

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. AS-7142
PROJECT NAME: FOXFIRE PHASE 2**

On OCTOBER 14, 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:

GUENTHER BUILDING COMPANY, a Michigan corporation, 2864 Carpenter Road, Ann Arbor, Michigan 48104

"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
Columbia Associates, Limited Partnership/DBA/Columbia Cable of Michigan, a Michigan Limited Partnership, 2505 South Industrial Hwy., P.O. Box 998, Ann Arbor, Michigan 48106

"Grantor's Land" is in Ann Arbor ^{CITY} Township, Washtenaw County, described as:

***** See Reverse Side for Appendix "A" *****

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

All in accordance with Proposed Plat which is attached hereto and made a part hereof (Appendix "B").
The width of Right of Way is as indicated on enclosed Drawing.

RECORDED
WASHTENAW COUNTY MI
OCT 21 3 00 PM '91
PEGGY M. HAINES
COUNTY CLERK/REGISTER

- 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.
- 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: (type or print name below signature)

Frances A. Corona
Frances A. Corona

George C. Hewens
George C. Hewens

Grantor: (type or print name below signature)
GUENTHER BUILDING COMPANY,
A MICHIGAN CORPORATION

Robert F. Guenther
Robert F. Guenther

RECORDED RIGHT OF WAY NO.

42334

APPENDIX "A"

Beginning at the South ¼ corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 01°11'07" E 665.32 feet along the North & South ¼ line of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence along the North line of proposed Traver Vistas Subdivision, located in the Northwest ¼ of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, in the following 18 courses: S 88°48'53" W 174.35 feet; S 60°18'56" W 116.45 feet; S 23°23'48" W 116.08 feet; S 14°10'04" W 93.96 feet; S 15°30'11" E 54.22 feet; S 67°34'33" W 122.51 feet; S 72°39'56" W 104.00 feet; S 83°37'26" W 181.00 feet; N 88°05'44" W 203.04 feet; N 76°00'51" W 105.23 feet; N 69°01'00" W 399.04 feet; N 87°58'39" W 253.16 feet; S 68°13'41" W 280.55 feet; S 02°01'21" W 114.00 feet; S 22°34'14" W 310.94 feet; S 77°26'07" W 192.48 feet; S 12°33'53" E 241.74 feet; S 77°26'07" W 105.20 feet; thence Northerly 574.57 feet along the Easterly line of the Ann Arbor Railroad Right of Way and the arc of a circular curve concave to the West, radius 3869.72 feet, central angle 08°30'26" chord N 21°50'38" W 574.04 feet; thence N 50°58'40" E 232.55 feet; thence N 46°39'06" E 299.86 feet; thence N 53°22'47" E 121.53 feet; thence N 65°16'13" E 186.55 feet; thence N 24°19'10" E 181.95 feet; thence N 11°19'36" E 190.79 feet; thence N 01°50'17" E 216.95 feet; thence S 86°55'43" W 63.12 feet along the South line of said Section 10 and the centerline of Dhu Varren Road; thence N 03°04'17" W 260.00 feet; thence S 86°55'43" W 425.00 feet; thence S 03°04'17" E 260.00 feet; thence S 86°55'43" W 427.92 feet along the South line of said Section 10 and the centerline of Dhu Varren Road; thence N 01°42'30" W 662.49 feet along the West line of said Section 10; thence S 86°14'51" W 1126.02 feet; thence N 42°55'43" W 1200.34 feet along the Easterly line of the Ann Arbor Railroad Right of Way; thence along the Southerly Right of Way line of U.S. 23 in the following four (4) courses: thence N 73°22'57" E 940.08 feet; thence Northeasterly 1510.67 feet along the arc of a circular curve concave to the South, radius 11,356.16 feet, central angle 07°37'18" chord N 77°11'36" E 1509.52 feet; thence N 81°00'15" E 2134.91 feet; thence Northeasterly 24.96 feet along the arc of a circular curve concave to the South, radius 7442.44 feet, central angle 00°11'32" chord N 81°06'01" E 24.96 feet; thence S 01°29'40" E 1899.59 feet along the North & South ¼ line of said Section 10; thence S 86°55'43" W 140.00 feet; thence S 34°27'15" W 63.01 feet; thence S 01°29'40" E 320.00 feet; thence N 86°55'43" E 177.00 feet along the centerline of Dhu Varren Road to the Point of Beginning, being a part of the Southeast ¼ of Section 9, the Southwest ¼ of Section 10 and the Northwest ¼ of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan.

