

LIBER 04704PG039

B384773

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05082PG631

B564921

JULY 26, 19 89

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 Harron Cable Television, a Delaware

corporation of 55800 New Haven, New Haven, MI 48048 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 Chesterfield, County of Macomb County

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 ten (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: 1:18 P.M.

APR 19 1991

Edna Miller

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 3:07 P.M.

AUG 15 1989

Edna Miller

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 Lynn Vandierdonck

X John Latealla

DONNER APARTMENTS LIMITED PARTNERSHIP, a Michigan Limited Partnership

BY: Benny Sorrentino

Prepared by: & return to: Susan Putrycus 15600 - 19 Mile Road Mt. Clemens, MI 48044

Address: 23309 Quinn Road Mt. Clemens, MI 48045

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 4661

LIBER 04704PG040

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

LIBER 05082PG632

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. 47661

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 26th day of JULY, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Benny Sorrentino

(a) general managing partner(s), on behalf of Donner Apartments Limited, a Michigan Limited partnership.

Lynn P. Vandierdonck
Notary Public, MACOMB County, Michigan

My commission expires 02-06-93

LYNN P. VANDIERDONCK
NOTARY PUBLIC-MACOMB COUNTY, MICH.
MY COMMISSION EXPIRES 2-6-93 DE 963-4181 9-86 CS

LIBER 04704PG041

APPENDIX "A" LIBER 05082PG638

"DONNER APARTMENTS, PHASE III", A parcel of land located in and being a part of the West 1/2 of Section 21, T3N, R14E, Chesterfield Township, Macomb County, Michigan and being more particularly described as follows: Commencing at a point 1998.92 feet S 01°49'37" East from the Northwest corner of said Section 21, thence extending N 88°59'25" East 1364.28 feet, thence S 01°59'57" East 736.90 feet, thence N 89°14'22" West 1080.72 feet, thence N 01°49'37" West 307.28 feet, thence N 42°42'04" West 112.79 feet, thence S 47°17'56" West 70.0 feet, thence S 88°10'23" West 160.00 feet to the centerline of Donner Road (120 feet wide), thence N 01°49'37" West 360.80 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 41661

Date: 5-1-1991

To: Records Center

From: Michael J. McCabe *MJM*
Sr. Real Estate and Rights of Way Representative
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Donner Apartments, Phase 3 located in
part of the West 1/2 of Section 21, Town 3 North, Range
14 East, Chesterfield Township, Macomb County, Michigan

Attached for Records Center is the executed Right of Way
Agreement, dated July 26, 1989, and other pertinent papers for
the above named project.

Easement for this project was requested by Charles Maddix,
Service Planner, Macomb Division. The Agreement was negotiated
by Susan Putrycus, Representative of Real Estate and Rights of
Way, Macomb Division.

Detroit Edison Company, Harron Cable Television and Michigan Bell
Telephone Company made this agreement with Donner Apartments
Limited Partnership, Benny Sorrentino, Partner, the developers of
Donner Apartments, Phase 3.

