

Real Estate and Rights of Way

Joint Underground Residential Distribution  
Right of Way Agreement

B559104

Detroit Edison

LIBER 05069PG856

(B529217)

11-26

, 19 90

RECORDED RIGHT OF WAY NO. 415723

Be-Recorded to include Appendix B

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 Cable Television a Delaware

corporation of 6065 Wall Street, Sterling Heights, MI 48078 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 said easements will be as shown on a drawing to be recorded within 90 days after construction.

RECORDED IN MACOMB COUNTY RECORDS AT: 9:57A.M. APR - 3 1991  
Clerk - Register of Deeds Macomb County, Michigan

RECORDED IN MACOMB COUNTY RECORDS AT: 2:22p.M. DEC - 6 1990  
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:

X Michael J. McCabe  
MICHAEL J. McCABE

X Carol Wuschack  
CAROL WUSCHACK

X James C. George  
James C. George

X Patricia George  
Patricia George, wife

X Samuel M. Fodale  
Samuel M. Fodale

X Judith M. Fodale  
Judith M. Fodale, wife

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

Address:  
18895 Kappa Dr.  
Mt. Clemens, MI 48043

Acknowledgement-Individual

LIBER 05069PG857

STATE OF MICHIGAN

County of MACOMB )SS

On this 26<sup>TH</sup> day of NOVEMBER, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by James C. George and Patricia George, wife

Michael J. McCabe  
Notary Public, \_\_\_\_\_ County, Michigan  
MICHAEL J. McCABE  
Notary Public, Macomb County, MI  
My Commission Expires Mar. 9, 1992

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

Acknowledgement-Individual

STATE OF MICHIGAN

County of MACOMB )SS

On this 26<sup>TH</sup> day of NOVEMBER, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Samuel M. Fodale and Judith M. Fodale, wife

Michael J. McCabe  
Notary Public, \_\_\_\_\_ County, Michigan  
MICHAEL J. McCABE  
Notary Public, Macomb County, MI  
My Commission Expires Mar. 9, 1992

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 \_\_\_\_\_ )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. 41562

"APPENDIX "A"

LIBER 05007PG039

LIBER 05069PG858

"MANCHESTER ESTATES CONDOMINIUMS", Land in P.C. 546, T2N, R13E, Clinton Township, Macomb County, Michigan, described as follows: Commencing at the Northwest corner P.C. 546, T2N, R13E; thence S 89°58' East along the North line of said P.C. 436.5 feet to the point of beginning; thence S 01°10' West 720.35 feet to a point, said point bearing N 01°10' West distant 41.65 feet from the centerline of Clinton River; thence downstream and approximately paralleling a traverse on the northerly bank of said Clinton River with the following bearings and distances; N 21°57' East 168.0 feet; N 46°47' East 106.9 feet; S 74°13' East 73.0 feet; S 44°20" East 118.2 feet; thence S 23°40' East 96.0 feet; S 09°47' East 65.25 feet; S 21°38' East 493.30 feet; S 29°23' West 112.60 feet; S 56°00" West 173.7 feet; S 00°20' East 106.85 feet; S 37°00" East 90.5 feet; S 59°50' East 688.7 feet to a point, this point being 25.0 feet from the centerline of said Clinton River; thence N 27°30' East 105.7 feet; thence N 89°55' East 254.5 feet to the centerline of Heydenreich Road; thence North 923.15 feet; thence N 82°00" West 340.45 feet; thence N 01°02' East 861.80 feet; thence N 89°58' West 942.20 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 41562

Date: April 18, 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 Manchester Estates Condominiums,  
located in P.C. 546, T2N, R13E, Township of Clinton,  
Macomb County, Michigan.

Attached for Record Center is the executed Right of Way  
Agreement dated November 26, 1990 for the above named project.

Easement for this project was requested by Phil Howard,  
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, Comcast Cablevision and Michigan Bell  
Telephone Company made this agreement with James C. & Patricia  
George and Samuel M. and Judith M. Fodale, the developers of  
Manchester Estates Condominiums.

