

LIBER 04709PG303

8387362

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05249PG167

8/14

B637626, 19 89

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan and Comcast Cable Television, a Delaware

corporation of 6065 Wall St., Sterling Heights, MI 48077 hereinafter referred to collectively as "GRANTEE", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories required in, under, upon, over and across the property located in the City of Mt. Clemens, County of Macomb

State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the GRANTEE 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: a:13a NOV 15 1991

RECORDED IN MACOMB COUNTY RECORDS AT: 1:57P M.

AUG 23 1989

Edna Miller

Edna Miller CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

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

- 1. The right of way will be graded to within four inches of final grade before the GRANTEE'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 GRANTEE'S above ground equipment.
2. No buildings or structures other than GRANTEE'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 GRANTEE.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. GRANTEE 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 GRANTEE'S maintenance of their equipment.
4. If the lines or facilities of GRANTEE are damaged by the acts of owners, their agents, employes or contractors, repairs shall be made by the granting 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:

Grantors:

x Deanna DeGrande Deanna DeGrande

x Debra Smith Debra Smith

Rose Garden Associates Limited Partnership

By Kenneth E. Ventura President, Gamma Development Co. Inc. General Partner

Prepared by: & return to: Michael J. McCabe 15600 - 19 Mile Road Mt. Clemens, MI 48044

Address: 30680 Montpelier Suite 300 Madison Heights, MI 48071

Being Re-recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 42242

13-

Detroit  
Edison

*Clinton Jwp.*

Date: November 27, 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 North Rose Garden Condominiums, Phase II,  
Located in Section 10, Town 2 North, Range 13 East, City of Mount  
Clemens, Macomb County Michigan.

Attached for Records Center is the executed Right of Way Agreement  
dated August 14, 1989, 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  
Michael J. McCabe, 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 Rose Garden Associates  
Limited Partnership the developers of North Rose Garden Condominiums, Phase 2.

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

MJM/caw

Attachment

RECORDED RIGHTS OF WAY NO. 42242

Serving Customers

*We're all a part of it!*

**Acknowledgement-Individual**

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

LIBER 05249PG168

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 \_\_\_\_\_ )SS

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

whose title(s) is /are \_\_\_\_\_

of \_\_\_\_\_, a \_\_\_\_\_ corporation, on behalf of the corporation.

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

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

**Acknowledgement-Partnership**

STATE OF MICHIGAN

County of Oakland )SS

On this 14 day of August, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by KENNETH E. VENTURA

(a) general/managing partner(s), on behalf of Rose Garden Ass. Ltd. a partnership.

Susan A. Sandnes

Notary Public, Oakland County, Michigan

My commission expires \_\_\_\_\_  
**SUSAN A. SANDNES**  
Notary Public, Oakland County, MI  
My Commission Expires May 17, 1993

RECORDED RIGHT OF WAY NO. 42247

LIBER 04709PC305

APPENDIX "A"

LIBER 05249PC169

"NORTH ROSE GARDEN CONDOMINIUMS, PHASE II", Land in the City of Mt. Clemens in Section 10, T2N, R13E, described as: Beginning at the Southwest corner of Lot 1, Assessor's Plat No. 14 of the City of Mt. Clemens, according to the plat thereof as recorded in Liber 13 of Plats, Page 10, Macomb County Records; thence S 76°10' East 952.7 feet measured; thence N 13°28' East 318.7 feet; thence N 81°04' West 960 feet; thence S 13°39' West 236.6 feet to the point of beginning the South 35.5 feet, now known as Lot 1, Assessor's Plat No. 14, City of Mt. Clemens.

RECORDED RIGHT OF WAY NO. 42242

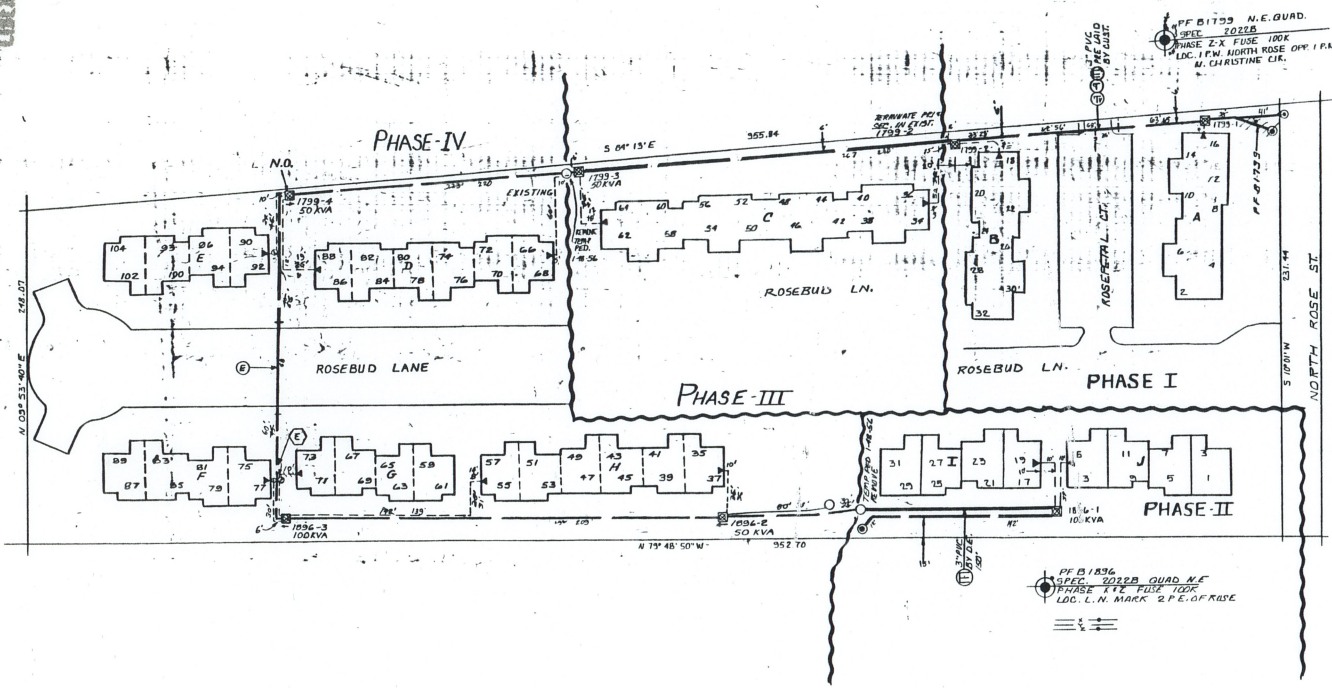
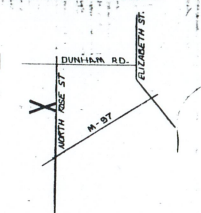
# APPENDIX B

