

RECORDED IN MACOMB COUNTY RECORDS AT: 9:42 A. M.

OCT 25 1985

Edna Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

Detroit Edison

LIBER 3844 PAGE 512

Right of Way Agreement

LIBER 05181 PG 851

10-7, 1985

For valuable consideration, the receipt of which is hereby acknowledged, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, of 2000 Second Avenue, Detroit, Michigan 48226 and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226 hereinafter referred to as "UTILITIES", the easement and right to erect, lay, maintain, reconstruct and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories which may from time to time be required in, under, upon, over and across the land located in the City of St. Clair Shores, Macomb County, Michigan, and more particularly described on the attached Appendix "A", with the full right to the UTILITIES of ingress and egress upon said land for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the easements herein described.

Said easements shall be 10 feet in width unless otherwise indicated and their 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.

In order to provide for the proper maintenance and protection of UTILITIES, the undersigned covenant and agree that:

1. The easements will be graded to within four (4) inches of final grade before the UTILITIES lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around above ground UTILITIES' equipment.

2. No buildings or structures other than UTILITIES equipment are to be placed within the easements herein granted. No excavation is to be permitted within said easement without approval of UTILITIES.

3. If the lines or facilities of UTILITIES 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 land at the time the damage occurred.

4. No shrubs or foliage shall be planted or grown within five (5) feet of the front door of transformers or switching cabinet enclosures. UTILITIES 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 easement causing an interference with UTILITIES maintenance of their equipment.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licenses and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seal on this date.

Witnesses:

Grantors:

x Michael J. McCabe
Michael J. McCabe

GORDON DEVELOPMENT, INC.
a Michigan Corporation

x Carol A. Wuschack
Carol A. Wuschack

RECORDED IN MACOMB COUNTY RECORDS AT: 2:28 P. M.

BY: X Ronald J. Urbanczyk

AUG 23 1991

Edna Miller

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

Prepared By: Michael J. McCabe
15600 - 19 Mile Road
Mt. Clemens, Michigan 48044

Address: 34654 Nova
Mt. Clemens, Michigan 48043

Being Re-recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 42082

11-2-85
Deed

Date: September 9, 1991

To: Records Center *MSM*

From: D. R. Sorensen, Supervising Engineer
Division Engineering
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Claire Pointe Condominiums, Phase II,
located in part of Grove Pointe Gardens Subdivision,
Liber 2, Page 237 (M.C.R.), City of St. Clair Shores,
Macomb County, Michigan *Sec 15 Lake Sup.*

Attached for Records Center is the executed Right of Way Agreement, dated October 7, 1985, and other pertinent papers for above named project.

Easement for this project was requested by Frank Goettl, Service Planner, Macomb Division. The Agreement was negotiated by Michael J. McCabe, Representative of Real Estate, Rights of Way and Claims, Macomb Division.

Detroit Edison Company and Michigan Bell Telephone Company made this agreement with ronald J. Urbanczyk, Secretary, Gordon Development, Inc., the developers of Claire Pointe Condominiums, Phase II..

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

DRS/caw

Attachment