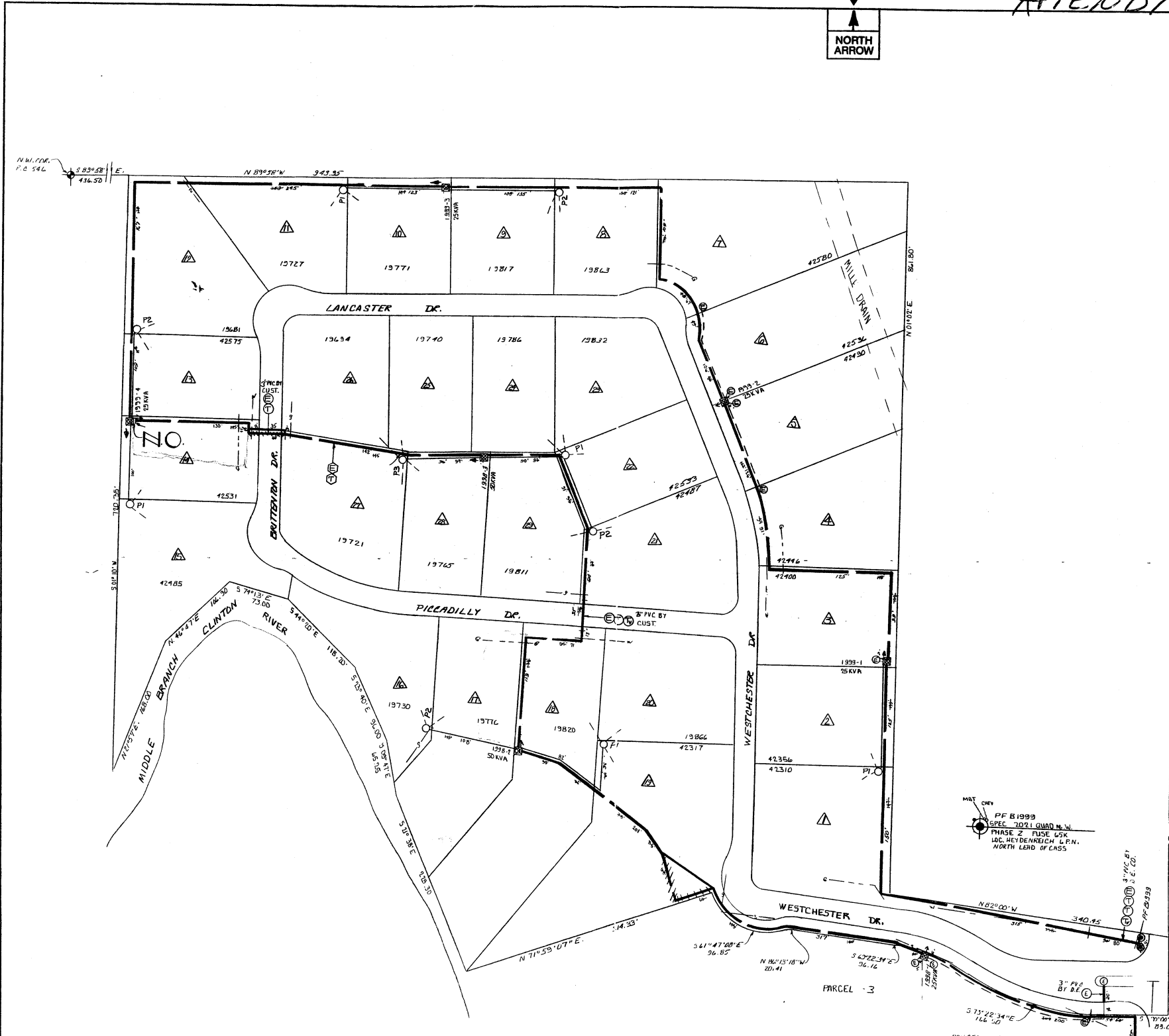
Please make the attached papers a part of recorded Right of  
Way File.

