

PROJECT NAME CHATEAU MACOMB PHASE #5

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P637

On August 22, 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:

Chateau Estates, a Michigan co-partnership, 19500 Hall Road, Mt. Clemens, Michigan 48044

"Grantee" is:

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

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

Consumers Power Company, a Michigan corporation, 1955 W. Parnall Road, Jackson, Michigan 49205

RECORDED IN MACOMB COUNTY RECORDS AT: 2:03P. M.

SEP 17 1991

Edna Hill

"Grantor's Land" is in Macomb Township, Macomb County, Michigan described as:

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

The Southeast 1/4 of the Northeast 1/4 of Section 34, excepting the South one acre thereof and being more particularly described as follows: Part of the Northeast 1/4 of Section 34, T3N, R13E; beginning on the East line of Section 34 North 00°05'56" East 33.00 feet from the East quarter post of Section 34; thence West 1336.11 feet parallel with the East and West quarter line of Section 34; thence North 00°05'36" East 1336.24 feet to the east line of Section 34; thence South 00°05'56" West 1311.09 feet along the East line of Section 34 to the point of beginning.

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.
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:

9-
H-

RECORDED RIGHT OF WAY NO. 42054

051980692

CHATEAU ESTATES, a MI co-partnership

C.G. Kellogg
C.G. KELLOGG

John A. Boll
JOHN A. BOLL, PARTNER

Lynn S. Olinzock
LYNN S. OLINZOCK

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 22, 1991

by JOHN A. BOLL, a partner of Chateau Estates
MI co-
a partnership, for the partnership.

Notary's LYNN S. OLINZOCK
Stamp Macomb County, Michigan Signature *Lynn S. Olinzock*
My Commission Expires: 2/9/1992

RECORDED FIRST OF FILE NO. 42054

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 Chateau Macomb Phase #5, located in the
Southeast 1/4 of the Northeast 1/4 of Section 34, T3N,
R13E, Macomb Township, Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement
dated August 22, 1991, and other pertinent papers for the above
named project.

Easement for this project was requested by Jerry Pollard, 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 Chateau Estates, a
Michigan co-partnership, the developers of Chateau Macomb Phase #5.

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

MJM/caw

Attachment

RECORDED RIGHTS OF WAY NO. 42054

**Detroit
Edison**

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

September 26, 1991

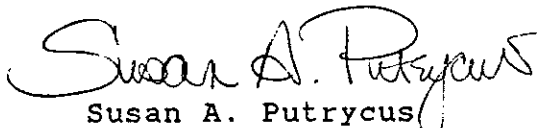
Mr. Fred Sandy
Chateau Estates
19500 Hall Road
Mt. Clemens, MI 48044

Re: Chateau Macomb Phase #5
Macomb Township, Macomb County, Michigan

Dear Mr. Sandy:

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
Real Estate and Right of Way
Macomb Division

SP/ms
Enclosure

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