Date:

April 19, 1991

To:

Record Center

From:

Michael J. Mc Cabe /

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.

мдм

Attachment

RECORDED RIGHT OF WAY NO. 4



Real Estate and Rights of Way 04887 1549

(B472316)

Detroit Edison

& return to:

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

## Joint Underground Residential Distribution **Right of Way Agreement**

LIBER 05069P0841

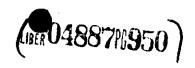
B**559101** 

19\_90

	For good and valuable consideration of system betterment, the DETROIT EDISON COMPANY, a Michigan corporation of 2000 Secons TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Aventelevision corporation of 55800 New Haven Rd, New Haven, MI 48048 "GRANTEE", the right to erect, lay, maintain, reconstruct, add to wires, cables, conduits, fixtures and appurtenances including the modes and accessories required in, under, upon, over and across the of Chesterfield ,County of	nnd Avenue, Detroit, Michigan, Michigan BELL enue, Detroit, Michigan and Harron Cablehereinafter referred to collectively as and replace underground facilities consisting of necessary above ground equipment, connections, property located in the Township  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					
	RECORDED IN MACOMB COUNT RECORDS AT: 9:544 APR = 3 1991	JUN - 7 1990			
	Ed na Mill	CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN			
•	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:  OAK  a/M	Grantors: WIEN SQUARE LIMITED PARTNERSHIP			
	Sharon J. Sullings Sharon L. Billings  Y Wanda D. Curtis  X	Wendell Addington PARINES			

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





## Acknowledgement-Individual

LIBER 05069PJ842

STATE OF MICHIGAN		rioth OO	10311042		
County of			· 		
On this 13 day of May	, 19 90 , the foregoing instrumer	nt was acknowledged before me	, a notary public in and for		
said county, by					
		Shewon S. Sell			
		• / / /	County , Michigan		
My commission expires 9-28-92		Notary Public, Charge			
My commission expires			) Eco		
			æcorded		
C					
Acknowledgement-Individual RIGHT					
STATE OF MICHIGAN					
County of			40		
			Ϋ́ΑΫ́		
On this day of	. 19, the foregoing instrumen	t was acknowledged before me	, a notary public in and for		
said county, by			· i		
•	•	Notary Public,	County Michigan		
My commission expires					
wy commission expires	<del></del>				
	Acknowledgement-Co	rporation			
STATE OF MICHIGAN					
County of					
On this day of,	19, the foregoing instrumen	t 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		Trocary rability	county , Michigan		
wy commission expires					
Acknowledgement-Partnership					
STATE OF MICHIGAN					
County of MACONS )SS					
, ,					
On this 23/D day of					
said county, by WENDELL FIDDING!					
(a) general/managing partner(s), on behalf of OAKVIEW SQUARE LIMITED PARTNERSHIP, a Michigan Limited					
a are seemen and the		5.	21 1		
		Mulas	h for		
	<del>-</del>	manual /	•		
	No	tary Public,	County , Michigan		
My commission expires					

APPENDIX "A"

(LIBER 048878951)
LIBER 050698843

"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.

MECURDED RIGHT OF WAY NO. 4/83

