

Date: April 15, 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 Saravilla Apartments, located in  
Section 26, T2N, R13E, Township of Clinton, Macomb  
County, Michigan.

Attached for Record Center is the executed Right of Way Agreement dated March 25, 1990 for the above named project.

Easement for this project was requested by Jerry Pollard, 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 Saravilla Apartments, Ceasar Badalamenti, Partner, the developer of Saravilla Apartments.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 41528

Detroit Edison

AVILLA APARTMENTS  
Real Estate and Rights of Way

Joint Underground Residential Distribution  
Right of Way Agreement

(LIBER 04878PG196)

B559100

LIBER 05069PG836

March 25

(B467776)

1990

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 St., 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: 9:53A M.  
APR - 3 1991

*Edna Hill*  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY  
RECORDS AT: 2:47P - M.  
MAY 23 1990

*Edna Hill*  
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, employees 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.

Witnesses:  
X *Dolly Violet Allemon*  
Dolly Violet Allemon

X *Anthony Badalamenti*  
Anthony Badalamenti

Grantors:

SARAVILLA APARTMENTS  
a Michigan Co-Partnership  
BY: *Cesar Badalamenti*  
Cesar Badalamenti (Pres.) PARTNER

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

Address:  
18860 Santa Marie  
Mt. Clemens, MI 48043

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 41521

15  
X

APPENDIX "A"

LIBER 05069PG838

"SARAVILLA APARTMENTS", All or part of Lots 68, 69, 70 and 71 of Glenwood Gardens, an addition in Clinton Township (Liber 2, Page 212), in Section 26, T2N, R13E, Macomb County, Michigan, being more particularly described as follows: Beginning at the Southwest corner of "Supervisor's Plat of Myers Subdivision" (Liber 20, Page 32); thence N 89°41'25" East 785.50 feet along the South line of said "Supervisor's Plat of Myers Subdivision" and its extension; thence S 01°47'55" East 51.00 feet; thence N 89°41'25" East 150.00 feet; thence along the East line of said Lots 68, 69, 70 and 71 (being also the West R.O.W. of Harper), S 01°47'55" East 298.00 feet; thence S 89°41'25" West 935.50 feet; thence along the West line of said Lots 68, 69, 70 and 71, N 01°47'55" West 349.00 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 41568

Acknowledgement-Individual

LIBER 05069 PG 837

STATE OF MICHIGAN

County of Macomb )SS

On this 25 day of March, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

[Signature]  
Notary Public, Macomb County, Michigan

My commission expires April 7, 1992

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 25<sup>TH</sup> day of MARCH, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by CEASAR BADALAMENTI

(a) general/managing partner(s) on behalf of SARAVILLA APARTMENTS <sup>A MICHIGAN CO-</sup> partnership.

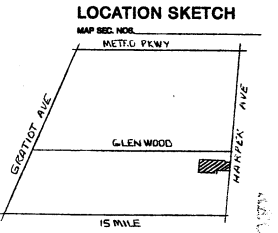
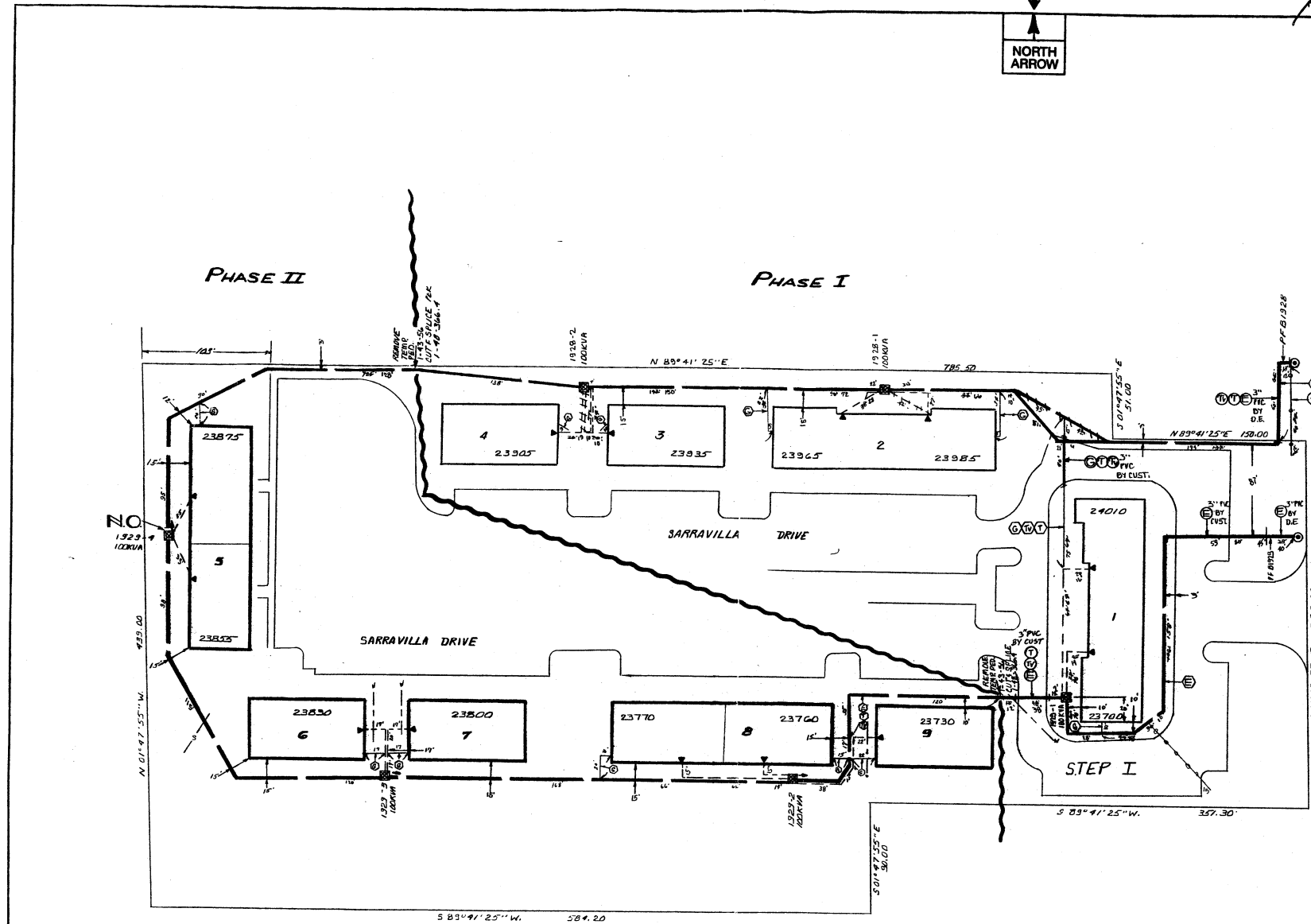
[Signature]  
Notary Public, \_\_\_\_\_ County, Michigan

