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RIGHT OF WAY FILE #

R41560

GRANTOR NAME

[Empty grid for Grantor Name]

[Empty grid for Grantor Name]

STREET ADDRESS

[Empty grid for Street Address]

[Empty grid for Street Address]

CITY/TOWN

[Empty grid for City/Town]

ZIP CODE

[Empty grid for Zip Code]

ST

[Empty grid for Street Type]

EASEMENT DESCRIPTION

[Empty grid for Easement Description]

AGREEMENT DATE

[Empty grid for Agreement Date]

AGREEMENT TYPE

[Empty grid for Agreement Type with options R, P, C]

LIBER #

[Empty grid for Liber #]

PAGE #

[Empty grid for Page #]

DRAWING R/W #

[Empty grid for Drawing R/W #]

PVT CL#

[Empty grid for PVT CL#]

SECTION

[Empty grid for Section]

QUARTER SECTION 3

[Empty grid for Quarter Section 3 with 1/4 and 1/2 options]

QUARTER SECTION 2

[Empty grid for Quarter Section 2 with 1/4 and 1/2 options]

QUARTER SECTION 1

[Empty grid for Quarter Section 1 with 1/4 and 1/2 options]

TOWNSHIP

[Empty grid for Township]

COUNTY

[Empty grid for County]

RTE OF LINE

[Empty grid for Route of Line]

TOWNSHIP RANGE

[Empty grid for Township Range]

DIVISION CODE

[Empty grid for Division Code with options A, D, M, O, T, W]

SUBDIVISION NAME

LIVERPOOL

EAST OF

[Empty grid for East of]

WEST OF

[Empty grid for West of]

NORTH OF

[Empty grid for North of]

SOUTH OF

[Empty grid for South of]

OUT LOT

[Empty grid for Out Lot]

BLOCK #1

[Empty grid for Block #1]

LOT #1

[Empty grid for Lot #1]

BLOCK #2

[Empty grid for Block #2]

LOT #2

[Empty grid for Lot #2]

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Date: April 15, 1991  
To: Record Center  
From: Michael J. Mc Cabe *MJM*  
Sr. Real Estate & Right of Way Rep  
Macomb Division  
Subject: Right of Way Agreement for Underground Residential  
Distribution for Stonegate Commons Condominiums, Phase  
2, located in P.C. 542, T2N, R13E, Township of Clinton,  
Macomb County, Michigan.

Attached for Record Center is the executed Right of Way Agreement dated February 14, 1991 for the above mentioned project.

Easement for this project was requested by Phillip Howard, Service Planner, Macomb Division. The Agreement was negotiated by Michael J. Mc Cabe, Representative, Real Estate & Right of Way Macomb Division.

Detroit Edison Company, Comcast Cablevision and Michigan Bell Telephone Company made this agreement with Russell/Knopf Development/Clinton, Inc. Robert Knopf, President, the developer of Stonegate Commons Condominiums, Phase 2.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 41526

## APPENDIX A

A parcel of land comprising of lots 6 through 13 Supervisor's Plat No. 3, of part of Section 23, and P.C. 542, T2N, R13E, Clinton Township, Macomb County, Michigan (recorded in Liber 14, Plats, Page 33, Macomb County Records) and also being part of P.C. 542, Clinton Twp, Macomb County, Michigan described as follows:

Commencing at the Intersection of the West line of Harper Avenue (120.00' wide) and North line of Denton Street (60.00' wide) and proceeding thence along the North line of Denton Street N.  $83^{\circ}33'30''$  West 372.70' to the point of beginning of the parcel herein described, thence continuing along said line N  $83^{\circ}33'30''$  W., 721.23' to the Southwest corner of said lot 13, thence along the West line of Lot 13 and its extension Northerly N.  $06^{\circ}12'15''$  East 852.69' to the South line of Liverpool Subdivision (recorded in Liber 11, Plats, Pages 40, 41 & 42, Macomb County Records); thence along said line N.  $83^{\circ}51'59''$  E. 716.06'; thence S  $05^{\circ}51'30''$  W., 856.57' to the point of beginning.

RECORDED RIGHT OF WAY NO. 41520

**Detroit Edison**

Real Estate and Rights of Way

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

FEBRUARY 14, 1991

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 Comcast Cablevision, a Delaware

corporation of 6065 Wall Street, Sterling Heights, Mi 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 Clinton, 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 underground equipment must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said Right of Way.

RECORDED IN MACOMB COUNTY  
RECORDS AT: 9:39 AM  
APR - 3 1991

*[Signature]*  
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:

Grantors:

RUSSELL/KNOPF DEVELOPMENT/CLINTON, INC  
a Michigan Corporation

X *Judith C. Marden*  
\_\_\_\_\_  
JUDITH C. MARDEN

BY *Robert Knopf*  
\_\_\_\_\_  
Robert Knopf, President

X *E. J. Russell III*  
\_\_\_\_\_  
EDWARD J. RUSSELL III

Prepared by: Michael J. Mc Cabe  
15600 19 Mile Road  
Mt. Clemens, MI 48044

Address: 880 Sunningdale Drive  
Grosse Pointe Woods, MI 48236

RECORDED RIGHT OF WAY NO. 41520

**Acknowledgement-Individual**

LIBER **05089PG771**

STATE OF MICHIGAN

County of Macomb )SS

On this 14<sup>th</sup> day of February, 19 91, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Robe

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

**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

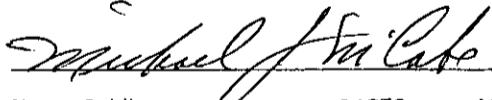
My commission expires \_\_\_\_\_

**Acknowledgement-Corporation**

STATE OF MICHIGAN

County of Macomb )SS

On this 14<sup>th</sup> day of February, 19 91, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Robert Knopf  
whose title(s) is /are President  
of Russell/Knopf Development/Clinton, a Michigan corporation, on behalf of the corporation.  
Inc.

  
\_\_\_\_\_  
Notary Public, Michigan Macomb County, Michigan  
**Notary Public, Macomb County, MI**  
**My Commission Expires Mar. 9, 1992**

My commission expires \_\_\_\_\_

**Acknowledgement-Partnership**

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 \_\_\_\_\_

(a) general/managing partner(s), on behalf of \_\_\_\_\_ a partnership.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 415760