

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05093PG432

B569611

April 6, 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 of Clinton 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, 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: 2:32 P.M.

MAY - 3 1991

Edna M. Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 1:49 P.M.

APR 30 1990

Edna M. 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:

Grantors:

X Carol Sowden
Carol Sowden

X Katherine Hamlin
Katherine Hamlin

KNOLLWOOD ASSOCIATES
a Michigan Co-Partnership

BY: Michael A. Chirco, Partner
Dominic Mocerri, Partner

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

Address: 46401 Romeo Plank Suite 1
Mt. Clemens, MI 48044

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 4-1-6667

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

LIBER 05093 PG 433

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 _____

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 6th day of April, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Michael A. Chirco and Dominic Mocerri

(a) general/managing partner(s), on behalf of Knollwood Associates, a Michigan Co- xpartnership.

JANIS A. COLDEN
Notary Public, Oakland County, MI
My Commission Expires Mar. 20, 1991

Janis A. Colden
Notary Public, Oakland County, Michigan
Acting in Macomb County

My commission expires March 20, 1991

RECORDED RIGHT OF FAX NO. 416664

"MANORS AT KNOLLWOOD CONDOMINIUMS, PHASE 2", Part of the Southeast 1/4 of Section 5, T2N, R13E, Clinton Township, Macomb County, Michigan, being described as: Commencing at the South 1/4 post of Section 5; thence N 89°27'49" East 795.00 feet along the South line of Section 5; thence N 00°32'11" West 60.00 feet to the North right of way line of 19 Mile Road (120.00 feet wide) and the point of beginning; thence N 00°32'11" West 1274.80 feet; thence N 89°15'29" East 458.84 feet; thence S 00°32'11" East 130.67 feet; thence southeasterly along a tangent curve concave to the Northeast having a central angle of 88°43'08", a radius of 15.00 feet; an arc distance of 23.23 feet, and whose long chord has a bearing of S 44°53'45" East 20.97 feet; thence S 00°44'41" West 24.00 feet; thence S 89°50'17" West 32.50 feet; thence southwesterly along a tangent curve concave to the Southeast having a central angle of 90°22'28", a radius of 15.00 feet, an arc distance of 23.66 feet, and whose long chord has a bearing of S 44°39'03" West 21.28 feet; thence S 00°32'11" East 222.00 feet; thence southeasterly along a tangent curve concave to the Northeast having a central angle of 90°00'00", a radius of 15.00 feet, an arc distance of 23.56 feet, and whose long chord has a bearing of S 45°32'11" East 21.21 feet; thence N 89°27'50" East 31.57 feet; thence easterly along a tangent curve concave to the South having a central angle of 08°37'06", a radius of 612.00 feet, an arc distance of 92.06 feet, and whose long chord has bearing of S 86°13'37" East 91.97 feet; thence S 08°04'55" West 43.40 feet; thence S 40°26'17" East 47.92 feet; thence southwesterly along a nontangent curve concave to the southeast having a central angle of 48°46'49", a radius of 113.00 feet, an arc distance of 96.21 feet, and whose long chord has a bearing of S 25°18" West 93.33 feet; thence N 89°27'49" East 387.77 feet; thence S 00°32'11" East 114.50 feet; thence southerly along a curve concave to the East having a central angle of 18°23'34", a radius of 62.00 feet, an arc distance of 19.90 feet, and whose long chord has a bearing of S 09°43'58" East 19.82 feet; thence S 18°55'45" East 92.28 feet; thence S 34°37'22" East 24.00 feet; thence S 56°44'39" West 20.02 feet; thence southwesterly along a tangent curve concave to the Southeast having a central angle of 57°16'50", a radius of 15.00 feet, an arc distance of 15.00 feet, and whose long chord has a bearing of S 28°06'14" West 14.38 feet; thence S 00°32'11" East 129.08 feet; thence N 89°27'49" East 19.00 feet; thence S 00°32'11" East 290.00 feet to the North right of way line of 19 Mile Road; thence S 89°27'49" West 976.23 feet along the North right of way line of 19 Mile Road to the point of beginning.

Date: May 14, 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 Manors at Knollwood, Phase 2 located
in part of the Southeast 1/4 of Section 5, Town 2
North, Range 13 East, Clinton Township, Macomb County,
Michigan

Attached for Records Center is the executed Right of Way Agreement, dated April 6, 1990, and other pertinent papers for the above named project.

Easement for this project was requested by Jerald Pollard, Service Planner, Macomb Division. The Agreement was negotiated by Michael J. McCabe, Representative of Real Estate and Rights of Way, Macomb Division.

Detroit Edison Company, Comcast Cable Television, Consumers Power Company and Michigan Bell Telephone Company made this agreement with Knollwood Associates, Michael A. Chirco, Partner and Dominic Mocerri, Partner, the developers of Manors at Knollwood, Phase 2.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 4664

