

Detroit Edison

Real Estate and Rights of Way

Joint Underground Residential Distribution Right of Way Agreement

B608898

LIBER 4313 PAGE 420

LIBER 05181 PG 854

October 13, 19 87

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 West Michigan Avenue, Jackson, Michigan, THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "UTILITY", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide gas, electric and communication services with the usual services, connections and accessories in, under, upon, over and across the property located in the City of Sterling Heights, County of Macomb, State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the UTILITY of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be 10 feet in width unless otherwise indicated and the 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.

RECORDED IN MACOMB COUNTY RECORDS AT: 2:29P AUG 23 1991

Edna Hamlin CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 8:31A M. OCT 30 1987

Edna Hamlin CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

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

- 1. The right of way will be graded to within four inches of final grade before the UTILITY'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around UTILITY'S above ground, equipment.
2. No buildings or structures other than UTILITY'S equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of UTILITY.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. UTILITY 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 right of way causing an interference with UTILITY'S maintenance of their equipment.
4. If the lines or facilities of UTILITY are damaged by the acts of owners, their agents, employes 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 property at the time the damage occurred.

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

IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

Witnesses:

Patricia Morakeas Patricia Morakeas

Donna Hamlin Donna Hamlin

Grantors:

BBC GROUP a Michigan Corporation BY: Kenneth D. Claes Vice President - Land Acquisition

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

Address: 31275 Northwestern, Suite 123 Farmington, Michigan 48018

Being Re-Recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 42091

"CARRIAGE PARK AT LAKESIDE CONDOMINIUMS", Part of the East 1/2 of Section 1, T2N, R12E, City of Sterling Heights, Macomb County, Michigan, being more particularly described as follows: Beginning at a point which is S 89°59'33" W 661.07 feet and Westerly 160.21 feet along the arc of a curve to the right (radius of 269.16 feet, central angle of 34°06'15", long chord bears N 72°57'20" W 157.86 feet) and N 55°54'12" W 151.69 feet from the East 1/4 corner of Section 1, T2N, R12E, thence S 29°35'39" W 432.58 feet; thence S 00°12'23" W 405.86 feet; thence S 88°48'12" W 98.76 feet; thence S 00°12'23" W 22.75 feet; thence N 89°47'37" W 352.49 feet; thence N 28°26'11" W 38.49 feet; thence Northerly 37.11 feet along the arc of a curve to the right (radius of 60.00 feet, central angle of 35°26'20", long chord bears N 10°43'01" W 36.52 feet); thence N 07°00'09" E 50.96 feet; thence N 02°09'00" W 53.17 feet; thence Northerly 127.81 feet along the arc of a curve to the right (radius of 300.00 feet, central angle of 24°24'37", long chord bears N 10°03'18" E 126.85 feet); thence N 22°15'37" E 142.75 feet; thence Northerly 87.54 feet along the arc of a curve to the left (radius of 100.00 feet, central angle of 50°09'32", long chord bears N 02°49'09" W 84.78 feet); thence N 27°53'55" W 57.58 feet; thence Northerly 95.89 feet along the arc of a curve to the right (radius of 80.00 feet, central angle of 68°40'32", long chord bears N 06°26'21" E 90.25 feet); thence N 40°46'37" E 66.62 feet; thence Northeasterly 65.89 feet along the arc of a curve to the left (radius of 350.00 feet, central angle of 10°47'09", long chord bears N 35°23'02" E 65.79 feet); thence N 29°59'28" E 227.84 feet; thence S 60°00'32" E 42.46 feet; thence N 46°12'05" E 170.85 feet; thence along the Southwesterly R.O.W. of Shore Line Drive (70 feet wide), S 43°47'55" E 146.43 feet and Southeasterly 191.56 feet along the arc of a curve to the left (radius of 906.70 feet, central angle of 12°06'17", long chord bears S 49°51'04" E 191.20 feet) and S 55°54'12" E 35.00 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 42091

**Acknowledgement-Individual**

LIBER 05181 PG 855

STATE OF MICHIGAN  
County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

**Acknowledgement-Individual**

STATE OF MICHIGAN  
County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

**Acknowledgement-Corporation**

STATE OF MICHIGAN  
County of Oakland )SS

On this 13 day of October, 1987, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Kenneth D. Claes  
whose title(s) is/are Vice President - Land Acquisitions  
of BBC GROUP, INC., a Michigan corporation, on behalf of the corporation.

Gabrielee Mitchell  
Gabrielee Mitchell  
Notary Public, Oakland County, Michigan

My commission expires July 12, 1989

**Acknowledgement-Partnership**

STATE OF MICHIGAN  
County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

(a) general/managing partner(s), on behalf of \_\_\_\_\_ a partnership.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 42091

Date: September 9, 1991  
To: Records Center  
From: Michael J. McCabe *MJM*  
Sr. Real Estate, Rights of Way and Claims Representative  
Macomb Division  
Subject: Right of Way Agreement for Underground Residential  
Distribution for Carriage Park at Lakeside  
Condominiums, located in part of the East 1/2 of  
Section 1, Town 2 North, Range 12 East, City of  
Sterling Heights, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated October 13, 1987, 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 Michael J. McCabe, Representative of Real Estate, Rights of Way and Claims, Macomb Division.

Detroit Edison Company, Consumers Power Company and Michigan Bell Telephone Company made this agreement with BBC Group, Kenneth D. Claes, Vice President, the developers of Carriage Park at Lakeside Condominiums.

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

MJM/caw

Attachment

RECORDED RIGHTS OF WAY NO. 42091

