

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P910

PROJECT NAME SHERWOOD MANOR EAST CONDOMINIUMS - PHASE 3

On October 18, 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:

Chirco Homes, Inc., a Michigan corporation, 48645 Van Dyke Avenue, Utica, Michigan 48087

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:20 P.M.
NOV - 8 1991

"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

Comcast Cablevision, a Delaware corporation, 6065 Wall Street, Sterling Heights, Michigan 48312

Edna M. Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

"Grantor's Land" is in Shelby Township, Macomb County, described as:

The East 1/2 of the Northeast 1/4 of Section 12, T1N, R12E, being more particularly described as follows: Beginning at a point being the Northeast 1/4 corner of said Section 12, thence South 01°32'27" East 1728.58 feet; thence South 88°27'35" West 344.85 feet; thence North 01°10'07" West 1697.74 feet; thence North 85°19'53" East 345.00 feet to the point of beginning.

The "Right of Way Area" is a part of Grantor's Land and is 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.
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 RIGHT OF WAY NO. 42357

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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)

Grantor:(type or print name below signature)

CHIRCO HOMES, INC. a MI corp.

Carl Munaco

Michael J. Chirco

Carl Munaco

Michael J. Chirco
President

Susan A. Putrycus

SUSAN A. PUTRYCUS

Acknowledged before me in Macomb County, Michigan, on October 18, _____, 1991

by Michael J. Chirco the President

of Chirco Homes, Inc., a Michigan corporation, for the corporation.

Notary's
Stamp

Signature *Cindy Simpson*
Cindy Simpson
Commission Expires 2-25-95
Macomb County Notary

Prepared by and Return to:
Susan A. Putrycus
15600 - 19 Mile Road
Mt. Clemens, MI 48044

RECORDED RIGHT OF WAY NO. 42357

**Detroit
Edison**

Date: November 22, 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 Sherwood Manor East Condominiums Phase
3, located in the East 1/2 of the Northeast 1/4 of
Section 12, T1N, R12E, Shelby Township, Macomb County,
Michigan.

Attached for Records Center is the executed Right of Way Agreement
dated October 18, 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 A.
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 Chirco Homes Inc., a
Michigan corporation the developers of Sherwood Manor East
Condominiums Phase 3.

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

MJM/caw

Attachment

RECORDED HIGHWAY OF WAY NO. 42357



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

November 22, 1991

Mr. Mike Chirco
Chirco Homes Inc.
48645 Van Dyke Avenue
Utica, Michigan 48087

Re: Sherwood Manor East Condominiums Phase 3
Shelby Township, Macomb County, Michigan

Dear Mr. Chirco:

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. 48357

To (Supervisor, RE & R/W) M. McCABE	For RE & R/W Dept. Use ME-0284	Date Received	DE/Bell/C.P. No.
Division MACOMB	Date 10-11-91	Application No. MC-0910	

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

OCT 10 1991

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

Information

1. Project Name SHERWOOD MANOR EAST CONDO'S PHASE 3	County MACOMB
City/Township/Village SHELBY	Section No. 12

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 CHIRCO HOMES INC.	Phone No. 739-0050
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Address
48645 VAN DYKE AVE. UTICA, MICH. 48087

Owner's Representative MIKE CHIRCO	Phone No. 739-0050
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Date Service is Wanted
11-18-91

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
COMCAST CABLEVISION

b. Other Utility Engineer Names T. FRANK	Phone Numbers 978-3532
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Addresses
6065 WALL ST.

STERLING HGTS, MICH. 48077

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner A. GARNATZ	Signed (Service Planning Supervisor)
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Phone No. 286-9415	Address 138 MDHQ
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RECEIVED RICHIE OR FAX NO 77357