV
 A-4887D



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