052491170



RECORDED RIGHT OF WAY NO. 42245

LOCATION SKETCH  
MAP REC. NO. 7-325-708



### PHASE IV CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1799-3	100KVA	1	TRANSFORMER
1836-3	100KVA	1	TRANSFORMER
1836-2	50KVA	1	TRANSFORMER
1895-3	100KVA	1	TRANSFORMER

### TRENCH SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1799-3	100KVA	1	TRANSFORMER
1836-3	100KVA	1	TRANSFORMER
1836-2	50KVA	1	TRANSFORMER
1895-3	100KVA	1	TRANSFORMER

### GENERAL NOTES

1. SEE SECTION 11.01 FOR TRENCHING AND BACKFILLING REQUIREMENTS.

### TRANSFORMER DATA

LOT NO.	SIZE	ED. STIC. NO.
1799-3	50	661-1157
1836-3	100	661-1158
1836-2	50	661-1157
1895-3	100	661-1157

### PHASE II CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1799-3	100KVA	1	TRANSFORMER
1836-3	100KVA	1	TRANSFORMER
1836-2	50KVA	1	TRANSFORMER
1895-3	100KVA	1	TRANSFORMER

### TRENCH SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1799-3	100KVA	1	TRANSFORMER
1836-3	100KVA	1	TRANSFORMER
1836-2	50KVA	1	TRANSFORMER
1895-3	100KVA	1	TRANSFORMER

### GENERAL NOTES

1. SEE SECTION 11.01 FOR TRENCHING AND BACKFILLING REQUIREMENTS.

### PHASE III CABLE SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1799-3	100KVA	1	TRANSFORMER
1836-3	100KVA	1	TRANSFORMER
1836-2	50KVA	1	TRANSFORMER
1895-3	100KVA	1	TRANSFORMER

### TRENCH SUMMARY

ITEM #	DESCRIPTION	QUANTITY	UNIT
1799-3	100KVA	1	TRANSFORMER
1836-3	100KVA	1	TRANSFORMER
1836-2	50KVA	1	TRANSFORMER
1895-3	100KVA	1	TRANSFORMER

### GENERAL NOTES

1. SEE SECTION 11.01 FOR TRENCHING AND BACKFILLING REQUIREMENTS.

### TRANSFORMER DATA

LOT NO.	SIZE	ED. STIC. NO.
1799-3	50	661-1157
1836-3	100	661-1158
1836-2	50	661-1157
1895-3	100	661-1157

### GENERAL NOTES

1. SEE SECTION 11.01 FOR TRENCHING AND BACKFILLING REQUIREMENTS.

TITLE BLOCK	DATE	BY	REVISION
D.O. 05/27/25	5/27/25	D.A.	REVISED TO SHOW PHASE III
W.O. 06/10/25	6/10/25	L.S.	REVISED TO SHOW PHASE IV

TITLE BLOCK	DATE	BY	REVISION
D.O. 06/10/25	6/10/25	D.A.	REVISED TO SHOW PHASE II
W.O. 06/23/25	6/23/25	L.S.	REVISED TO SHOW PHASE I

TITLE BLOCK	DATE	BY	REVISION
D.O. 06/23/25	6/23/25	D.A.	REVISED TO SHOW PHASE I
W.O. 07/01/25	7/01/25	L.S.	REVISED TO SHOW PHASE I

NO.	DATE	BY	REVISION
1	5-11-21	D.A.	REVISED TO SHOW PHASE III
2	3-11-21	L.S.	REVISED TO SHOW PHASE IV
3	6-10-25	D.A.	REVISED TO SHOW PHASE II
4	6-23-25	L.S.	REVISED TO SHOW PHASE I
5	6-23-25	D.A.	REVISED TO SHOW PHASE I
6	6-23-25	L.S.	REVISED TO SHOW PHASE I
7	7-31-25	D.A.	REVISED TO SHOW PHASE I
8	8-5-25	L.S.	REVISED TO SHOW PHASE I
9	8-5-25	D.A.	REVISED TO SHOW PHASE I
10	11-17-25	L.S.	REVISED TO SHOW PHASE I
11	12-11-25	D.A.	REVISED TO SHOW PHASE I
12	12-11-25	L.S.	REVISED TO SHOW PHASE I
13	12-11-25	D.A.	REVISED TO SHOW PHASE I

### PERMITS REQUIRED

CITY OF DETROIT: YES  NO

### THE DETROIT EDISON COMPANY

PLAT	NUMBER OF SHEETS	SHEET NO.
40'	16	17

ROSE GARDEN - LONDA'S  
PART OF S.W. COR. OF LOT 1888888 PLAT NO. 14  
LIBER 13, PAGE 10  
City of McLEMMEN  
County of MACOMB