

11/2

LIBER 1456 PAGE 322  
Detroit Edison

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

✓ JANUARY 30, 1991

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 MILLETT-CABLEVISION CO. OF LIVINGSTON/WASHTENAW, a Michigan corporation of P.O. Box 660, Hamburg, Mi. 48139, 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 Hamburg, 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 12 feet in width unless otherwise indicated and the route is described as follows:

All in accordance with Proposed Plat which is attached hereto and made a part hereof. (Appendix "B").

RECORDED  
FEB 13 10 23 AM '91  
NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
42093

RECORDED RIGHT OF WAY NO. 41520

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:

Charles J. Cousino  
Charles J. Cousino

Mary C. Faisz  
Mary C. Faisz

Mary C. Faisz  
Mary C. Faisz

Charles J. Cousino  
Charles J. Cousino

SINACOLA CONSTRUCTION AND DEVELOPMENT COMPANY - a Michigan Corporation

Joseph J. Sinacola  
Joseph J. Sinacola, president

Lena Sinacola  
Lena Sinacola, secretary/treasurer

Grant Thomson  
Grant Thomson

Mary Lynn Thomson  
Mary Lynn Thomson, husband and wife

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

Address: 4685 Millett  
Fowlerville, Mi. 48836

## Acknowledgement-Corporation

STATE OF MICHIGAN

County of Livingston MSOn this 5 day of February, 1991, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Joseph J. Sinacola and Lena Sinacolawhose title(s) is/are president and secretary/treasurerof SINACOLA CONSTRUCTION AND DEVELOPMENT CO., a Michigan corporation, on behalf of the corporation.

Mary C. Faisz

Mary C. FaiszNotary Public, Livingston County, MichiganMy commission expires 09-29-93

## Acknowledgement-Individual

STATE OF MICHIGAN

County of Livingston MSOn this 30 day of January, 1991, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Grant Thomson and Mary Lynn Thomson, husband and wife

Mary C. Faisz

Mary C. FaiszNotary Public, Livingston County, MichiganMy commission expires 09-29-93

## APPENDIX "A"

"Quail Run", a subdivision of part of the NE 1/4 of Section 23, T1N-R5E, Hamburg Township, Livingston County, Michigan, described as follows: Beginning at the Northeast Corner of said Section 23; thence along the East line of said Section 23; thence along the East line of said Section, S 00°18'44" W, 1019.54 feet to the centerline of Winans Lake Road (60 foot wide 1/2 Right-of-Way); thence along the centerline of said Winans Lake Road, N 59°59'58" W, 1520.95 feet to the West line of the East 1/2 of the NE 1/4 of Section 23; thence along said line N 00°09'56" E, 267.63 feet to the North line of Section 23; thence along said North line, S 89°37'39" E, 1321.98 feet to the Point of Beginning, containing 19.52 acres, more or less, and subject to the rights of the public over Winans Lake Road.

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

**Detroit  
Edison**

**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 QUAIL RUN  
PROPOSED SUB  
Located In: HAMBURG TWP  
County: LIVINGSTON

Attached is the executed agreement dated 1/30/91  
for the above named project.

Easements for this project were requested by JOHN  
BURGESS  
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)

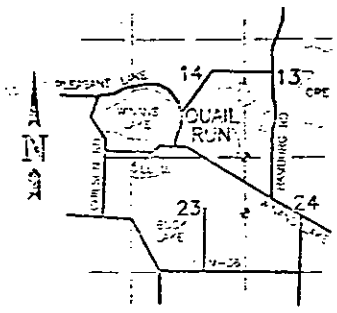
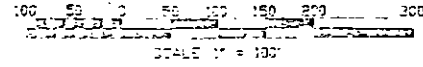
RECORDED RIGHT OF WAY NO. 415700

