

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 04752PG109

LIBER 05082PG677

B564929

9/29, 1989

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 Cable Television, a Delaware corporation of 6065 Wall Street, Sterling Heights, Michigan 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 Macomb, 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 shown on a drawing to be recorded within 90 days of construction.

RECORDED IN MACOMB COUNTY RECORDS AT: 1:26 P.M.

APR 19 1991

Edna Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 1d: 40p M.

OCT 26 1989

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, 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:

X *Mary L. Sanderson*
Mary L. Sanderson
William O. Jensen
William Jensen
X

Grantors:

BY: *Seymour H. Mandell*
Seymour H. Mandell, Attorney-in-fact.
Flowers of Country Meadows Inc.,
a Michigan Corporation
Address: 31153 Plymouth, S104
Livonia MI 48150
Attn: Tony Zotus

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

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 41684

51

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-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 Oakland)SS

On this 29 day of Sept., 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by SEYMOUR H. MANDELL

whose title(s) is /are Attorney-in-fact

of Flowers of Country Meadows, Inc. a Michigan corporation, on behalf of the corporation.

With full authority of the Board of Directors.

B. F. EVANS
Notary Public, Oakland County, Michigan

My commission expires 11-30-91

RECORDED RIGHT OF WAY NO. 41684

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 _____

APPENDIX "A"

LIBER 05082PG679

LIBER 04752PG111

LEGAL DESCRIPTION

All that part of the NW 1/4 of Section 32, T. 3 N., R. 13 E., Macomb Township, Macomb Country, Michigan, described as: Beginning at a point distant Due East 898.54 ft. along the North line of said Section 32 and S. 00 degrees 10' 53" W. 450.00 feet from the NW corner of said Section 32; thence Due East 65.00 ft. thence N. 70 degrees 31' 56" E. 69.02 ft.; thence Due East 310.00 ft.; thence S. 00 degrees 10' 53" W. 909.71 ft.; thence N. 89 degrees 49' 05" W. 1378.33 ft.; N. 00 degrees 10' 22" E. 570.00 ft.; thence S. 89 degrees 49' 05" E 668.42 ft.; thence S. 89 degrees 49' 05" E. 668.42 ft.; thence N. 00 degrees 10' 53" E. 314.83 ft.; thence Due East 150.00 ft. to the point of beginning, containing 922,852.34 sq. ft. or 21.18578 acres of land.

RECORDED RIGHT OF FAX NO.

41684

Date: *MAY-1, 1991*

To: Records Center

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

Subject: Right of Way Agreement for Underground Residential
Distribution for Country Meadows Condominiums, Phase 1
located in part of the Northwest 1/4 of Section 32,
Town 3 North, Range 13 East, Macomb Township, Macomb
County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated September 29, 1989, and other pertinent papers for the above named project.

Easement for this project was requested by Phillip Howard, 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 Flowers of Country Meadows, Inc., Seymour H. Mandell, Attorney-in-Fact, the developers of Country Meadows Condominiums, Phase 1.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

41684

