

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 Clinton Grove Condominiums, Phase 3,
located in part of the Southwest 1/4 of Section 8,
T2N, R13E, Township of Clinton, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated November 24, 1989 for the above named project.

Easement for this project was requested by Darrell White,
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, Consumers Power Company, Comcast Cablevision
and Michigan Bell Telephone Company made this agreement with Garfield
Development Company, Jimmie Danta, President, the developer of Clinton
Grove Condominiums, Phase 3.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 41564

Detroit Edison

CLINTON GROVE CONDOMINIUMS PHASE 3 (B420968)
Real Estate and Rights of Way
Joint Underground Residential Distribution
Right of Way Agreement

LIBER 04780 PR 923

LIBER 05069 PR 822

B559097

11-24, 1989

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 Comcast Cable Television, a Delaware corporation of 6065 Wall Street, Sterling Heights, Michigan 48077, 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 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: 9:50 AM

APR - 3 1991

Edna Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 1:20 P M. DEC 12 1989 Edna Hill CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

Being Re-Recorded to include Appendix B RECORDED RIGHT OF WAY NO. 41564

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.

X Janet A. D'Agostini (Witness)

X Christine D'Agostini (Witness)

Garfield Development Co., A Michigan Corp. (Grantors)

BY: Jimmie Danta, President

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

Address: 38535 Reimold Mt. Clemens, MI 48043

415

(LIBER 04780 PG 924)

Acknowledgement-Individual

LIBER 05069 PG 823

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-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 _____

RECORDED RIGHT OF WAY NO. 41524

Acknowledgement-Corporation

STATE OF MICHIGAN

County of MACOMB)SS

On this 27th day of Nov., 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Jimmie Danta

whose title(s) is XX President

of Garfield Development Company, Inc., a Michigan corporation, on behalf of the corporation.

Jaret A. DiGiacomini
Notary Public, _____ County, Michigan

My commission expires July 1, 1992

JARET A. DIAGIACOMINI
Notary Public, Macomb County, MI
My Commission Expires July 1, 1992

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 _____

APPENDIX "A"

(LIBER 04780PG925)

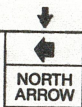
LIBER 05069PG824

"CLINTON GROVE CONDOMINIUMS, PHASE 3", A parcel of land located in and being a part of the Southwest 1/4 of Section 8, T2N, R13E, Clinton Township, Macomb County, Michigan and being more particularly described as follows: Commencing at a point 811.54 feet N 01°13' West and 560.0 feet N 88°15' East of the Southwest corner of said Section 8, and thence extending N 01°13' West 876.06 feet; thence S 88°20'23" West 10.80 feet; thence N 03°28'50" West 425.40 feet; thence N 86°31'50" East 120.0 feet; thence N 03°28'50" West 151.48 feet; thence S 71°27'48" East 390.0 feet; thence S 00°43' East 232.75 feet; thence N 89°17' East 165.0 feet; thence N 00°43' West 170.87 feet; thence S 71°00' East 282.42 feet; thence S 01°29' East 1154.23 feet; thence S 88°15' West 800.89 feet to the point of beginning, except the following described land: A parcel of land located in and being a part of the Southwest 1/4 of Section 8, T2N, R13E, Clinton Township, and being more particularly described as follows: Commencing at a point 811.54 feet N 01°13' 00" West and 560.0 feet N 88°15'00" East from the Southwest corner of said Section 8, and thence extending N 01°13'00" West 628.25 feet; thence N 88° 19'00" East 354.33 feet; thence N 00°43'00" West 12.00 feet; thence N 88° 19'00" East 78.0 feet; thence S 01°13'00" East 639.75 feet; thence S 88°15' 00" West 432.44 feet to the point of beginning, also except a parcel of land located in and being a part of the Southwest 1/4 of Section 8, T2N, R13E, Clinton Township, and being more particularly described as follows: Commencing at a point 811.54 feet N 01°13'00" West 560.0 feet N 88°15'00" East and 628.25 feet N 01°13'00" West from the Southwest corner of Section 8, and thence extending N 01°13'00" West 247.81 feet; thence S 88°20'23" West 103.80 feet; thence N 03°28'50" West 425.40 feet; thence N 86°31'50" East 120.00 feet; thence N 03°28'50" West 151.48 feet; thence S 71°27'48" East 390.0 feet; thence S 00°43'00" East 693.50 feet; thence S 88°19'00" West 354.33 feet to the point of beginning.