**Serving Customers**

*We're all a part of it.*

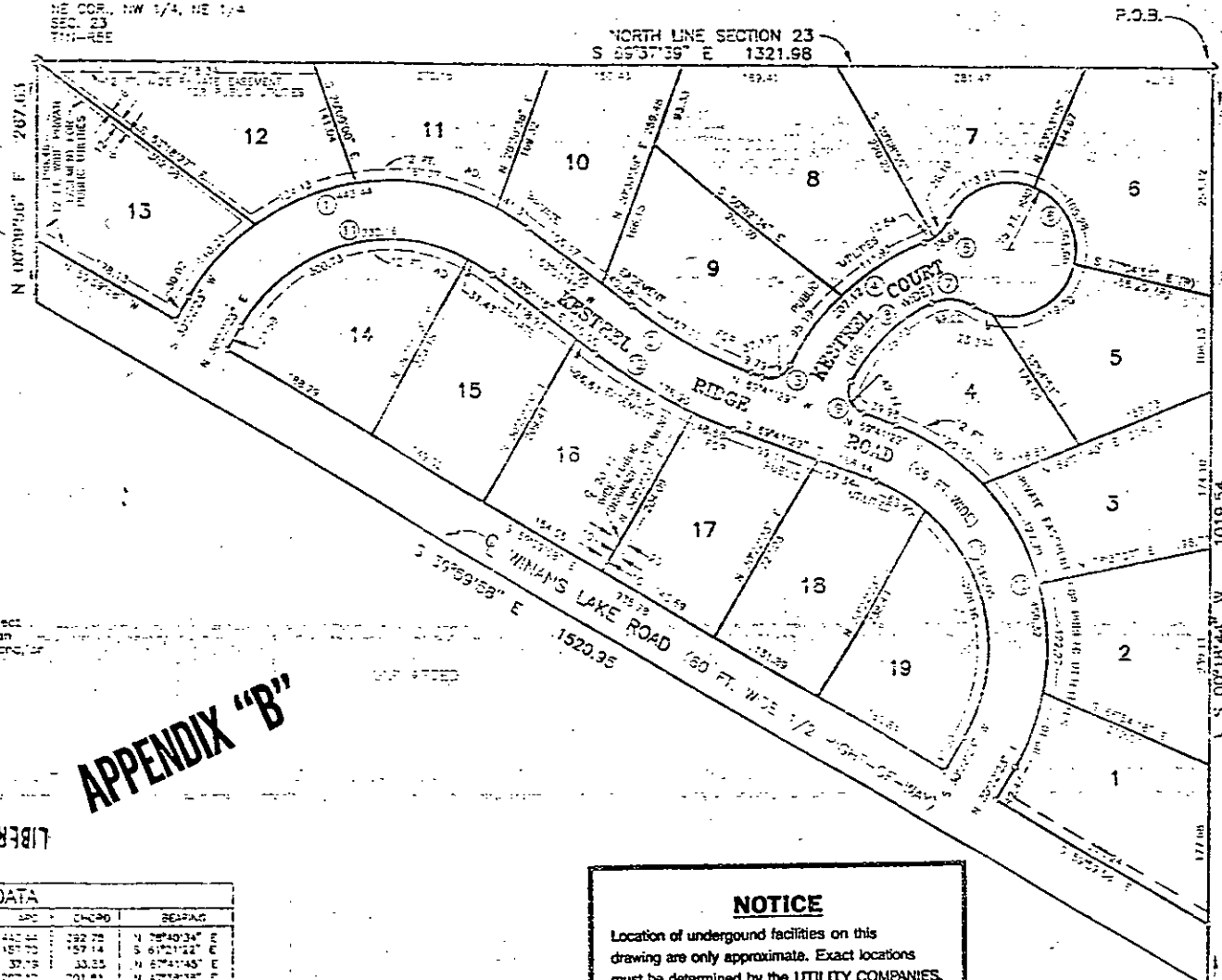
**PROPOSED QUAIL RUN**  
 A SUBDIVISION OF PART OF THE NE 1/4 OF SECTION 23, T1N-R5E  
 HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 41500 SHEET ● OF ● S:



LOCATION MAP  
NO SCALE

WINNERS LAKE GARDENS  
 LIBER 1456 PAGE 374, L.C.P.



Whenever Private Easement  
 For Public Utilities appears  
 on this drawing, the easement  
 shall apply to the grantee of the  
 attached Right of Way Agreement.

This plan is subject to restrictions  
 required by Act 229 of 1997, as  
 amended, on certain lots with respect  
 to the requirements of the Michigan  
 Department of Natural Resources and/or  
 the Michigan Department of Public  
 Health, which are recorded in  
 Liber \_\_\_\_\_ pages \_\_\_\_\_  
 of records of this County.

**APPENDIX "B"**

LIBER 1456 PAGE 374

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	263.00	96°35'23"	442.00	292.75	N 78°40'34" E
2	542.00	18°42'15"	187.25	157.14	S 61°21'22" E
3	21.00	55°13'31"	39.25	33.25	N 67°41'45" E
4	252.00	42°07'19"	217.47	201.81	N 47°33'33" E
5	80.00	42°16'47"	38.74	37.69	N 48°31'54" E
6	75.00	178°12'27"	36.48	113.39	S 15°55'48" E
7	10.00	58°23'57"	20.48	19.23	N 42°39'00" W
8	137.00	37°29'50"	128.28	126.64	S 47°34'09" W
9	15.00	98°52'41"	28.74	37.74	S 20°41'09" E
10	252.00	18°42'15"	187.25	157.14	S 61°21'22" E

**NOTICE**  
 Location of underground facilities on this  
 drawing are only approximate. Exact locations  
 must be determined by the UTILITY COMPANIES.  
 For exact locations, telephone MISS DIG on  
 800-482-7171 as required by Public Act 53  
 of 1974 before doing any power excavating.

ALL DIMENSIONS ARE SHOWN IN FEET  
 ALL DIMENSIONAL DIMENSIONS ARE SHOWN  
 UNLESS OTHERWISE NOTED  
 THE SYMBOL (C) INDICATES A CONCRETE  
 CURB OR WALL WITH A 4" MINIMUM THICKNESS  
 UNLESS OTHERWISE NOTED  
 THE SYMBOL (S) DENOTES A ROAD FOR  
 USE  
 ALL SETBACKS ARE 5 FT. FROM FRONT LINES  
 AND 10 FT. FROM REAR LINES (NOT SHOWN)  
 ELEVATIONS HAVE BEEN OBTAINED FROM THE RECORDS  
 OF THE LIVINGSTON COUNTY ENGINEERING  
 DEPARTMENT  
 ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE  
 NOTED  
 NOTE:  
 ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE  
 NOTED  
 ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE  
 NOTED

PREPARED AND DRAFTED BY:  
 Boss Engineering Company  
 5121 East Grand Ave.  
 Howell, Michigan 48843

300 P. Boss

SUPERVISOR'S

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