

Real Estate and Rights of Way

**Deloitte
Edison**

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05093 PG 406

February 8

B569606 19 88

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 Michigan corporation of 6065 Wall St., Sterling Heights, Michigan 48077, 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 Shelby, 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: 2:27 P.M.

MAY - 3 1991

Edna Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY
RECORDS AT: 10:27 A.M.

FEB 24 1988

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 Donetta M. Hobart
Donetta M. Hobart
Cheryl Treloar
Cheryl Treloar

x _____

Grantors:

OAKHILL LIMITED PARTNERSHIP
a Michigan Limited Partnership
By: Dart Properties, General Partner
BY: Marvin E. Larivee
Marvin E. Larivee, III-Vice President

Address:
600 Dart Road
Box 116
Mason, MI 48854

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. 41709

15
9

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 _____)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 Ingham)SS

On this 8th day of February, 1988, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Marvin E. Larivee, III-Vice President, Dart Properties, General Partner,

(a) general/managing partner(s), on behalf of Oak Hill Limited Partnership, a Michigan Limited Partnership.

JoAnne E. Williams
JoAnne E. Williams

Notary Public, _____ County, Michigan

Clinton County acting in Ingham County

My commission expires 12-18-90

RECORDED RIGHT OF WAY NO. 41709

APPENDIX "A"

"OAKHILL APARTMENTS, PHASE II", Part of the South 1/2 of Section 32, T3N, R12E, Shelby Township, Macomb County, Michigan, and being more particularly described as: Beginning at the South 1/4 corner of Section 32, T3N, R12E, thence N 02°27'07" W 100.00 feet; thence S 87°49'20" W 831.03 feet; thence N 02°28'31" W 1394.04 feet; thence N 76°10'11" E 391.34 feet; thence S 02°27'17" E 408.03 feet; thence N 76°13'05" E 204.68 feet; thence N 78°52'07" E 250.10 feet; thence N 02°27'07" W 101.22 feet; thence N 82°54'39" E 364.09 feet; thence S 02°27'07" E 120.32 feet; thence S 39°14'56" E 564.61 feet; thence S 43°11'44" E 175.46 feet; thence S 14°06'33" W 121.43 feet; thence S 54°45'10" E 200.74 feet; thence N 88°17'59" E 40.00 feet; thence S 01°42'01" E 435.35 feet; thence S 87°49'00" W 974.12 feet to the point of beginning.

RECORDED
RIGHT OF WAY NO.
4702

Date: May 17, 1991

To: Record Center

From: Michael J. Mc Cabe *MSM*
Real Estate and Right of Way Representative
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Oak Hill Apartments, Phase 2, located
in part of the South 1/2 of Section 32, T3N, R12E,
Shelby Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated February 8, 1988 for the above named project.

Easement for this project was requested by Darrell White,
Service Planning, Macomb Division. The Agreement was
negotiated by Michael J. Mc Cabe, Representative, Real
Estate and Rights of Way, Macomb Division.

Detroit Edison Company, Comcast Cablevision, Consumers Power
Company and Michigan Bell Telephone Company made this agreement
Oakhill Limited Partnership, Marvin E. Larivee, III, Vice President,
for Oak Hill Apartments, Phase II.

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

MJM

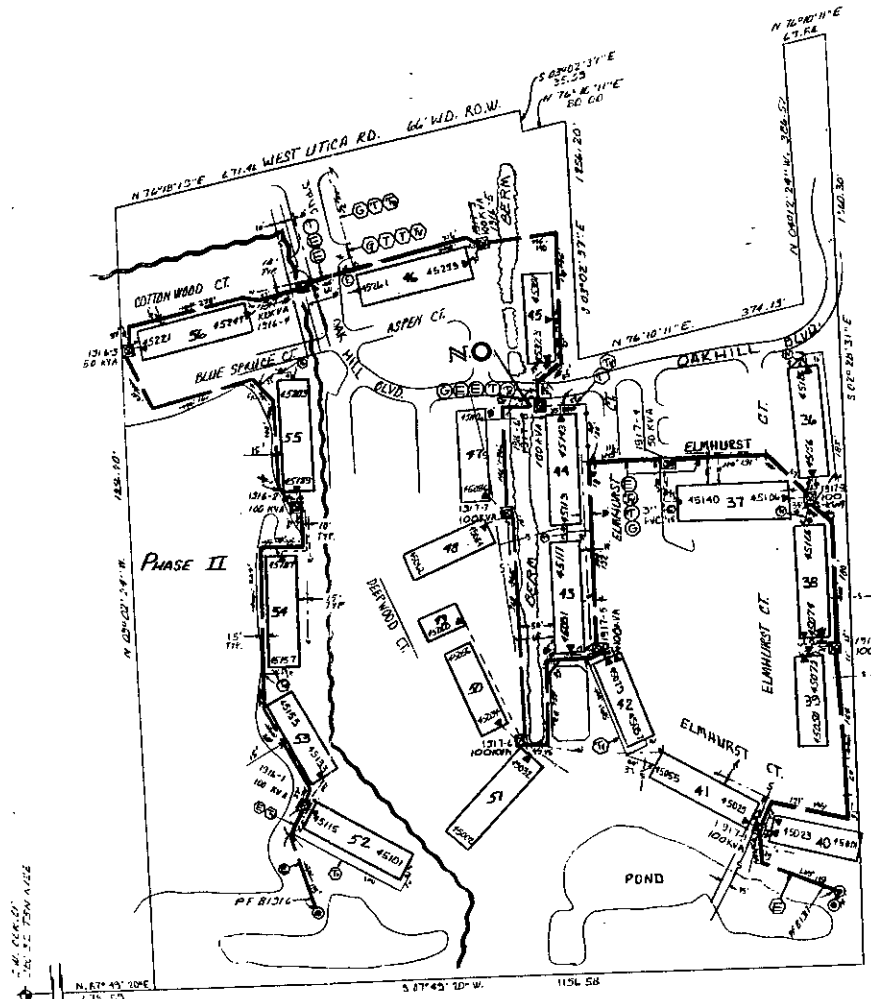
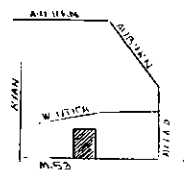
Attachment

