

**PROJECT NAME THE COVES OF STERLING HEIGHTS PHASE I**

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P437**

On JULY 29, 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:**

Coves of Sterling Heights Associates, a Michigan co-partnership, 30230 Orchard Lake Road, Suite 220, Farmington Hills, Michigan ~~48018~~ 48334

RECORDED IN MACOMB COUNTY  
RECORDS AT: 2:27 P.M.

**"Grantee" is:**

AUG 23 1991

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

Comcast Cable Television, a Delaware corporation, 6065 Wall Street, Sterling Heights, Michigan 48077-1860

*Edna Hill*  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

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

Part of the southeast 1/4 of Section 35, T2N, R12E, described as: Beginning at a point on the east line of Section 35, North 00 degrees 05 minutes 20 seconds west 2139.64 feet from the southeast corner of Section 35, T2N, R12E, and proceeding thence south 89 degrees 18 minutes 20 seconds west 1287.66 feet; thence along the east line of Red Run Road, north 00 degrees 12 minutes 47 seconds west 500.94 feet; thence north 88 degrees 44 minutes 44 seconds east 1288.93 feet; thence along the east line of Section 35, south 00 degrees 05 minutes 20 seconds east 513.55 feet to the point of beginning.

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

A ten (10) foot right-of-way 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.

RECORDED IN THE NO. 42093

9

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:

Rhoda J. Douglas  
Rhoda J. Douglas  
Marlene K. Grattan  
Marlene K. Grattan

COVES OF STERLING HEIGHTS ASSOCIATES  
Neil Spizizen, Managing Partner

Prepared by and Return to:

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

OAKLAND

Acknowledged before me in ~~Macomb~~ Oakland County, Michigan, on July 29, 1991 by Neil Spizizen  
Managing Partner, of Coves of Sterling Heights Associates.

Rhoda J. Douglas  
Rhoda J. Douglas  
Notary Public, Oakland County, Michigan  
My Commission Expires: 2/8/95

**Detroit  
Edison**

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

September 5, 1991

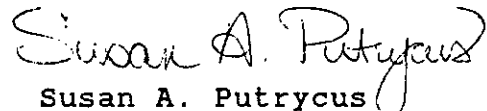
Mr. K. Spizizen  
Coves of Sterling Heights Associates  
30230 Orchard Lake Road  
Suite 220  
Farmington Hills, MI 48018

Re: The Coves of Sterling Heights Phase I  
Sterling Heights, Macomb County, Michigan

Dear Mr. Spizizen:

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. 42093

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 The Coves of Sterling Heights Phase I,  
located in part of the Southeast 1/4 of Section 35, T2N,  
R12E, City of Sterling Heights, Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement dated July 29, 1991, and other pertinent papers for the above named project.

Easement for this project was requested by Marcia Romanski, 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 Coves of Sterling Heights Associates, the developers of The Coves of Sterling Heights Phase I.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 42093

To (Supervisor, RE & R/W) <b>Mike McCabe</b>	For RE & R/W Dept. Use <b>ME-0-204</b>	Date Received	DE/Bell/C.P. No.
Division <b>Macomb</b>	Date <b>6-4-91</b>	Application No. <b>MC-P437</b>	

We have included the following necessary material and information:

*per Mike - signed OK*

**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**  
**JUN 10 1991**

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

**Information**

1. Project Name <b>The Coves of Sterling Heights Ph. I</b>		County <b>Macomb</b>
City/Township/Village <b>Sterling Heights</b>		Section No. <b>35</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
2. Name of Owner <b>Coves of Sterling Heights Associates</b>		Phone No. <b>855-8110</b>
Address <b>30230 Orchard Lake Rd., Suite 220, Farmington Hills, MI 48018</b>		
Owner's Representative <b>K. Spizizen</b>		Phone No. <b>855-8110</b>
Date Service is Wanted <b>7-3-91</b>		
4. Entire Project will be developed at one time .....		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Joint easements required — Michigan Bell Telephone .....		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
— Consumers Power .....		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power <b>Comcast</b>		
b. Other Utility Engineer Names <b>Henry Postl</b>		Phone Numbers <b>978-0270</b>
Addresses		

6. Additional Information or Comments

Note: Trenching letter  attached  will be submitted later

Service Planner <b>Marcia Romanski</b>	Signed (Service Planning Supervisor) <i>[Signature]</i>
Phone No. <b>286-9404</b>	Address <b>138 MDHq</b>

RECORDED FILED OF THE NO. 42093