EXCEPTING therefrom the following parcel of land:

Commencing at the South ¼ corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86°55'43" W 904.09 feet along the South line of said Section 10 and the centerline of Dhu Varren Road to the Point of Beginning; thence continuing S 86°55'43" W 300.00 feet along the South line of said Section 10 and the centerline of Dhu Varren Road; thence N 01°36'08" W 370.00 feet; thence N 86°55'43" E 300.00 feet; thence S 01°36'08" E 370.00 feet to the Point of Beginning, being a part of the Southwest ¼ of said Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan. Subject to the rights of the public over the South 33.00 feet thereof as occupied by Dhu Varren Road. Subject to permanent easement upon, over and across the following described land: Commencing at the Southeast corner of Section 9, T2S, R6E; thence S 85°55'20" W 561.78 feet; thence N 42°53' W 1057.76 feet for the Place of Beginning; thence continuing N 42°53' W 126.13 feet; thence S 82°15' E 275.84 feet; thence S 55°15' E 183 feet; thence N 86°14'51" E 107 feet; thence S 50°30' E 121.74 feet; thence S 86°14'51" W 219.22 feet; thence N 55°15' W 197.24 feet; thence N 82°15' West 159.23 feet to the Place of Beginning.

PARCEL II

Outlot A, Traver Vistas Subdivision, as recorded in Liber 22 of Plats, Page 79, Washtenaw County Records.

Acknowledged before me in Washtenaw County, Michigan, on October 14th, 1991 by Robert F. Guenther, **PRESIDENT** of Guenther Building Company, a Michigan corporation, for the corporation.

Notary's Stamp FRANCES A. CORONA
Notary Public, Washtenaw County, MI
My Commission Expires Dec. 5, 1994

