



B616492

**PROJECT NAME HAMILTON WOODS CONDOMINIUMS PHASE VI - BUILDING 11  
UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P648**

On August 08, 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".

**"Grantor" is:**

Hamilton Woods Construction, Inc., a Michigan corporation, P.O. Box 305, New Baltimore, Michigan 48047

RECORDED IN MACOMB COUNTY  
RECORDS AT: 2:01 P.M.

**"Grantee" is:**

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

SEP 17 1991

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

**"Grantor's Land" is in the City of Fraser, Macomb County, Michigan described as:**

Edna M. [Signature]  
CLERK, REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

A parcel of land located in and being a part of the Northeast 1/4 of Section 31, T2N, R13E, being more particularly described as follows: Commencing at the North 1/4 corner of said Section 31; thence South 88°25'30" East along the North line of said Section and centerline of 15 Mile Road 1030.65 feet; thence South 01°39'30" West along the centerline of Mercer land (60.00 feet wide) 1070.00 feet; thence South 88°25'30" East along the centerline of Wood Lane Drive (60.00 feet wide) 594.04 feet to the point of beginning; thence North 28°25'30" West 124.07 feet; thence North 61°34'30" East 32.00 feet; thence North 28°25'30" West 20.00 feet; thence North 61°34'30" East 343.00 feet; thence South 28°25'30" East 90.00 feet; thence North 61°34'30" East 20.00 feet; thence South 28°25'30" West 37.68 feet; thence North 61°34'30" East 83.65 feet; thence South 01°39'30" West 253.52 feet; thence North 88°25'30" West along the centerline of Wood Lane Drive 405.96 feet to the point of beginning. EXCEPTING the South 30.00 feet from the above described for Wood Lane Drive.

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

A ten (10) foot easement whereby the exact location of 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. **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. **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.
7. **Damages:** If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.

RECORDED RIGHT OF WAY NO. 42029

9  
[Handwritten marks]

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:

Grantor:

Bertha Bolton  
BERTHA BOLTON

Larry Sawyer  
Larry Sawyer  
Secretary for  
Hamilton Woods Construction

Janine A. Den Dooven  
Janine A. Den Dooven

\_\_\_\_\_  
\_\_\_\_\_

Prepared by and Return to:

Susan A. Putrycus  
15600 - 19 Mile Road  
Mt. Clemens, MI 48044

Acknowledged before me in Macomb County, Michigan, on August 28<sup>th</sup>, 1991

by LARRY SAWYER the Secretary

of HAMILTON Woods Construction, Inc., a Michigan corporation, for the corporation.

Notary's Stamp  
DOROTHEA TRENDELL  
NOTARY PUBLIC - MACOMB COUNTY, MICH.  
MY COMMISSION EXPIRES 1-16-95

Signature Dorothea Trendell  
8-28-91

To (Supervisor, RE & R/W) <b>Mike McCabe</b>	For RE & R/W Dept. Use <b>ME-0240</b>	Date Received	DE/Bell/C.P. No.
Division <b>Macomb</b>	Date <b>8-7-91</b>	Application No. <b>MC-P648</b>	

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).

**S. PUTRYCUS**  
**AUG 15 1991**

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

**Information**

1. Project Name <b>Hamilton Woods Condos Ph. VI Bldg. 11</b>	County <b>Macomb</b>
City/Township/Village <b>Fraser</b>	Section No. <b>31</b>
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Apartment Complex <input checked="" type="checkbox"/> Condominium <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other	Phone No.
2. Name of Owner <b>Hamilton Woods Construction, Inc.</b>	Phone No.
Address <b>P.O. Box 305, New Baltimore, Michigan 48047</b>	
Owner's Representative <b>Chris Black</b>	Phone No. <b>293-2430</b>
Date Service is Wanted <b>8-16-91</b>	

- 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

b. Other Utility Engineer Names	Phone Numbers

6. Additional Information or Comments

Note: Trenching letter  attached     will be submitted later

Service Planner <b>James Kelly</b>	Signed (Service Planning Supervisor) <i>J. E. Black, JRC</i>
Phone No. <b>286-9443</b>	Address <b>138 MDHq</b>

RECORDED RIGHT OF WAY NO. 42029

Date: September 26, 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 Hamilton Woods Condos Ph. VI - Bldg. 11,  
located in and being a part of the Northeast 1/4 of  
Section 31, T2N, R13E, City of Fraser, County of Macomb,  
Michigan.

Attached for Records Center is the executed Right of Way Agreement  
dated August 28, 1991, and other pertinent papers for the above  
named project.

Easement for this project was requested by James Kelly, 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 Hamilton Woods  
Construction, Inc., the developers of Hamilton Woods Condos Ph. VI,  
Bldg. 11.

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

MJM/caw

Attachment

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RIGHT OF WAY NO. 42029