

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05082 PG 641

B564923

December 19, 1989

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 Continental Cable Television a Delaware

corporation of 21900 Melrose, Suite 10, Southfield, MI 48025 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 City of Roseville, 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) ten 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: 1:20 P.M.

APR 19 1991

Edna Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 2:11 P.M.

JAN 5 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.

GRANTORS

NARDONE CEMENT COMPANY, a Michigan Corporation

BY: Mario Nardone, President; Adam Schaefer; Dorothy Schaefer, his wife; Donald Sonntag; Marilyn Sonntag, his wife; Allan J. Neumann; Hester Neumann, his wife

Witnesses:

Witness signatures: Lisa G. Schwab

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

45727 Scott Mt. Clemens, MI 48044

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 41670

Acknowledgement-Individual

STATE OF MICHIGAN

County of OAKLAND )SS

On this 17 day of December, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Donald Sonntag and Marilyn Sonntag, husband and wife, and Allan J. Neumann and Hester Neumann, husband and wife

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

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

LORI ANN MUIR  
Notary Public, Wayne County, MI  
Acting in Oakland County, MI  
My Commission Expires 2-10-91

Acknowledgement-Individual

STATE OF MICHIGAN

County of OAKLAND )SS

On this 17 day of December, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Adam Schaefer and Dorothy Schaefer, husband and wife

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

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

LORI ANN MUIR  
Notary Public, Wayne County, MI  
Acting in Oakland County, MI  
My Commission Expires 2-10-91

Acknowledgement-Corporation

STATE OF MICHIGAN

County of OAKLAND )SS

On this 17 day of December, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Mario Nardone

whose title(s) is ~~is~~ President

of Nardone Cement Company, a Michigan corporation, on behalf of the corporation.

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

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

LORI ANN MUIR  
Notary Public, Wayne County, MI  
Acting in Oakland County, MI  
My Commission Expires 2-10-91

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. 47670

APPENDIX "A"

LIBER 04794 PG 688

LIBER 05082 PG 643

"CHESTNUT GROVE CONDOMINIUMS.II", Land in the City of Roseville, Macomb County, Michigan, described as: The West 1/2 of Lot 5, Harmon Farms, a subdivision of the North 1/2 of the Northwest 1/4 of Section 4, Town 1 North, Range 13 East, Erin Township, Macomb County, Michigan, according to the plat thereof as recorded in Liber 3, Page 161 of Plats, Macomb County Records, except that part of Lot 5 being more particularly described as: Beginning at the Northwest corner of said Lot 5; thence S 89°10' East a distance of 95 feet; thence S 00°20' West a distance of 178.8 feet; thence N 89°10' West a distance of 95 feet; thence N 00° 10' East a distance of 178.8 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 41670

*Evin Tupp*

Date: May 2, 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 Chestnut Grove Condominiums II located  
in part of the North 1/2 of the Northwest 1/4 of  
Section 4, Town 1 North, Range 13 East, City of  
Roseville, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated December 19, 1989, and other pertinent papers for the above named project.

Easement for this project was requested by Ralph Schneider, 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, Continental Cable Television and Michigan Bell Telephone Company made this agreement with Nardone Cement Company, Mario Nardone, President, Adam Schaefer and Dorothy Schaefer, his wife, Donald Sonntag and Marilyn Sonntag, his wife, Allan J. Neumann and Hester Neumann, his wife, the developers of Chestnut Grove Condominiums II.