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

MICHAEL J. McCABE  
Notary Public, Macomb County, MI  
My Commission Expires Mar. 9, 1992 DE 963-4181 9-86 CS

RECORDED RIGHT OF WAY NO. 41578

APPENDIX B



PF 81928  
SPEC. 10013 B  
PHASE Y-Z FUSE BOX  
LOC. W.S. HARPER ST. N. SHOOK

PF 81923  
SPEC. 10013 B  
PHASE Y-Z FUSE BOX  
LOC. W.S. HARPER 77A. SHOOK

**TRANSFORMER DATA**

U.D.T. NO.	SIZE	ED. BTK. NO.
1928-1	100	661-1158
1928-2	100	1158
1928-3	100	1158
1928-4	100	1158

TRANSFORMER SPEC. 1-17-262  
FEDERAL SPEC.  
NO. OF FEDESTALS.  
NO. OF TEMPORARY CABLE MARKERS  
TEMPORARY CABLE MARKER SPEC.  
SECONDARY CONNECTION BOX SPEC.

- CODE —**
- TEMPORARY SECONDARY FEDESTAL/TEMPORARY CABLE MARKER
  - OFF GRID FRONT TYPE
  - LOT SWITCHING—LIVE FRONT TYPE
  - LOT SWITCHING—LIVE FRONT TYPE
  - DIRECTION OF TRANSFORMER DOOR OPENING
  - SECONDARY FEDESTAL
  - 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
  - SEWER
  - WATER
  - GAS
  - PREPARED CONDUIT
  - RFP DOWN CABINET

**PHASE - II  
CABLE SUMMARY**

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	12.2KV	713-3073	
2	12.2KV	713-3074	
3	12.2KV	713-3075	
4	12.2KV	713-3076	

**CABLE SUMMARY**

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	12.2KV	713-3073	
2	12.2KV	713-3074	
3	12.2KV	713-3075	
4	12.2KV	713-3076	

**TRENCH SUMMARY**

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	12.2KV	713-3073	
2	12.2KV	713-3074	
3	12.2KV	713-3075	
4	12.2KV	713-3076	

**TRENCH SUMMARY**

ITEM #	DESCRIPTION	QUANTITY	UNIT
1	12.2KV	713-3073	
2	12.2KV	713-3074	
3	12.2KV	713-3075	
4	12.2KV	713-3076	

**GENERAL NOTES**

TRENCHING TO BE DONE BY D.E.C.  
TRENCH AND CABLE LENGTHS ARE APPROXIMATE.  
SEE SECTION 58 FOR CONSTRUCTION STANDARDS FOR TRENCH MAT. DETAILS.  
SEE SECTION 58 FOR CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.  
TRANSFORMERS AND FEDESTALS SHOWN ONLY.  
D.E. SERVICE PLANNER: J. POLLARD 244-3421  
TEL. CO. DIST. V. NELLECO 446-1055  
GAS COLLECTOR: S. WILKINSON 579-3000  
CITY: URBANIZATION 379-0220  
CONTACT "MRS. DOD" BEFORE DOING ANY EXCAVATION.  
EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

**PERMITS REQUIRED**

PERMITS REQUIRED	SEC.	MET.	CITY	CADD.
SOIL ENGINEER	X	X	X	X
COUNTY ROAD	X	X	X	X
COUNTY DRAIN	X	X	X	X
CITY	X	X	X	X

D	REVISION	C	REVISION	B	REVISION	A	REVISION	REFERENCE	DATE	BY	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY
								SHOWN AS INSTALLED IN FIELD PH I	10-16-83	D. ADAMS	D. ADAMS	10-16-83	DIRECT BURIED SYSTEM	SARRAVILLA APPTS IV II
								REVISED TO PH II	11-16-83	J. POLLARD	J. POLLARD	11-16-83	PH I	PH II

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