

LIBER 11995 PG 142

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1142

On May 22, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area"

#36 REG/DEEDS PAID  
0001 JUL.31.91 10:41AM  
1096 MISC 9.00

"Grantor" is:

Capoccia Development Company, a Michigan Partnership, 351 East Losce, Madison Heights, Michigan 48071

"Grantee" is:

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

①

34007

"Grantor's Land" is in the City of Madison Heights, Oakland County, Michigan described as:

T1N., R11E., Section 2, Julius Bermans John R. Subdivision, south 25 feet of the west 91 feet of Lot 175 and the west 91 feet of Lot 176, also the north 1/2 of vacated alley adjacent to same, also west 7 feet of Lot 178 and all of Lots 179 through 182, inclusive, including also the south 1/2 of vacated alley adjacent to same. Sidwell No: 25-02-478-011

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

The north 6 feet of said land and also the easterly 6 feet of the north 45 feet of said land.

- 1. Purpose** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground 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. Buildings 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, Bushes, Branches, Roots, Structures and Fences** Grantee may trim, cut down, remove or otherwise control any trees, bushes, 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 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. Restoration** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
- 7. Successors** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

RECORDING RIGHT OF WAY NO. 41113

Witnesses:

Phil Bartolone  
PHIL BARTOLONE

Rudolph M. Potyak  
RUDOLPH M. POTYAK

Grantor:

Capoccia Development Company  
A Michigan Partnership

Donato Capoccia  
DONATO CAPOCCIA, GENERAL  
PARTNER

O.K. — LM

9.00  
2.00 RMT  
FE

#36 REG/DEEDS PAID  
0001 JUL.31.91 10:41AM  
1096 RMT FEE 2.00

Prepared by and Return to:

Annie P. Grimmctt, Detroit Edison Representative, 30400 Telegraph Rd., Ste. 277, Birmingham, Michigan 48010

APPLICATION FOR RIGHT OF WAY

DE 042-0811 P-2455 (MS 06)

*pb Holding file*

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

LOCATION 100 W. 13 Mile, (c/s: John R)

DATE 1-29-91

APPLICATION NO. 01142

DEPT. ORDER NO. A 64521

CITY OR VILLAGE Madison Hgts

O. F. W. NO. \_\_\_\_\_

TOWNSHIP Royal Oak COUNTY Oakland

BUDGET ITEM NO. 1 MHOB-MDH

DATE BY WHICH RIGHT OF WAY IS WANTED 2-30-91

INQUIRY NO. \_\_\_\_\_

THIS R/W IS 100 % OF TOTAL PROJECT NO. \_\_\_\_\_ ACCUM. \_\_\_\_\_ %

JOINT RIGHT OF WAY REQUIRED YES  NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page. ✓

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED 6' wide private easement for Detroit Edison Equipment

PURPOSE OF RIGHT OF WAY To provide service to 100 W. 13 Mile

SIGNED \_\_\_\_\_

OFFICE \_\_\_\_\_ DEPARTMENT \_\_\_\_\_

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

Underground easement secured as requested. Contact made by Annie P. Grimmer, Representative, Real Estate, Rights of Way, Oakland Division.

RECORDED RIGHT OF WAY NO. 419 N-41913 Incl.

PERMITS IN RECORD CENTER 3 R.E. & R/W DEPT. FILE 3 GRANTOR Russell

NO. OF PERMITS 3 NO. OF STRUCTURES \_\_\_\_\_ NO. OF MILES \_\_\_\_\_ PERMITS TO MBT \_\_\_\_\_

DATE 06/17/91 SIGNED James D. McDonald  
James McDonald, Sr. Representative

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1142

On April 9, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Madison National Bank, a National Banking Association, 1800 E. 12 Mile, Madison Heights, Michigan 48071

"Grantee" is:

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

"Grantor's Land" is in the City of Madison Heights, Oakland County, Michigan described as:

Lots 107 to 110, inclusive, south 7 feet of Lot 106, north 13 feet of Lot 111, south 5 feet of Lot 172, and all of Lots 173, 174 and the north 15 feet of Lot 175, and all of the vacated alley adjoining said lots, Julius Berman's John R. Subdivision, as recorded in Liber 34, page 7 of Plats, Oakland County Records. Sidwell No: 25-02-478-017 34007

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

An easement 6 feet in width, its centerline begins at the south property line 63 feet east of the westerly property line thence extending northeasterly a distance of 62 feet to the point of ending.

- 1. Purpose** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground 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. Buildings 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, Bushes, Branches, Roots, Structures and Fences** Grantee may trim, cut down, remove or otherwise control any trees, bushes, 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 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. Restoration** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
- 7. Successors** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

RECORDED RIGHT OF WAY NO. 4109

A#36 REG/DEEDS PAID  
0001 JUL.31.91 10:41AM  
1096 MISC 9.00

Witnesses:

Ronald F. Kalso

RONALD F. KALSO

David M. Borcharding

DAVID M. BORCHARDING

Grantor:

Madison National Bank,  
a National Bank Association

Cindy L. Bourjaily

Cindy L. Bourjaily, Assistant Vice President

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1096 RMT FEE 2.00

9.00  
2.00 RMT  
RL

O.K. — LM

Prepared by and Return to:

Annie P. Grimmatt, Detroit Edison Representative, 30400 Telegraph Rd., Ste. 277, Birmingham, Mi 48010

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RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, 277 OAKDH  
BIRMINGHAM, MICHIGAN 48010

RW #O-1142

Acknowledged before me in Oakland County, Michigan, on April 24, 19 91  
by Linda Bourjaily the Asst Vice President  
of MADISON NATIONAL BANK, a National Banking Association, for the association.

Lottie Kobus Oakland County  
Notary's Signature

Notary's Stamp

LOTTIE KOBUS  
Notary Public, Oakland County, MI  
My Commission Expires Sept. 17, 1994

RECORDED RIGHT OF WAY NO. 419A

RETURN TO  
J. D. McDONALD  
THE DETROIT EDISON COMPANY  
30400 TELEGRAPH ROAD, 277 OAKDH  
BIRMINGHAM, MICHIGAN 48010