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

MJM/caw

Attachment

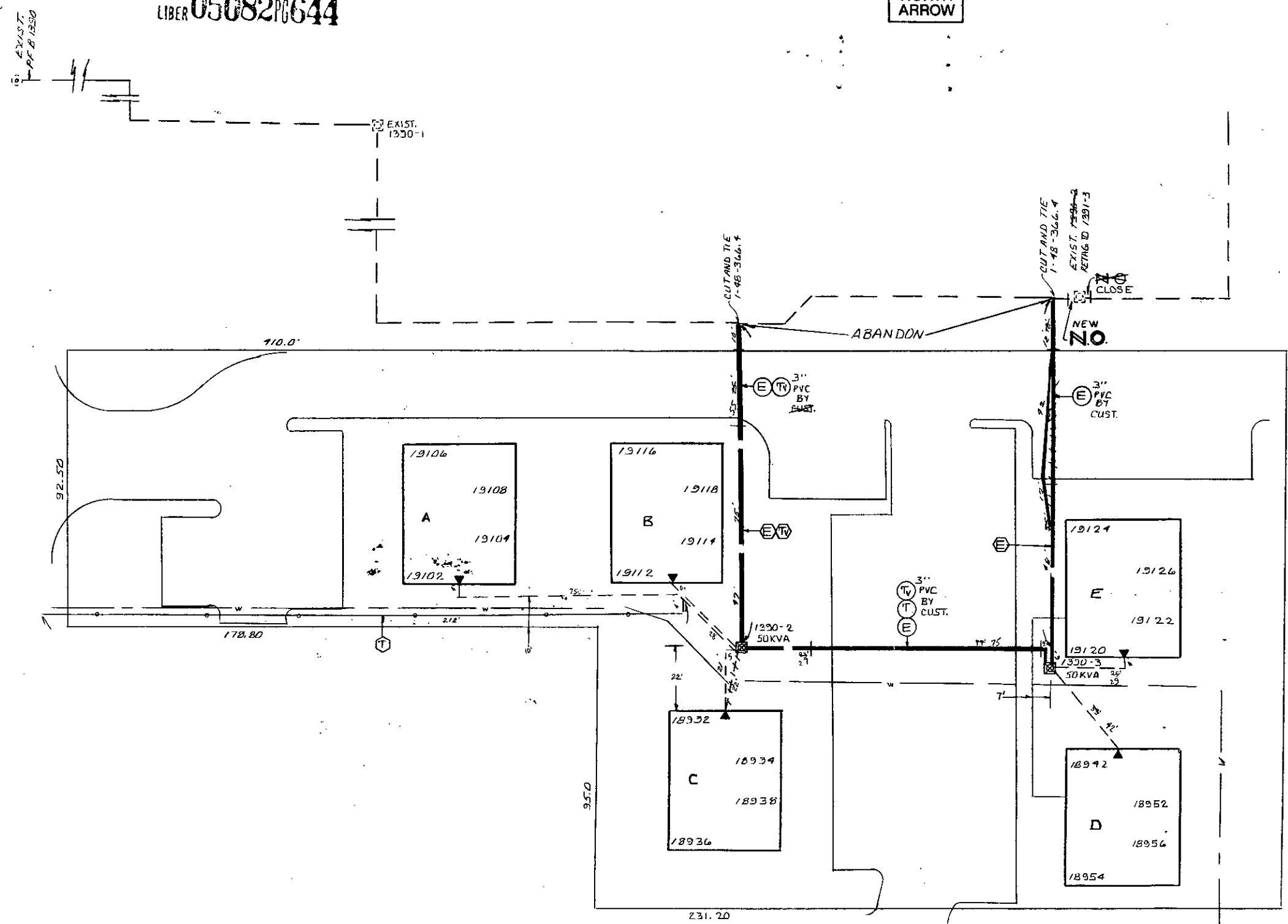
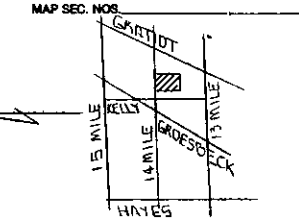
RECORDED RIGHT OF WAY NO. 416.170

LIBER 05082PG644

APPENDIX B-

LIBER 05082PG645

LOCATION SKETCH



TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
1390-2	50	661-1152
1390-3	50	1152
FROM 1390-2	RE TAG	TO 1391-3

