

PROJECT NAME FOXPOINTE ESTATES PHASE I

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P768

On October 1, 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:

Albert T. Paglia, a single man, 24240 Mound, Warren, Michigan 48091

"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 48077-1860

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

A parcel of land located in and being a part of the Southeast 1/4 of Section 20, T2N, R12E, and being more particularly described as follows: Beginning at a point 402.00 feet North 89°49'30" West along the East and West 1/4 line of said Section 20 and a distance of 43.00 feet South 00°09'45" West of the East 1/4 post of said Section 20; thence South 00°09'45" West 598.92 feet; thence North 89°56'05" West 300.00 feet; thence South 00°09'45" West 180.96 feet; thence North 89°57'52" West 234.00 feet; thence North 00°49'23" East 781.08 feet; thence South 89°49'30" East 525.01 feet along the South line of said Fox Hill Drive to the point of beginning.

LEGAL DESCRIPTION OF PHASE ONE

A parcel of land located in and being a part of the Southeast 1/4 of Section 20, T2N, R12E, being more particularly described as follows: Beginning at a point in the West line of Mound Road (204.0 feet wide), being a distance of South 00°09'45" West 641.15 feet along the East line of said Section 20 and a distance of South 89°56'05" West 702.00 feet from the East 1/4 post; thence South 00°09'45" West 180.96 feet; thence North 89°57'52" West 234.00 feet; thence North 00°49'23" East 781.08 feet; thence South 89°49'30" East 225.01 feet; thence South 00°09'45" West 599.50 feet to the point of beginning.

LEGAL DESCRIPTION OF PHASE TWO

A parcel of land located in and being a part of the Southeast 1/4 of Section 20, T2N, R12E, being more particularly described as follows: Beginning at a point distance of 402.00 feet North 89°49'30" West 43.00 feet from the East 1/4 post of said Section 20; thence South 00°09'45" West 300.00 feet; thence North 89°49'30" West 300.00 feet; thence North 00°09'45" East 300.00 feet; thence South 89°49'30" East 300.00 feet to the point of beginning.

LEGAL DESCRIPTION OF PHASE THREE

A parcel of land located in and being a part of the Southeast 1/4 of Section 20, T2N, R12E, being more particularly described as follows: Beginning at a point distance of 402.00 feet North 89°49'30" West and South 0°09'45" West 343.00 feet from the East 1/4 post of said Section 20; thence South 00°09'45" West 298.92 feet; thence North 89°56'05" West 300.00 feet; thence North 00°09'45" East 299.49 feet; thence South 89°49'30" East 300.00 feet to the point of beginning.

The "Right of Way Area" is a part of Grantor's Land 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.

RECORDED RIGHT OF WAY NO. 42363

11

Detroit
Edison

Sterling Jwp.

Date: November 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 Foxpointe Estates Phase I, located in
the Southeast 1/4 of Section 20, T2N, R12E, Sterling
Heights, Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement dated October 1, 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 Albert T. Paglia, the developer of Foxpointe Estates Phase I.

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

MJM/caw

Attachment

RECORDED RIGHTS OF WAY NO. 42363

Serving Customers

We're all a part of it!

- 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:
Brenda A. Baranowski
 Brenda A. Baranowski

Grantor:
Albert T. Paglia
 Albert T. Paglia, a single man

Philip A. Jaffe
 Philip A. Jaffe

RECORDED IN MACOMB COUNTY
 RECORDS AT: 8:36A M.

OCT 18 1991

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

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

Acknowledged before me in Macomb County, Michigan, on October 1, 1991

by ALBERT T. PAGLIA

Notary's Stamp
 PHILIP A. JAFFE
 NOTARY PUBLIC - OAKLAND COUNTY, MICH.
 MY COMMISSION EXPIRES 09-15-95
 acting in Macomb County

Signature *Philip A. Jaffe*

RECORDED RIGHT OF WAY NO. 42363

**Detroit
Edison**

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

November 5, 1991

Mr. Albert Paglia
24240 Mound Road
Warren, MI 48091

Re: Foxpointe Estates Phase I
Sterling Heights, Macomb County, Michigan

Dear Mr. Paglia:

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

Susan A. Putrycus
Real Estate and Right of Way
Macomb Division

SP/ms
Enclosure

FOUNDER RIGHT OF WAY NO.

48363

To (Supervisor, RE & RW) <i>M. M C CABE</i>	For RE & RW Dept. Use <i>ME-0260</i>	Date Received	DE/Bell/C.P. No.
Division <i>MDHQ</i>	Date <i>9-11-91</i>	Application No. <i>MC-P768</i>	

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).

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

Information

1. Project Name
FOXPOINTE ESTATES PHASE I

City/Township/Village
STERLING HEIGHTS

Type of Development
 Proposed Subdivision
 Subdivision
 Apartment Complex
 Mobile Home Park
 Condominium
 Other

2. Name of Owner
ALBERT T. PAGLIA

Address
2424 MOUND, WARREN, MI. 48091

Owner's Representative
ALBERT PAGLIA

Date Service is Wanted
11-1-91

County
MACOMB

Section No.
20

Phone No.
756-1100-OFFICE

Phone No.
330-1712-CAR

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

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

6. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power
COMCAST Cablevision

7. Other Utility Engineer Names
H. POSTL

Addresses
6065 Wall Street, Sterling Hgts, MI 48077-1860

Phone Numbers
978-3530

8. Additional Information or Comments

[Handwritten signature]

Note: Trenching letter attached will be submitted later

Service Planner
Marcia Romancki

Signed (Service Planning Supervisor)

Phone No. Address

RECEIVED RIGHT DE MAY 10 4 33 63