

LIBER 04841 PG 432

Detroit Edison

Real Estate and Rights of Way
Joint Underground Residential Distribution
Right of Way Agreement

B450535

LIBER 05093 PG 421

3-13, 1990

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 Road, 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 Village of New Haven, 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: 2:30 PM. MAY - 3 1991

RECORDED IN MACOMB COUNTY RECORDS AT: 2:33 PM. MAR 28 1990

Edna M. Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

In order to provide for the proper maintenance 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:
BAYFIELD CORPORATION
a Michigan Corporation

BY: David Zimmerman Secretary
DAVID ZIMMERMAN, SECRETARY

X John Litch SINGLE MAN
X Carolyn Lees
COYLEEN LEES
X Robert S. ... Trustee
~~XXXXXX~~ Robert S. ... Trustee of the R.S.
SOLgan Trust dated 9-13-78

X Terrence A. O'Brien
TERRENCE A. O'BRIEN
X Terrence A. O'Brien
TERRENCE A. O'BRIEN
Michael J. McCabe

Prepared by: & return to:
Darrell White MICHAEL J. McCABE
15600 - 19 Mile Road Carol Wuschack
Mt. Clemens, MI 48044 CAROL WUSCHACK
D. White
DARRELL E. WHITE

Re-record to include Consumers Power Company

Being Re-recorded and time to include Appendix B

RECORDED RIGHT OF WAY NO. 41680

APPENDIX "A"

"HARRISON WOODS CONDOMINIUMS, PHASE 1", A parcel of land being a part of P.C. 134 and part of P.C. 616, T2N, R14E, Harrison Township, Macomb County, Michigan, and being more particularly described as follows: Commencing at a point which is 951.65 feet N 01°04'42" West of the Southeast corner of Lot 130, Winkler's Subdivision No. 1, according to the plat thereof as recorded in Liber 10, Page 45 of Plats, Macomb County Records; thence extending N 01°04'42" West 1393.43 feet; thence N 88°31'46" East 556.44 feet; thence S 00°20'36" East 1404.27 feet; thence S 89°39'24" West 538.46 feet to the point of beginning, except the following described land; A parcel of land located in and being a part of P.C. 134 and 616, T2N, R14E, Harrison Township, Macomb County, Michigan, and being more particularly described as follows: Commencing at a point 951.65 feet N 01°04'42" West from the Southeast corner of Lot 130, Winkler's Subdivision No. 1, as recorded in Liber 10, Page 45 of Plats, Macomb County Records and thence extending N 01°04'42" West 466.65 feet along the easterly line of said Winkler's Subdivision No. 1, thence N 89°39'24" East 544.45 feet; thence S 00°20'36" East 466.61 feet along the westerly line of North Point Parkway (86 feet wide); thence S 89°39'24" West 538.46 feet to the point of beginning.

LIBER 04841 PG 435

LIBER 05093 PG 424

Acknowledgement-Individual

STATE OF MICHIGAN

County of MACOMB)SS

On this 13 day of March, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Robert Sogin Trustee of the R.S. Sogin Trust dated 9-13-78

Diane L. LaPlante
Diane L. LaPlante
Notary Public, Macomb County, Michigan

My commission expires Sept 12, 1990

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. 41680

LIBER 04841 PG 434
LIBER 05093 PG 423

Acknowledgement-Individual

STATE OF MICHIGAN

County of Macomb)SS

On this 13 day of March, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by John Litch, SINGLE MAN

Diane L. LaPlante
Diane L. LaPlante
Notary Public, Macomb County, Michigan

My commission expires Sept 12 1990

Acknowledgement-Individual

STATE OF MICHIGAN

County of Macomb)SS

On this 14 day of March, 19 90 the foregoing instrument was acknowledged before me, a notary public in and for said county, by Colleen Lees

Diane L. LaPlante
Diane L. LaPlante
Notary Public, Macomb County, Michigan

My commission expires Sept 12 1990

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Macomb)SS

On this 27 day of February, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by David Zimmerman,
whose title(s) is /are Secretary
of BAYFIELD CORPORATION, a Michigan corporation, on behalf of the corporation.

