

(0504487)

BRIARWOOD CONDOMINIUMS, PHASE 2

Real Estate & Rights of Way

Lib. 05018PG101

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

B559089

LIBER 05069PG782

12/7

19 90

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 and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "UTILITY", 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 required to provide communication and electric services in, under, upon, over and across the property located in the Township of Shelby, County of Macomb State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the UTILITIES 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: 9:42A APR - 3 1991

Edna Hill Clerk - Register of Deeds Macomb County, Michigan

RECORDED IN MACOMB COUNTY RECORDS AT: 2:07p DEC 27 1990

Edna Hill Clerk - Register of Deeds Macomb County, Michigan

In order to provide for the proper maintenance and protection of UTILITY, the undersigned, covenant, and agree that:

- 1. The right of way will be graded to within four inches of final grade before the UTILITY'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 UTILITY'S above ground equipment.
2. No buildings or structures other than UTILITY'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 UTILITY.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. UTILITY 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 UTILITY'S maintenance of their equipment.
4. If the lines or facilities of UTILITY 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.

Witnesses:

X BETH M. WISE BETH M. WISE

X SANDRA ROSE SANDRA ROSE

Grantors:

MICHELE LOCHIRCO MICHELE LOCHIRCO

MARIANNA LOCHIRCO, wife MARIANNA LOCHIRCO, wife

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

Address: 48579 Shelby Road Utica, MI 48087

Being Re-Recorded to include Appendix B

RECORDED IN MACOMB COUNTY 4/6/91

154

**Acknowledgement-Individual**

STATE OF MICHIGAN

County of Macomb )SS

LIBER 05069PG783

On this 7th day of December, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Michele & MARIANNA Lo ChIRCO, His WIFE

**DEBBIE BEELS**  
NOTARY PUBLIC - MACOMB COUNTY, MICH.  
MY COMMISSION EXPIRES 02-13-94

Debbie Beels  
Notary Public, Macomb 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 \_\_\_\_\_ )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. 41640

APPENDIX "A"

(LIBER 05018PG103)

LIBER 05069PG784

"BRIARWOOD CONDOMINIUMS, PHASE 2" Part of the Southwest 1/4 of Section 6, T3N, R12E, described as: Beginning at the Southwest corner of said Section 6; thence N 00°29'00" West 516.70 feet along the West line of Section 6 or centerline of Dequindre Road; thence N 89°44'20" East 489.60 feet; thence N 00°29'00" West 318.19 feet; thence N 44°31'00" East 330.00 feet; thence N 45°29'00" West 215.00 feet; thence 212.06 feet along the arc of a curve to the left, whose radius is 270.00 feet, whose central angle is 45°00'00" and whose chord bears N 67°59'00" West 206.65 feet; thence N 89°31'00" West 50.00 feet; thence N 00°29'00" West 170.00 feet; thence N 89°41'50" East 1056.53 feet; thence S 00°22'40" East 1258.75 feet; thence S 89°39'24" West 208.75 feet; thence S 00°26'46" East 208.75 feet; thence S 89°39'24" West 1175.32 feet along the South line of Section 6 or the centerline of 25 Mile Road, Runyon Drive to point of beginning.

RECORDED RIGHT OF WAY NO. 41640

**Detroit  
Edison**

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Date: April 19, 1991  
To: Record Center  
From: Michael J. Mc Cabe *MSM*  
Sr. Real Estate and Right of Way Rep  
Macomb Division  
Subject: Right of Way Agreement for Underground Residential  
Distribution for Briarwood Condominiums, Phase 2,  
located in part of the Southwest 1/4 of Section 6,  
T3N, R12E, Township of Shelby, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way  
Agreement dated December 7, 1990 for the above named project.

Easement for this project was requested by Michael Demchak,  
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 and Michigan Bell Telephone Company made  
this agreement with Michele Lochirco and Marianna Lochirco, the  
developers of Briarwood Condominiums, Phase 2.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 41640