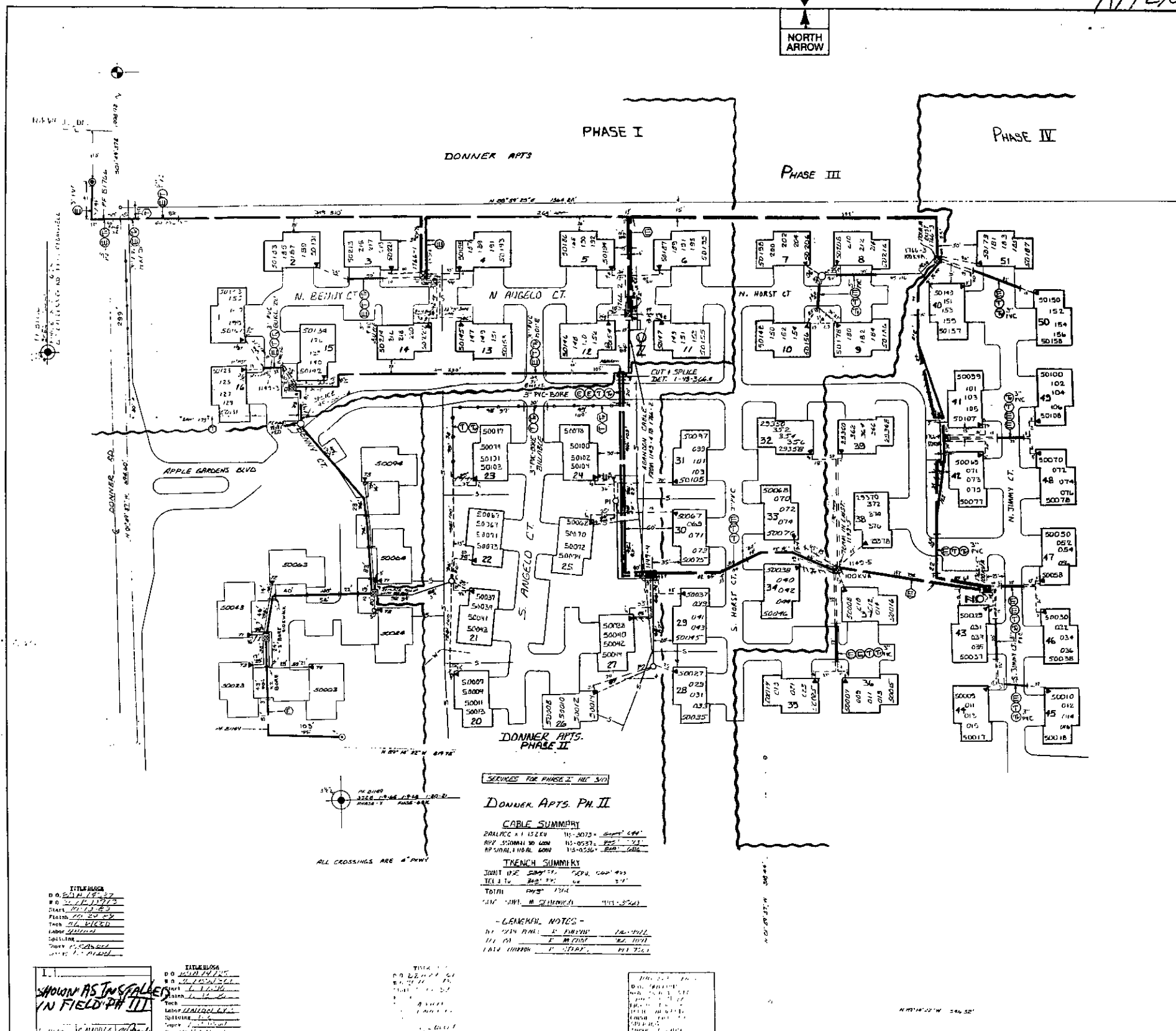
Please make the attached papers a part of recorded Rights of Way
file.

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

41661



PHASE III CABLE SUMMARY

22ALPCC X1 13.2KV	713-3079	300' 072'
2200 PE 121 13.2KV	713-3074	
2200 PE 122 13.2KV	713-3075	
2200 PE 123 13.2KV	713-3076	

PHASE IV CABLE SUMMARY

22ALPCC X1 13.2KV	713-3079	300' 072'
2200 PE 121 13.2KV	713-3074	
2200 PE 122 13.2KV	713-3075	
2200 PE 123 13.2KV	713-3076	

TRENCH SUMMARY

JOINT USE	300'	300'
D.E. ONLY	20'	20'
CONDUIT ONLY	10'	10'
GAS ONLY	20'	20'
OTHERS		
TOTAL	1200'	1200'

TRENCH SUMMARY

JOINT USE	400'	400'
D.E. ONLY	20'	20'
CONDUIT ONLY	10'	10'
GAS ONLY	20'	20'
OTHERS		
TOTAL	800'	800'

GENERAL NOTES

SITE SUPT. _____
 P.E. SERVICE PLANNER: _____
 TEL. CO. DIST. _____
 GAS CO. _____
 CITY _____

GENERAL NOTES

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 P.E. SERVICE PLANNER: _____
 TEL. CO. DIST. _____
 GAS CO. _____
 CITY _____

TRANSFORMER DATA

U.D.T. NO.	SIZE	ED BTK. NO.
1143-5	50	661-1152
1766-1	100	661-1153
1144-4	100	661-1153
AP 1144-2	100	661-1152
1145-5	100	661-1153
1766-3	100	661-1153
1766-4	50	1152
1766-5	100	1153

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U.D.T. NO.	SIZE	ED BTK. NO.
1143-5	50	661-1152
1766-1	100	661-1153
1144-4	100	661-1153
AP 1144-2	100	661-1152
1145-5	100	661-1153
1766-3	100	661-1153
1766-4	50	1152
1766-5	100	1153

DONNER APTS PHASE I CABLE SUMMARY

22ALPCC X1 13.2KV	713-3079	300' 072'
2200 PE 121 13.2KV	713-3074	
2200 PE 122 13.2KV	713-3075	
2200 PE 123 13.2KV	713-3076	