MJM

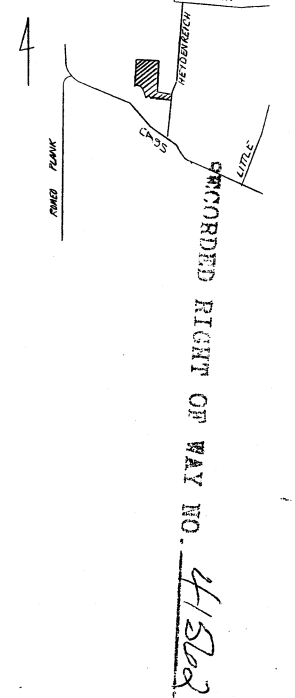
Attachment

RECORDED RIGHT OF WAY NO. 415722

APPENDIX B



LOCATION SKETCH



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
1578-1	25	661-1151
2	50	1192
3	50	1152
1993-1	25	1151
-2	25	1151
3	25	1151
-4	25	661-1151

TRANSFORMER SPEC.	1-17-261
PEDESTAL SPEC.	1-9-271
NO. OF PEDESTALS	10
NO. OF TEMPORARY CABLE MARKERS	8
TEMPORARY CABLE MARKER SPEC.	
SECONDARY CONNECTION BOX SPEC.	

— CODE —

- ⊙ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ⊙ DFT (DEAD FRONT TYPE)
- ⊙ LDT (LIVE SWITCHING—LIVE FRONT TYPE)
- ⊙ LDT (SWITCHING—LIVE FRONT TYPE)
- ⊙ DIRECTION OF TRANSFORMER DOOR OPENING
- ⊙ SECONDARY PEDESTAL
- ⊙ SECONDARY CONNECTION BOX
- ⊙ CABLE POLE
- ⊙ PRIMARY SWITCH CABINET
- ⊙ BURIED PRIMARY CABLE—ALL VOLTAGES
- ⊙ BURIED SECONDARY CABLE
- ⊙ BURIED SECONDARY SERVICE CABLE
- ⊙ DETROIT EDISON TRENCH ONLY
- ⊙ TELEPHONE TRENCH ONLY
- ⊙ WATER
- ⊙ GAS
- ⊙ PROPOSED CONDUIT
- ⊙ REP COIN CABINET

CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	152 KV	1	FT
2	140 800 V	1	FT
3	140 800 V	1	FT

TRENCH SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	400-381	1	FT
2	100	1	FT
3	341	1	FT

TOTAL 433.1' 43/11'  
 SITE SUPPL. GEDRIDGE PHONE NO. 463-8040

— GENERAL NOTES —

- TRENCHING TO BE DONE BY D.E.C.
- TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
- SEE SECTION 28 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS.
- SEE PAGE 3411 UG LINE DETAIL FOR ENTRANCE POINT DETAILS (APTS. ONLY).
- SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.
- TRANSFORMERS AND PEDESTALS (BURIED ONLY)
- D.E. SERVICE PLANNER: P. LAMOND JR. 286-9417
- TEL. CO. M.T. L. DELGROUVE 466-1090
- GAS CO. M. ROZIL 378-0270
- CONTACT "MISS DIG" (800-487-7171) BEFORE DOING ANY EXCAVATION.
- EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

CITY OF \_\_\_\_\_ COUNTY: NOTIFICATION ONLY \_\_\_\_\_  
 STATE  YES  NO

TITLE BLOCK  
 D.O. 30-0750-02  
 W.D. 30-0750-02  
 Start 9-18-90  
 Finish 9-18-90  
 Tech: UNID  
 Labor: UNID  
 Splicing: UNID  
 Supp: UNID  
 Records: P. CARLIN

D	C	B	A	REFERENCE

MANCHESTER ESTATES  
 PART OF PRIVATE CLAIM 546 T2N R1E  
 CLINTON TWP. MACOMB CO. 30474853

SCALE 1" = 50'  
 NUMBER OF SHEETS 23  
 WORK ORDER NUMBER 367830386  
 DISTRIBUTION CIRCUIT 2500 MACOMB 132KV  
 SHEET 1 OF 1 SHEETS