Sharon L. Manuelson
Sharon L. Manuelson
Notary Public, Macomb County, Michigan

My commission expires 6/30/93

RECORDED RIGHT OF WAY NO. 41680

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 _____

Date: May 16, 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 Harrison Woods Condominiums, Phase 1
located in part of Private Claim 134 and part of
Private Claim 616, Town 2 North, Range 14 East,
Harrison Township, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated March 13, 1990, and other pertinent papers for the above named project.

Easement for this project was requested by Phil Howard, Service Planner, Macomb Division. The Agreement was negotiated by Darrell E. White, 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 Bayfield Corporation, David Zimmerman, Secretary, the developers of Harrison Woods Condominiums, Phase 1.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

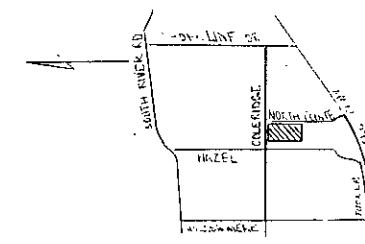
416
80

LIBER 05093PG425

RECORDED RIGHT OF WAY NO. 41680

APPENDIX B

LOCATION SKETCH
MAP SEC. NOS. 1-903-2-96



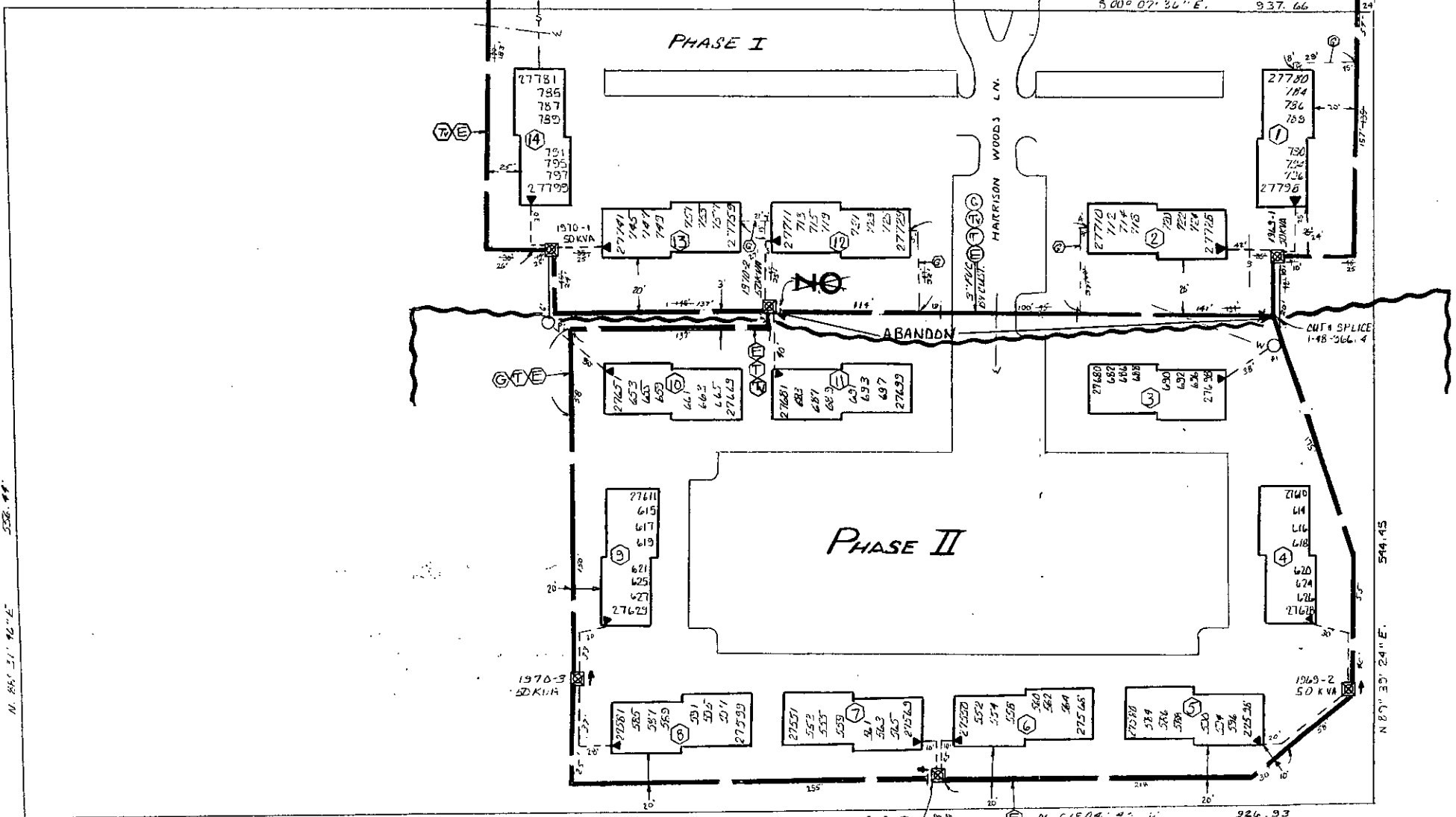
LIBER 05093PG426

NORTH ARROW

PF B 1970
S.D.E.R. 30KVA
PHASE Y FUSE GCK
LOC. NORTH POINTE PKWY. S.E.C.
COLLEIDGE

PF B 1969
S.D.E.R. 30KVA
PHASE Y FUSE GCK
LOC. NORTH POINTE PKWY. S.E.C.
COLLEIDGE

NORTH POINTE PKWY. 86' WD



TRANSFORMER DATA

Table with columns: U.D.T. NO., SIZE, ED. STK. NO. It lists transformer data for Phase I and Phase II.

TRANSFORMER SPECS. 1-17-261
PEDESTAL AMOUNT 2 SPEC. 1-9-231
TEMPORARY CABLE MARKERS AMOUNT SPEC.
SECONDARY CONNECTION BOX AMOUNT SPEC.

CODE