DONNER APTS PHASE I CABLE SUMMARY

22ALPCC X1 13.2KV	713-3079	300' 072'
2200 PE 121 13.2KV	713-3074	
2200 PE 122 13.2KV	713-3075	
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OTHERS		
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GENERAL NOTES

DO A-75792
 WD 36109185Z
 SHAY 10-25-80
 FINISH 10-24-80
 TRUCK 10-05-80
 LABOR UNION TRUCK CO
 SELLING D.E. CO
 SUPPLY L. GARDNER
 NORTON L. GARDNER

GENERAL NOTES

DO A-75792
 WD 36109185Z
 SHAY 10-25-80
 FINISH 10-24-80
 TRUCK 10-05-80
 LABOR UNION TRUCK CO
 SELLING D.E. CO
 SUPPLY L. GARDNER
 NORTON L. GARDNER

GENERAL NOTES

TRENCHING TO BE DONE BY _____
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 SEE SECTION 30 FOR LINE CONSTRUCTION STANDARDS FOR TRANS. MAY DETAIL.
 SEE PAGE 3-11 (S) FOR DETAILS. _____ FOR ENTRANCE POINT DETAILS (APTS ONLY).
 SEE SECTION 43 FOR LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.
 TRANSFORMERS AND PEGS/STAKES COURTESY _____
 D.E. SERVICE PLANNER: _____
 TEL. CO. _____
 GAS CO. _____
 OTHERS _____

GENERAL NOTES

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 TRANSFORMERS AND PEGS/STAKES COURTESY _____
 D.E. SERVICE PLANNER: _____
 TEL. CO. _____
 GAS CO. _____
 OTHERS _____

PERMITS REQUIRED

PERMIT TYPE	REQ'D	DATE
STREET CLOSURE	X	
UTILITY	X	
CONDUIT	X	
OTHER		

PERMITS REQUIRED

PERMIT TYPE	REQ'D	DATE
STREET CLOSURE	X	
UTILITY	X	
CONDUIT	X	
OTHER		

PERMITS REQUIRED

PERMIT TYPE	REQ'D	DATE
STREET CLOSURE	X	
UTILITY	X	
CONDUIT	X	
OTHER		

PERMITS REQUIRED

PERMIT TYPE	REQ'D	DATE
STREET CLOSURE	X	
UTILITY	X	
CONDUIT	X	
OTHER		

GENERAL NOTES

CONTACT _____ 800-462-7170 BEFORE DOWNS ANY EXCAVATION
 EASEMENTS INDICATED BY OUR CENTERLINE ARE _____
 IN WIDTH UNLESS OTHERWISE NOTED

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CONTACT _____ 800-462-7170 BEFORE DOWNS ANY EXCAVATION
 EASEMENTS INDICATED BY OUR CENTERLINE ARE _____
 IN WIDTH UNLESS OTHERWISE NOTED

TITLE BLOCK

D.O. 05/18/87
 P.O. 05/18/87
 DATE 05/18/87
 FLOOR 05/18/87
 TOWN 05/18/87
 LABOR 05/18/87
 SELLING 05/18/87
 OTHER 05/18/87

TITLE BLOCK

D.O. 05/18/87
 P.O. 05/18/87
 DATE 05/18/87
 FLOOR 05/18/87
 TOWN 05/18/87
 LABOR 05/18/87
 SELLING 05/18/87
 OTHER 05/18/87

TITLE BLOCK

D.O. 05/18/87
 P.O. 05/18/87
 DATE 05/18/87
 FLOOR 05/18/87
 TOWN 05/18/87
 LABOR 05/18/87
 SELLING 05/18/87
 OTHER 05/18/87

REVISION	NO.	DATE	DESCRIPTION
1	1	05/18/87	ISSUED FOR PERMITS
2	2	05/18/87	REVISED TO SHOW AS INSTALLED
3	3	05/18/87	REVISED TO SHOW AS INSTALLED
4	4	05/18/87	REVISED TO SHOW AS INSTALLED
5	5	05/18/87	REVISED TO SHOW AS INSTALLED
6	6	05/18/87	REVISED TO SHOW AS INSTALLED
7	7	05/18/87	REVISED TO SHOW AS INSTALLED
8	8	05/18/87	REVISED TO SHOW AS INSTALLED
9	9	05/18/87	REVISED TO SHOW AS INSTALLED
10	10	05/18/87	REVISED TO SHOW AS INSTALLED

RECORDED RIGHT OF WAY NO. 14661