

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P869

PROJECT NAME BRIARWOOD CONDOMINIUMS - PHASE IV

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:

Nino Homes, Inc., a Michigan corporation, 2001 Crystal Lake Drive, Shelby Township, Michigan 48316

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:19P.
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

[Signature]
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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

Land in the Southwest 1/4 of Section 6, T3N, R12E, described as: Commencing at the South 1/4 corner of Section 6; thence South 89°44'20" West 8.48 feet along the South line of Section 6 and the centerline of 25 Mile Road to the point of beginning; thence continuing South 89°44'20" West 1341.57 feet; thence North 00°18'57" West 208.75 feet; thence South 89°44'20" West 208.84 feet; thence South 00°18'57" East 208.57 feet; thence South 89°44'20" West 594.28 feet along the South line of Section 6 and the centerline of 25 Mile Road; thence North 00°23'53" West 515.83 feet; thence South 89°49'27" West 581.03 feet; thence North 00°23'53" West 780.75 feet along the West line of Section 6 and the centerline of Dequindre Road; thence North 89°36'07" East 220.00 feet; thence North 00°23'53" 170.00 feet; thence North 89°36'07" East 110.00 feet; thence North 89°45'57" East 1056.27 feet; thence North 00°18'58" West 1073.41 feet; thence North 89°51'13" East 1372.18 feet; thence South 00°22'30" West 2538.24 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.

RECORDED RIGHT OF WAY NO. 42360

9-1

- 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)

Grantor:(type or print name below signature)

Sandra Rose

Sandra Rose

NINO HOMES, INC., a MI CORP.

Michele LoChirco

Michele LoChirco, President

Beth Wise

Beth Wise

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

by Michele LoChirco the President

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

Notary's Debbie Beels
Stamp Macomb County
expires 8-13-94

Signature Debbie Beels
Debbie Beels

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

RECORDED RIGHT OF WAY NO. 42360

Date: November 22, 1191

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 Briarwood Condominiums Phase IV, located
in the Southwest 1/4 of Section 6, T3N, 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 Terry Marries, 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 and Michigan Bell Telephone Company made this agreement with Nino Homes, Inc., a Michigan corporation the developers of Briarwood Condominium Phase IV.

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

MJM/caw

Attachment

RECORDED
RIGHT OF WAY NO. 42360

**Detroit
Edison**

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

November 22, 1991

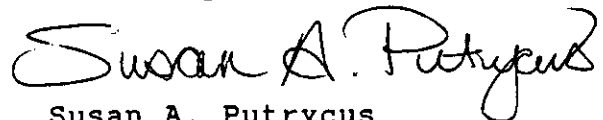
Mr. Mike LoChirco
Nino Homes Inc.
2001 Crystal Lake Drive
Shelby Township, MI 48316

Re: Briarwood Condominiums Phase IV
Shelby Township, Macomb County, Michigan

Dear Mr. LoChirco:

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. 42360

To (Supervisor, RE & R/W)	For RE & R/W Dept Use ME-0276	Date Received	DE/Bear/C.P. No.
Division <i>Briarwood Condo</i>	Date 10-3-91	Application No. MC 7869	

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).

10-7-91 - ret'd wife to Mr. ... to advise Marries
title work doesn't match up - Advised - job placed on hold!
S. PUTRYCUS

OCT 07 1991

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

Information

1. Project Name <i>Briarwood Condo Phase IV</i>	County <i>MACOMB</i>
City/Township/Village <i>SHELBY TWP</i>	Section No. <i>6</i>
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Subdivision	<input type="checkbox"/> Apartment Complex <input type="checkbox"/> Mobile Home Park <input checked="" type="checkbox"/> Condominium <input type="checkbox"/> Other
2. Name of Owner <i>NINO Homes Inc</i>	Phone No.
Address <i>2001 CRYSTAL LK DR, SHELBY TWP MI 48316</i>	
Owner's Representative <i>Mike LOCHIRCO</i>	Phone No. <i>731 3500</i>
Date Service is Wanted	

4. Entire Project will be developed at one time Yes No

5. Joint easements required — Michigan Bell Telephone *JOANN RUPERS* Yes No
 — Consumers Power Yes No

a. Name of Other Utilities if Not Michigan Bell Telephone or Consumers Power
CATV NO

b. Other Utility Engineer Names Phone Numbers

6. Additional Information or Comments

RECORDING RIGHT OF WAY NO. 42360

Note: Trenching letter attached will be submitted later

Service Planner <i>T. MARRIES</i>	Signed (Service Planning Supervisor) <i>James R. Marries</i>
Phone No. <i>286 9604</i>	Address <i>15600 19m to MITC / 48044</i>