- Legend for symbols: Temporary secondary pedestal/temporary cable marker, UDT (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.

PHASE II CABLE SUMMARY

Table listing cable types and lengths for Phase II, including #2XLPCC X1, #2CU PE 1X1, #2CU PE 1X2, #2CU PE 1X3, AP2-35OH 6' 1-4/0 600V, 35OH 6 1XA 600V, 7/8AL 1X2 & 1/0 AL 1X1, AP2-2/0 & 1#1 600V.

TRENCH SUMMARY

Table listing trench types and lengths: JOINT USE 328', D.E. ONLY, TEL. ONLY, GAS ONLY, CATV ONLY, OTHERS, TOTAL 1548'.

GENERAL NOTES

SITE SUPT: T. O'BRIEN PHONE 463-2258
D.E. SERVICE PLANNER: P. HOWARD 282-9411
TEL. CO: M&T D. BROWN 446-1042
GAS CO: CP D. POLLACK 433-3122
CATV: HARN R. JEROME 783-9221

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.

Table with columns: INSTALLED, ITEM #, ESTIMATED. Lists installed items and their estimated costs.

Table with columns: TRENCH SUMMARY, JOINT USE, D.E. ONLY, TEL ONLY, GAS ONLY, OTHERS, TOTAL. Lists trench types and lengths.

GENERAL NOTES

TRENCHING TO BE DONE BY: 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 (SUBS ONLY). D.E. SERVICE PLANNER: P. HOWARD 282-9411. TEL. CO: M&T D. BROWN 446-1042. GAS CO: CP D. POLLACK 433-3122. CATV: HARN R. JEROME 783-9221.

PERMITS REQUIRED form with fields for CITY OF, COUNTY, STATE, and NOTIFICATION TO.

Table with columns: D.O., E.O., Start, Finish, Tech., Labor, Splicing, Supr., Records. Lists project details.

Table with columns: PERMITS REQUIRED, DECO., HGT., CATV., GASCO. Lists required permits.

START DATE

Large table at the bottom containing revision history, drawing information, and project details.