

**PROJECT NAME STONEY CREEK VILLAGE APARTMENTS**

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P328**

On August 20, 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:**

Stoney Creek Villa's, a Michigan co-partnership, 667 E. Big Beaver, Suite 201, Troy, Michigan 48083

**"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

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

Land in the Northeast 1/4 of Section 5, T3N, R12E, further described as: Commencing at the Northeast corner of Section 5; thence South 00 degrees 09 minutes 04 seconds East 595.35 feet along the East line of Section 5; thence South 37 degrees 58 minutes 46 seconds West 1415.82 feet along the Northwest right-of-way line of the Grand Trunk Western Railroad to the point of beginning; thence continuing along the Northwest right-of-way line of the Grand Trunk Western Railroad South 37 degrees 58 minutes 46 seconds West 1545.03 feet to a point on the East-West 1/4 line of Section 5; thence South 88 degrees 18 minutes 42 seconds West 881.94 feet along the East-West 1/4 line of Section 5 to the centerpost; thence North 00 degrees 16 minutes 35 seconds West 1529.13 feet; thence South 89 degrees 24 minutes 09 seconds West 426.31 feet; thence North 00 degrees 16 minutes 35 seconds West 242.22 feet; thence North 44 degrees 38 minutes 47 seconds East 775.48 feet; thence North 59 degrees 45 minutes 27 seconds East 783.92 feet; thence North 89 degrees 15 minutes 37 seconds East 282.62 feet; thence South 22 degrees 02 minutes 53 seconds East 1385.35 feet; thence South 52 degrees 01 minutes 14 seconds East 307.47 feet 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.
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.

RECORDING RIGHT OF WAY NO. 42084

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.

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:

Susan A. Putrycus  
SUSAN A. PUTRYCUS

Joyce Colden  
JOYCE COLDEN  
Joyce Colden  
JOYCE COLDEN

STONE CREEK VILLA'S, a MI co-partnership  
Grantor:

Greg Carnago  
Greg Carnago, Partner  
Peer J. Carnago  
Peer J. Carnago  
Michele LoChirco  
Michele LoChirco, Partner  
Nino LoChirco  
Nino LoChirco, Partner

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 20, 1991

by Greg Carnago, Michele LoChirco, Nino LoChirco, Peer J. Carnago, partners  
of STONE CREEK VILLA'S, a MI copartnership  
a partnership, for the partnership.

Notary's Stamp  
JOYCE COLDEN  
NOTARY PUBLIC-MACOMB COUNTY, MICH.  
MY COMMISSION EXPIRES 1-22-92

Notary's Signature  
Joyce Colden  
JOYCE COLDEN

RECORDED IN MACOMB COUNTY  
RECORDS AT: 1:01p. M.  
AUG 21 1991

Edna Miller  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 42084

Date: September 5, 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 Stoney Creek Village Apartments, located  
in the Northeast 1/4 of Section 5, T3N, R12E, Shelby  
Township, Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement dated August 20, 1991, and other pertinent papers for the above named project.

Easement for this project was requested by Anthony Garnatz, 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 Stoney Creek Villa's the developers of Stoney Creek Village Apartments.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 42084

**Detroit  
Edison**

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

September 5, 1991

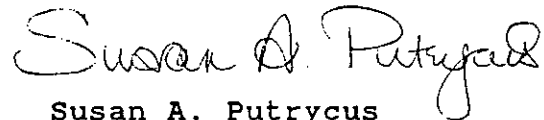
Ms. Sandy Rose  
Stoney Creek Villa's  
667 E. Big Beaver  
Suite 201  
Troy, Michigan 48083

Re: Stoney Creek Village Apartments  
Shelby Township, Macomb County, Michigan

Dear Ms. Rose:

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

RECORDED RIGHT OF WAY NO. 72084

To (Supervisor, RE & R/W) <b>M. McCabe</b>	For RE & R/W Dept. Use	Date Received	DE/Bell/C.P. No.
Division <b>Macomb</b>	Date <b>4-25-91</b>	Application No. <b>MC-P328</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**

**MAY 06 1991**

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

**Information**

1. Project Name <b>Stoney Creek Village Apartments</b>	County <b>Macomb</b>
City/Township/Village <b>Shelby Township</b>	Section No. <b>N.E. 1/4 Section 5</b>

Type of Development	<input checked="" type="checkbox"/> Apartment Complex	<input type="checkbox"/> Condominium
<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Mobile Home Park	<input type="checkbox"/> Other
<input type="checkbox"/> Subdivision		

2. Name of Owner <b>Stoney Creek Villa's, a MI co-partnership</b>	Phone No. <b>731-3500</b>
--	------------------------------

Address  
**39393 Van Dyke, Suite 207, Sterling Heights, MI 48063**

Owner's Representative <b>Michael LoCirco</b>	Phone No. <b>731-3500</b>
--	------------------------------

Date Service is Wanted  
**June 2, 1991**

**Sandy Rose →**

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  
**N/A**

b. Other Utility Engineer Names	Phone Numbers
---------------------------------	---------------

Addresses

6. Additional Information or Comments

Note: Trenching letter  attached  will be submitted later

Service Planner <b>Anthony Garnatz</b>	Signed (Service Planning Supervisor) <b>Ronald E. Pagels</b>
Phone No. <b>286-9415</b>	Address <b>138 MDHq</b>

RECORDED FILED OF THE NO. 42084