

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

2/16

, 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, 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, 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 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 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: 2:22 P M.

MAY - 3 1991

Edna Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 3:03 P M.

MAR 01 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, 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 Scott A. Suthin SCOTT A SUTPHIN

X Marddy Noga MARDDY NOGA

X Samuel Argiri, Jr. Samuel Argiri, Jr.

X Sharon K. Argiri Sharon K. Argiri, wife

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

Address: 16301 Pine Ridge Dr North 15577 Fraser Fraser, MI

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 41668

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Acknowledgement-Individual

LIBER 04824 PG 141
LIBER 05093 PG 382

STATE OF MICHIGAN

County of Macomb)SS

On this 16 day of February, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Samuel Argiri, Jr. and Sharon K. Argiri, his wife

SARAH B. KOHUT
Notary Public, Macomb County, MI
My Commission Expires 2-19-92

Sarah B. Kohut
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 _____)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. 41668

LIBER 05093 PG 83

LIBER 04824 PG 142

APPENDIX "A"

"WELLINGTON HEIGHTS CONDOMINIUMS", Part of Fractional Section 23, T2N, R13E, Clinton Township, Macomb County, Michigan, is described as beginning at a point on the Westerly line of the Beebe Farm, said line also being the West line of said Fractional Section 23, distant N 03°49'20" East along said Westerly line 791.77 feet from a point known as the Southwest corner of the Beebe Farm, thence continuing N 03°49'20" East 1049.80 feet to the Southerly line of 66 foot wide Wellington Crescent Drive, thence S 48°53'30" East along said Southerly line 180.37 feet, thence S 03°33'30" West 1299.41 feet, thence N 86°36'50" West 149.37 feet to the point of beginning.

RECORDED RIGHT OF WAY NO.

41668

**Detroit
Edison**

Date: May 28, 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 Wellington Heights Condos, located
 in Part of Fractional Section 23, Town 2 North, Range
 13 East, Clinton Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way Agreement dated February 16, 1990 for the above named project.

Easement for this project was requested by Phil Howard, 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, Comcast Cablevision and Michigan Bell Telephone Company made this agreement with Samuel Argiri, Jr and Sharon K. Argiri, his wife, the developers of Wellington Heights Condominiums.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 41668