TRANSFORMER SPECS. 1-17-261  
 PEDESTAL AMOUNT \_\_\_\_\_ SPEC. \_\_\_\_\_  
 TEMPORARY CABLE MARKERS AMOUNT \_\_\_\_\_ SPEC. \_\_\_\_\_  
 SECONDARY CONNECTION BOX AMOUNT \_\_\_\_\_ SPEC. \_\_\_\_\_

CODE

- ⊕ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ⊖ DFT (DEAD FRONT TYPE)
- UDT (NON-SWITCHING—LIVE FRONT TYPE)
- ⊗ UDT (SWITCHING—LIVE FRONT TYPE)
- DIRECTION OF TRANSFORMER DOOR OPENING
- SECONDARY PEDESTAL
- △ 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
- ⊖ PROPOSED CONDUIT
- ⊗ SEP CONN CABINET

**NOTE:-**  
 METER SHALL BE LOCATED IN SHADED AREA CLOSEST TO D.E.CO. SOURCE.

CABLE SUMMARY

ITEM #	DESCRIPTION	ESTIMATED
1	AP2350M & 140 800 V.	399' 117'
2	AP220 & 141 600 V.	320' 101'

TRENCH SUMMARY

JOINT USE	34' 44'	SERV. 198 107'
D.E. ONLY	73' 72'	
TEL ONLY	24' 20'	
DE 1 TV	85' 102'	
TV ONLY	20'	
<b>TOTAL</b>	<b>408' 565'</b>	

**NOTE:**  
 SERVICES - MUST NOT BE ENERGIZED WITHOUT CITY APPROVAL. CONTACT SERVICE PLANNER.

NOTICE

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

GENERAL NOTES

TRENCHING TO BE DONE BY D.E.CO.  
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE  
 SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS.  
 SEE PAGE 32-11 S.I.M.] DETAIL " " FOR ENTRANCE POINT DETAILS (APTS. ONLY)  
 SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUB'DS ONLY)  
 D.E. SERVICE PLANNER: R. SCHNEIDER IWR 246-9443  
 TEL CO: MBT. L. HELGDA 466-11750  
 GAS CO: \_\_\_\_\_  
 CATV CO: R. NELSON 541-4650

EASEMENTS INDICATED BY OUR CENTERLINE ARE IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

CITY OF \_\_\_\_\_ COUNTY \_\_\_\_\_ NOTIFICATION TO \_\_\_\_\_  
 STATE  YES  NO

PERMITS REQUIRED	DECO.	HT.	CATV.	GASCO.
SOIL EROSION				
COUNTY ROAD				
COUNTY DRAIN				
CITY	X	X	X	

**TITLE BLOCK**  
 D.O. 89A74748  
 W.O. 36789J882  
 Start 1-31-90  
 Finish 2-6-90  
 Tech. E. LICE  
 Labor COBY  
 Splicing \_\_\_\_\_  
 Suprv. P. CARON  
 Records P. CARON

REVISION	REVISION	REVISION	REVISION	REFERENCE	NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY
D	C	B	A	URD ERN.64	D. Adams	12-1-89	DIRECT BURIED SYSTEM - URD	SERVICE PLANNING
				SHOWN AS INSTALLED IN FIELD.	Checked by R. Schmidt	12-5-89		NUMBER OF UNITS 20
					Approved by P. Caron	12-5-89		WORK ORDER NUMBER 36789J882
								LATEST REVISION A
								DISTRIBUTION CIRCUIT 8533 MEDINA 13.2KV
								DEPT. ORDER NUMBER 89A74748
								SHEET 1 OF 1 SHEETS

**CHESTNUT GROVE CONDO II**  
 PART OF THE N.W. 1/4 OF SEC. 4 T.1N. R.13E  
 CITY OF ROSELLE COUNTY OF MACONIA

RECORDED RIGHT OF WAY NO. 41670