

Date: April 19, 1991
To: Record Center
From: Michael J. Mc Cabe *MJM*
Sr. Real Estate and Right of Way Rep
Macomb Division
Subject: Right of Way Agreement for Underground Residential
Distribution for Oakview Square Apartments, located
in Part of the Northwest 1/4 of Section 21, T3N, R14E,
Chesterfield Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated May 23, 1990 for the above named project.

Easement for this project was requested by Charles Maddix,
Service Planning, Macomb Division. The Agreement was
negotiated by Michael J. Mc Cabe, Representative, Real
Estate and Right of Way, Macomb Division.

Detroit Edison Company, Harron Cablevision of Michigan and
Michigan Bell Telephone Company made this agreement with Oakview
Square Limited Partnership, Wendell Addington, Partner, the
developer of Oakview Square Apartments.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 41538

(LIBER 04887PG 949) (B472316)

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05069PG 841

B559101

5-23, 19 90

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 Harron Cable Television a Delaware

corporation of 55800 New Haven Rd, New Haven, MI 48048 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 Chesterfield, County of Macomb

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 10 feet in width unless otherwise indicated and the route is described as follows:

The exact location of said easements will be as shown on a drawing to be recorded within 90 days after construction.

RECORDED IN MACOMB COUNTY RECORDS AT: 9:54 A.M. APR - 3 1991

Edna Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 1:45 P.M. JUN - 7 1990

Edna Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 41338

Being Re-Recorded to include Appendix B

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:

X Sharon L. Billings
Sharon L. Billings
X Wanda D. Curtis
Wanda D. Curtis

OAKVIEW SQUARE LIMITED PARTNERSHIP
a Michigan Limited Partnership

BY: Wendell Addington
Wendell Addington, PARTNER

Prepared by: & return to:
Michael J. McCabe
15600 - 19 Mile Road
Mt. Clemens, MI 48044

Address: 8845 E. Jefferson, Suite 200
Detroit, MI 48214

Acknowledgement-Individual

LIBER 05069PG842

STATE OF MICHIGAN

County of Wayne)SS

On this 23 day of May, 19 92, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Wendell G. Addington

Sharon L. Bellings
Notary Public, Wayne County, Michigan

My commission expires 9-28-92

RECORDED RIGHT OF WAY NO. 41537

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 _____

Acknowledgement-Corporation

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 _____

whose title(s) is /are _____

of _____, a _____ corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan

My commission expires _____

Acknowledgement-Partnership

STATE OF MICHIGAN

County of MACOMB)SS

On this 23RD day of MAY, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by WENDELL ADDINGTON

(a) general/managing partner(s), on behalf of OAKVIEW SQUARE LIMITED PARTNERSHIP, a Michigan Limited partnership.

Michael J. Cab
Notary Public, _____ County, Michigan

My commission expires _____

APPENDIX "A"

(LIBER 04887PG951)

LIBER 05069PG843

"OAKVIEW SQUARE APARTMENTS", A parcel of land located in part of the Northwest 1/4 of Section 21, T3N, R14E, Chesterfield Township, Macomb County, Michigan; described as beginning at a point distant S 01°49'37" East along the West line of said Section 21 1347.80 feet from the Northwest corner of said Section 21; thence from said point of beginning; N 88°05'12" East 1361.22 feet; thence S 02°04'33" East 672.25 feet; thence S 88°59'25" West 1364.28 feet; thence N 01°49'37" West along said West line of Section 21 650.74 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 41538

