

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-K886

On 3-5-91, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent underground distribution easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

LIBER 05070P354

B559357

"Grantor" is:

Thomas S. Welch, III and Pamela S. Welch his wife of 67531 Main Street, Richmond, MI 48062

"Grantee" is:

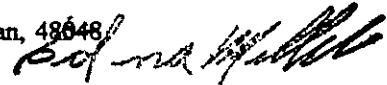
The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

RECORDED IN MACOMB COUNTY
RECORDS AT: 12:35 P.M.
48226

Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226

APR - 3 1991

Harron Cable Television, a Delaware corporation, 55800 Haven Road, New Haven, Michigan, 49648



"Grantor's Land" is in the City of Richmond, Macomb County, Michigan described as: CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

PARCEL I: Parts of Lots 1 and 2 of Assessor's Plat No. 7, according to the plat thereof as recorded in Liber 17, Page 11 of Plats, Macomb County Records and being more particularly described as: Beginning at a point distant South 0 degrees 06 minutes 30 seconds east 33.0 feet from the North 1/4 corner of Section 1: thence South 0 degrees 06 minutes 30 seconds east 205.77 feet along the easterly line of Lots 1 and 2; thence North 87 degrees 28 minutes 58 seconds west 180.19 feet along the southerly line of said Lot 2; thence North 0 degrees 06 minutes 30 seconds West 198.0 feet; thence South 89 degrees 57 minutes 10 seconds east 180.0 feet along the northerly line of said Lot 1 to the point of beginning.

PARCEL II: Part of Lot 1 of Assessor's Plat No. 7 according to the plat thereof as recorded in Liber 17, Page 11 of Plats, Macomb County Records and being more particularly described as: Beginning at a point distant South 0 degrees 06 minutes 30 seconds east 33.0 feet and North 89 degrees 57 minutes 10 seconds West 180.0 feet from the North 1/4 corner of said section; thence South 0 degrees 06 minutes 30 seconds East 95.48 feet; thence North 89 degrees 41 minutes 11 seconds West 166.97 feet along the southerly line of said Lot 1; thence North 27 degrees 47 minutes East 107.0 feet along the westerly line of said Lot 1; thence South 89 degrees 57 minutes 10 seconds East 116.91 feet along the Northerly line of said Lot 1 to the point of beginning.

PARCEL III: Lot 3 of Assessor's Plat No. 7, according to the plat thereof as recorded in Liber 17, Page 11 of Plats, Macomb County records.

The "Right of Way Area" is a part of Grantor's Land described as:

A ten (10) foot easement where the exact location of the underground equipment must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said Right of Way.

1. **Purpose** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
2. **Access** Grantee has the right of access to and from the Right of Way Area.
3. **Building or other Permanent Structures** No buildings or other permanent structures shall be placed in the Right of Way Area without Grantee's prior written consent.
4. **Excavation** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
5. **Trees, Brush, Branches, Roots, Structures and Fences** Grantee may trim, cut down, remove or otherwise control any trees, brushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences shall be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of the transformers and switching cabinet enclosures. Grantee shall not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
6. **Ground Elevation** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.

RECORDED RIGHT OF WAY NO 41698

9.00

7. Damages If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.

8. Successors This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

Witnesses:

Barbara A. Salgat

Grantor:

Thomas S. Welsh III

THOMAS S. WELSH III

Barbara A. Salgat

Pamela S. Welsh

PAMELA S. WELSH

Vern Lyle Pearl Sr.
VERN LYLE PEARL, SR.

Prepared by and Return to:

Susan A. Putrycus

15600 - 19 Mile Road

Mt. Clemens, MI 48044

STATE OF MICHIGAN
COUNTY OF MACOMB

Acknowledged before me in Macomb County, Michigan, on March 5, 1991 by Thomas S. Welsh III and Pamela S. Welsh, husband and wife.

SUSAN ANNE PUTRYCUS

Notary Public, Macomb County, MI

My Commission Expires Sept. 28, 1991

Susan Anne Putrycus
Susan Anne Putrycus

RECORDED RIGHT OF WAY NO. 41698

S. PUTRYCUS
MAR 07 1991

EXHIBIT 10431 31-1-1991
MAR 07 1991
EXHIBIT 10431 31-1-1991

Detroit
Edison

Macomb Division
15600 Nineteen Mile Road
Mount Clemens, Michigan 48044
(313) 286-9300

May 6, 1991

Mr. Thomas Welsh, III
67531 Main Street
Richmond, MI 48062

Re: Thomas Welsh Apartments
City of Richmond, Macomb County, Michigan

Dear Mr. Welsh:

Enclosed is a fully executed copy of your Joint Underground Residential Distribution Right of Way Agreement. For exact location of underground equipment telephone Miss Dig at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said right of way.

Sincerely,

Susan A. Putrycus

Susan A. Putrycus
Real Estate and Right of Way
Macomb Division

SP/ms
Enclosure

RECORDED RIGHT OF WAY NO. 41698

To (Supervisor, RE & R/W) M. McCabe	For RE & R/W Dept. Use ME-0-044	Date Received	DE/Bell/C.P. No.
Division Macomb	Date 2-11-91	Application No. MC-K886	

We have included the following necessary material and information:

- Material:**
- A. Proposed Subdivision
 - 1. copy of complete final proposed plat - All pages
 - or!
 - B. Other than proposed subdivision (condo., apts. mobile home park — other)
 - 1. Property description.
 - 2. Site plan.
 - 3. title information (deed, title commitment, contract with title commitment, or title search).

Note: Do not submit application for URD easements until all above material has been acquired.

Information

1. Project Name Thomas Welsh Apartments	County Macomb
City/Township/Village Richmond	Section No. 1
Type of Development	
<input type="checkbox"/> Proposed Subdivision <input checked="" type="checkbox"/> Apartment Complex <input type="checkbox"/> Condominium <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other	
2. Name of Owner See attached deed Thomas S. Welsh, III + Pamela S. Welsh	Phone No. 798-8350
Address 67531 Main Street, Richmond, MI 48062	
Owner's Representative Thomas Welsh Jr.	Phone No. 798-8350
Date Service is Wanted 6-29-91	

- 4. Entire Project will be developed at one time Yes No
- 5. Joint easements required — Michigan Bell Telephone Yes No
 — Consumers Power Yes No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power Harron CATV, a Delaware corp.	
b. Other Utility Engineer Names Robert Strauss	Phone Numbers
Addresses 55800 New Haven Rd., New Haven, MI 48048	

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner William M. Ronne	Signed (Service Planning Supervisor) <i>Ronald E. Pagels</i>
Phone No. 286-9432	Address 15600 19 Mile Rd., Mt. Clemens, MI 48048

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5.
Richmond Twp.

Date: May 6, 1991

To: Record Center
2310 WCB

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 Thomas Welsh Apartments located in
Assessors Plat No. 7 of the City of Richmond, Macomb
County, MI.

Attached for Records Center is the executed Right of Way Agreement dated March 5, 1991, and other pertinent papers for the above named project.

Easement for this project was requested by William M. Ronne, Service Planner, Macomb Division. The Agreement was negotiated by Susan Putrycus, Representative of Real Estate and Rights of Way, Macomb Division.

Detroit Edison Company, Comcast Cable Television and Michigan Bell Telephone Company made this agreement with Thomas S. Welsh, III and Pamela S. Welsh, the developers of Thomas Welsh Apartments.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

41698