RECORDED RIGHT OF WAY NO. 41782

APPENDIX B



LOCATION SKETCH



PHASE II CABLE SUMMARY

PHASE II 21	13,287	713-2073	22,600	644
PHASE II 22	13,289	713-2074	22,600	644
PHASE II 23	13,291	713-2075	22,600	644
PHASE II 24	13,293	713-2076	22,600	644
PHASE II 25	13,295	713-2077	22,600	644
PHASE II 26	13,297	713-2078	22,600	644
PHASE II 27	13,299	713-2079	22,600	644
PHASE II 28	13,301	713-2080	22,600	644
PHASE II 29	13,303	713-2081	22,600	644
PHASE II 30	13,305	713-2082	22,600	644

TRENCH SUMMARY

TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'

GENERAL NOTES

SEE SPEC. 507.1 FOR DETAILS
 SEE SPEC. 507.2 FOR DETAILS
 SEE SPEC. 507.3 FOR DETAILS
 SEE SPEC. 507.4 FOR DETAILS
 SEE SPEC. 507.5 FOR DETAILS
 SEE SPEC. 507.6 FOR DETAILS
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 SEE SPEC. 507.97 FOR DETAILS
 SEE SPEC. 507.98 FOR DETAILS
 SEE SPEC. 507.99 FOR DETAILS
 SEE SPEC. 507.100 FOR DETAILS

TRANSFORMER DATA

U.D.T. NO.	SIZE	ED. STK. NO.
1517-1	100	661-1153
1517-2	100	661-1153
1517-3	100	661-1153
1517-4	100	661-1153
1517-5	100	661-1153
1517-6	100	661-1153
1517-7	100	661-1153
1517-8	100	661-1153
1517-9	100	661-1153
1517-10	100	661-1153

TRANSFORMER SPEC. 1-17-261

PEDESTAL AMOUNT: SPEC.

TEMPORARY CABLE MARKERS AMOUNT: SPEC.

SECONDARY CONNECTION BOX AMOUNT: SPEC.

CODE

- ① TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
- ② DET. EDSON FRONT TYPE
- ③ DET. EDSON SWITCHING-LIVE FRONT TYPE
- ④ DET. EDSON SWITCHING-LIVE FRONT TYPE
- ⑤ DET. EDSON TRANSFORMER DOOR OPENING
- ⑥ SECONDARY PEDESTAL
- ⑦ SECONDARY CONNECTION BOX
- ⑧ CABLE POLE
- ⑨ PRIMARY SWITCH CABINET
- ⑩ BURIED PRIMARY CABLE-ALL VOLTAGES
- ⑪ BURIED SECONDARY CABLE
- ⑫ BURIED SECONDARY SERVICE CABLE
- ⑬ DETROIT EDSON TRENCH ONLY
- ⑭ TELEPHONE TRENCH ONLY
- ⑮ SEWER
- ⑯ WATER
- ⑰ GAS
- ⑱ PROPOSED CONDUIT
- ⑲ REP. OPEN CABINET

NOTE: METER SHALL BE LOCATED IN SHARED AREA CLOSEST TO D.E. CO. SOURCE.

INSTALLATION: 1517-8, 1517-9, 1517-10

CABLE SUMMARY

ITEM #	QUANTITY	ESTIMATED
1517-8	100	1153
1517-9	100	1153
1517-10	100	1153

TRENCH SUMMARY

TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'
TEL. ONLY	132	225'
TEL. & TV	132	225'

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 7177 as required by Public Act 53 of 1974 before doing any power excavating.

PERMITS REQUIRED

PERMITS REQUIRED	REQ.	INT.	CITY	SUBC.
SOIL REMEDIATION	X	X	X	X
CITY STREET	X	X	X	X
CITY	X	X	X	X

CONTRACTOR

D.C. 30472781

W.D. 36787316

Start 5-28-08

Finish 5-28-08

Tools: ALL HAND

Labor: UNIONS

Supplies: P. CARON

Survey: P. CARON

CLIENT

D.O. 30472781

W.D. 36787316

Start: 5-28-08

Finish: 5-28-08

Tools: ALL HAND

Labor: UNIONS

Supplies: P. CARON

Survey: P. CARON

NO.	REVISION	DATE
1	SHOWN AS INSTALLED IN FIELD PHASE II	5-27-08
2	SHOWN AS NOT INSTALLED	5-27-08

THE DETROIT EDSON COMPANY

ENGINEERING

DATE: 5-27-08

BY: [Signature]

TWP OF DILLBY, COUNTY OF MACOMB

RECORDED RIGHT OF WAY NO. 41-77-208