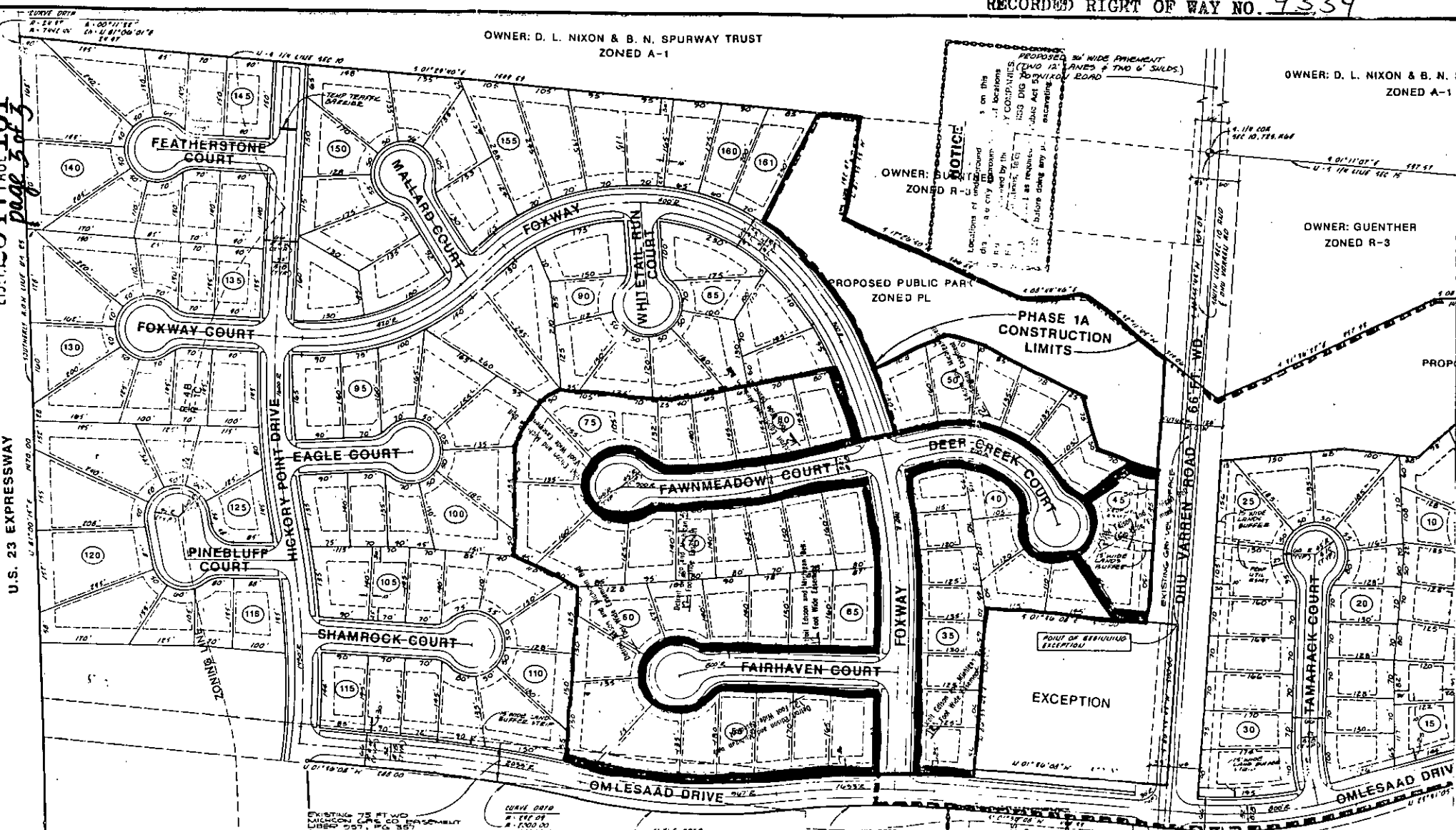
Notary's Signature Frances A. Corona

USER: 2547 PAGE 151
page 3 of 3

OWNER: D. L. NIXON & B. N. SPURWAY TRUST
ZONED A-1

OWNER: D. L. NIXON & B. N. N.
ZONED A-1

U.S. 23 EXPRESSWAY



PROPOSED FUTURE SCHOOL/PARK SITE
(TO BE REZONED TO PL)

OWNER: GUENTHER
ZONED R-1C

OWNER: GUENTHER
ZONED R-3

FOXFIRE - PHASE II

Foxfire - Phase I Development Analysis

I. Existing & Proposed Zoning:	R-1C (Residential Dwelling) and PL (Public Land)
II. Lot Size Per D.O.:	Required: Min. 7,200 S.F. Proposed: Min. 6,400 S.F. (Average Lot Size = 12,650 S.F.)
III. Setbacks:	

APPENDIX "B"

11.00
2.00

RECORDED

WASHTENAW COUNTY MI

OCT 21 3 00 PM '91

PEGGY M. HAINES
COUNTY CLERK/REGISTER

*12/21/91
H. H. Haines*

8333 0333003 4435 2:54PM 10/21/91
DEED 11.00
8333 0333003 4435 2:54PM 10/21/91
SSRF 2.00

11/21/91

Detroit
Edison

Pittsfield Twp ^{Sec 10}

DATE: 11-11-91

TO: Corporate Real Estate Services
2310 W.C.B.

FROM: James M. Davenport *JMD*
Real Estate & Rights-of-Way
Howell Office
Ann Arbor Division

SUBJECT: Agreement/Easement/Restrictions for underground
residential distribution for FOXFAE -
PHASE 2
Located In: CITY OF ANN ARBOR
County: WASHTENAW

Attached is the executed agreement dated OCT 14, 1991
for the above named project.

Easements for this project were requested by S. PREDIUM
Service Planning Department, Ann Arbor Division.

The agreement was negotiated by James M. Davenport of the
Real Estate and Rights-of-Way Department, Ann Arbor
Division.

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

Additional Information: _____

JMD:pg:wp

Attachment(s)

RECORDED RIGHT OF WAY NO. 423334

Serving Customers

We're all a part of it!