

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05093 PG 416

B569608 3-9 89

Being Re-Recorded to include Appendix B

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 Street, Sterling Heights, MI 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 City of Warren, 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: 2:29 P.M.

MAY - 3 1991

Edna Hill

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 1:20 P.M. APR 4 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, employes 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: Marie A. Thompson

Beverly Toub

Grantors: T.G. WARREN, INC., a Michigan Corporation

BY: Michael G. Tabin, President

Marie G. Schneider, Jt Tenants with full rights of Survivorship
Douglas Lee Schneider, Jt Tenant with full rights of Survivorship
David A. Schneider, Jt. Tenants with full rights of Survivorship

Address: 31500 West 10 Mile Farmington Hills, MI 48018

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

RECORDED RIGHT OF WAY NO 41707

Acknowledgement-Individual

STATE OF MICHIGAN

County of Oakland)SS

On this 9th day of March, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Marie G. Schneider, Douglass Lee Schneider and David A. Schneider

JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP

Bernie Harwood

Notary Public, Oakland County, Michigan BERNIE HARWOOD

My commission expires 10/22/91

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 9th day of March, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Michael E. Tobin

whose title(s) is /are President

of TG Warren, Inc. a Michigan corporation, on behalf of the corporation.

Bernie Harwood

Notary Public, Oakland County, Michigan BERNIE HARWOOD

My commission expires 10/22/91

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 47707

"REGENCY CLUB APARTMENTS, PHASE III" the Northerly 600 feet of Lots 1, 2 and 3 of Supervisor's Plat No. 8, also the North 600 feet of the South 871.2 feet of Lot 4, Supervisor's Plat No. 8, being part of the Southeast 1/4 of the Northeast 1/4 of Section 24, T1N, R12E, as recorded in Liber 18 of plats, Page 2, of the Macomb County Records, ALSO a parcel of land located and being a part of the Southeast 1/4 of the Northeast 1/4 of Section 24, T1N, R12E, City of Warren, Macomb County, Michigan, described as beginning at the East 1/4 post of said Section 24; thence N 00°17'00" West a distance of 1332.38 feet; thence S 86°50'20" West a distance of 664.60 feet; thence S 00°26'42" East a distance of 1338.26 feet; thence N 86°20'20" East a distance of 661.45 feet to the point of beginning, except the South 43 feet taken for Frazho Road and except the East 60 feet taken for Hayes Road.

RECORDED RIGHT OF WAY NO. 41707

Warren Twp.

**Detroit
Edison**

Date: May 17, 1991

To: Record Center

From: Michael J. Mc Cabe *MJM*
Sr. Real Estate and Right of Way Rep
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Regency Club Apartments, Phase 3,
located in part of the Southeast 1/4 of the Northeast
1/4 of the Northeast 1/4 of Section 24, T1N, R12E,,
City of Warren, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way Agreement dated March 9, 1989 for the above named project.

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

Detroit Edison Company, Comcast Cablevision and Michigan Bell Telephone Company made this agreement with T. G. Warrwn, Inc. Michael Tobin, President, the developer of Regency Club Apartments, Phase 3.

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

MJM

Attachment

RECORDED
RIGHT OF WAY NO. 41707

Serving Customers

We're all a part of it!