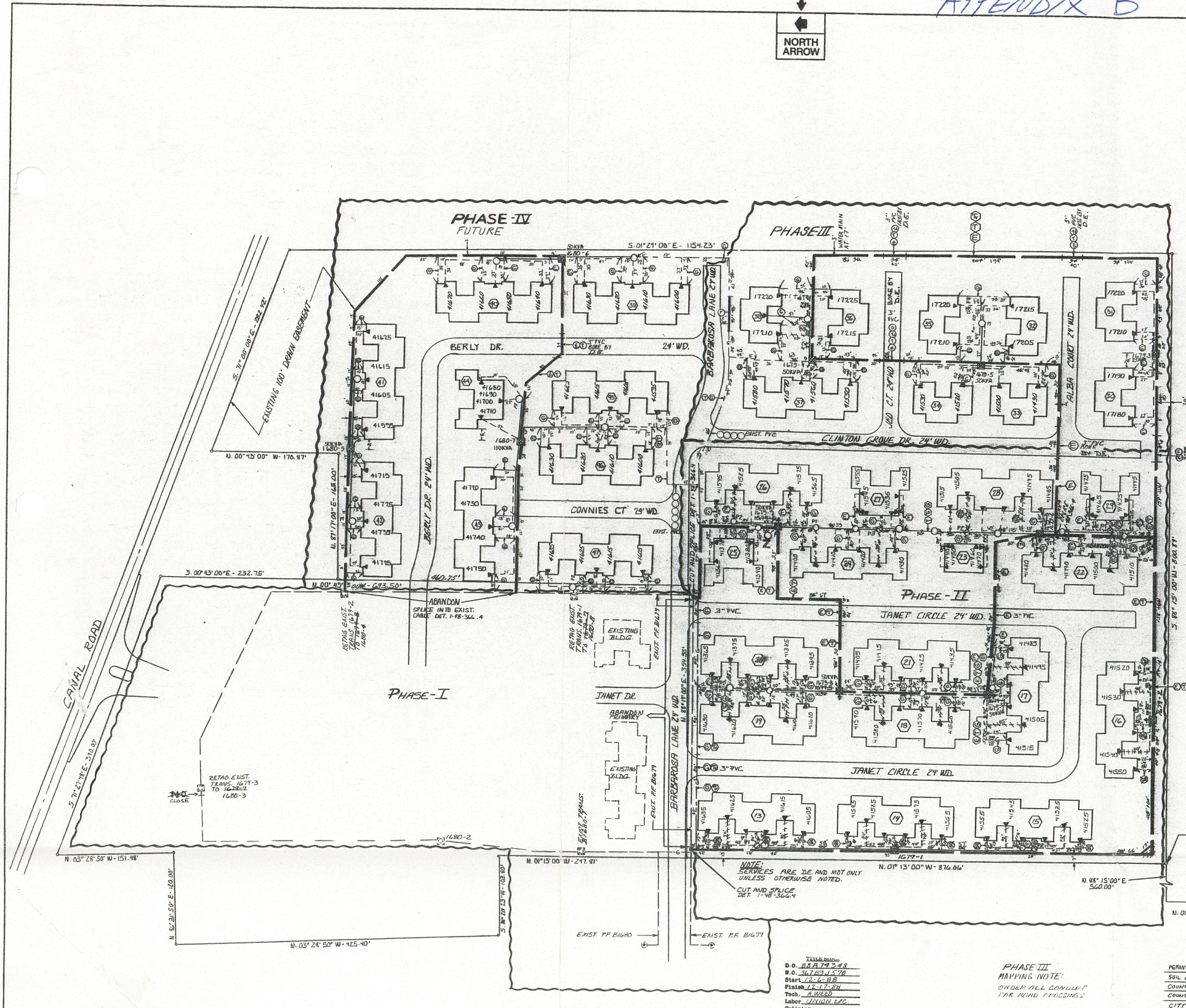
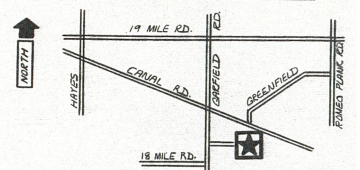
RECORDED RIGHT OF WAY NO.

41524

APPENDIX B



LOCATION SKETCH



PHASE III CABLE SUMMARY

Table listing cable specifications for Phase III, including item numbers, descriptions, and quantities.

TRENCH SUMMARY

Table summarizing trench work, including trench length, depth, and material requirements.

GENERAL NOTES

General notes detailing site requirements, including transformer specifications, cable markers, and connection box details.

PHASE I RETRS

Table listing transformer data for Phase I, including U.D.T. No., size, and ED. STK. No.

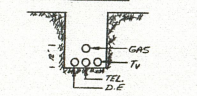
TRANSFORMER DATA

Table listing transformer data for Phases II and III, including U.D.T. No., size, and ED. STK. No.

PHASE II RETRS

Table listing transformer data for Phase II, including U.D.T. No., size, and ED. STK. No.

TYPICAL 4 WAY TRENCH



CABLE SUMMARY

Table listing cable specifications, including item numbers and descriptions.

TRENCH SUMMARY

Table summarizing trench work, including trench length and depth.

GENERAL NOTES

General notes detailing site requirements, including trenching standards, cable markers, and connection box details.

Table listing permit requirements for various agencies, including DEC, M.B.T., C.R.V., and S.C.S.

Project information block including revision table, drawing title (URD CLN-192), drawing date (11-3-88), and company information (CLINTON TWP, MARCOMB CO.).