

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P870

PROJECT NAME MORAVIAN POINTE SUBDIVISION #2 B635656

On Oct 9, 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:

Distinctive Land Company, a Michigan corporation, 31500 W. Ten Mile Road, Farmington Hills, Michigan 48024

"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 48071-1860

RECORDED IN MACOMB COUNTY RECORDS AT: 2:18 P.M.

NOV - 8 1991

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

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

Part of the Northeast 1/4 of Section 36, T2N, R12E, being more particularly described as follows: Commencing at the North 1/4 corner of said Section 36; thence along the Section line North 87°59'11" East 125.12 feet; thence along the East line and extension thereof "Kingsley Subdivision" (Liber 55, Pages 36-38 of the Macomb County Records) South 00°54'31" East 1252.77 feet to the point of beginning; thence Easterly along the arc of a curve to the right and the South line of "Moravian Pointe Subdivision" (Liber 91, Pages 23-27 of Macomb County Records) 51.15 feet; radius 80.00 feet central angle 36°37'55"; long chord bearing South 72°35'34" East 50.28 feet; thence along the arc of a curve to the left and the south line of said "Moravian Pointe Subdivision" 77.44 feet; radius 121.10 feet; central angle 36°38'34"; long chord bearing South 72°35'53" East 76.13 feet; thence North 89°04'50" East 181.60 feet; thence along the arc of a curve to the left and the South line of said Moravian Pointe Subdivision 75.82 feet; radius 286.21 feet; central angle 15°10'43"; long chord bearing North 81°29'29" East 75.60 feet; thence along the arc of a curve to the right and the South line of said Moravian Pointe Subdivision 75.66 feet; radius 286.21 feet; central angle 15°08'45"; long chord bearing North 81°28'30" East 75.44 feet; thence along the South line of said Moravian Pointe Subdivision North 89°02'52" East 40.00 feet; thence along the South line of said Moravian Pointe Subdivision South 00°19'25" East 120.00 feet; thence along the South line of said Moravian Pointe Subdivision North 89°02'52" East 702.67 feet; thence South 00°19'47" East 819.88 feet; thence South 89°04'21" West 370.23 feet; thence North 00°19'47" West 173.00 feet; thence South 89°04'04" West 510.10 feet; thence South 00°54'31" East 553.00 feet; thence along the East-West 1/4 line and the North line of Biltmore Park No. 2 (Liber 57, Pages 4-5, Macomb County Records) and Biltmore Park No. 3 (Liber 56, Pages 3-4, Macomb County Records) South 89°04'04" West 306.00 feet; thence along the East line of said Kingsley Subdivision North 00°54'31" West 1339.39 feet to the point of beginning.

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

A twelve foot easement as shown on the attached plat.

- 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.

RECORDED RIGHT OF WAY NO. 48364

13/15

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:

Esther Winer
ESTHER WINER
Susan A. Putrycus
SUSAN A. PUTRYCUS

Grantor:
Distinctive Land Co.,
A MICHIGAN CORPORATION
By: [Signature]
Michael F. Tobin VP

Acknowledged before me in Oakland County, Michigan, on October 9, 1991

by Michael E. Tobin the Vice President

of Distinctive Land Comp, a Michigan corporation, for the corporation.

Notary's Stamp

Notary's Signature Bernie Harwood
BERNIE HARWOOD

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

COMMISSION Expires 10/22/91
Oakland City, MI

RECORDED RIGHT OF WAY NO. 423169

Detroit
Edison

Sterling Jwgs

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 Moravian Pointe Subdivision #2, located
in the Northeast 1/4 of Section 36, T2N, R12E, City of
Sterling Heights, Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement dated October 9, 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 Distinctive Land Company, a Michigan corporation the developers of Moravian Pointe Subdivision #2.

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

MJM/caw

Attachment

RECORDED RIGHTS OF WAY NO. 42364

Serving Customers

We're all a part of it!

**Detroit
Edison**

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

November 22, 1991

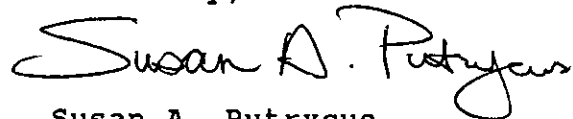
Mr. Michael Tobin
Distinctive Land Company
31500 W. Ten Mile Road
Farmington Hills, MI 48024

Re: Moravian Pointe Subdivision #2
City of Sterling Heights, Macomb County, Michigan

Dear Mr. Tobin:

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.

423164

To (Supervisor, RE & R/W) M. McCABE	For RE & R/W Dept. Use ME 0270	Date Received	DC/Best/C.P. No.
Division MACOMB	Date 10-4-91	Application No. MC-P870	

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 07 1991

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

Information

1. Project Name MORAVIAN POINTE SUB #2		County MACOMB
City/Township/Village STERLING HEIGHTS		Section No. 36
Type of Development <input checked="" type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Condominium <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other		
2. Name of Owner DISTINCTIVE LAND COMPANY		Phone No. 474-9500
Address 31500 W. TEN MILE RD.		
Owner's Representative MICNEAL TOBIN		Phone No. 474-9500
Date Service is Wanted NOVEMBER 17, 1991		
4. Entire Project will be developed at one time		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Joint easements required — Michigan Bell Telephone		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
— Consumers Power		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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
Addresses 6065 WALL ST.		
STERLING HEIGHTS, MICH. 48077-1860		
6. Additional Information or Comments		

RECORD RIGHT OF WAY NO.

Note: Trenching letter attached will be submitted later

Service Planner A. GARNATZ	Signed (Service Planning Supervisor)
Phone No. 286-9642	Address 138 MDHP

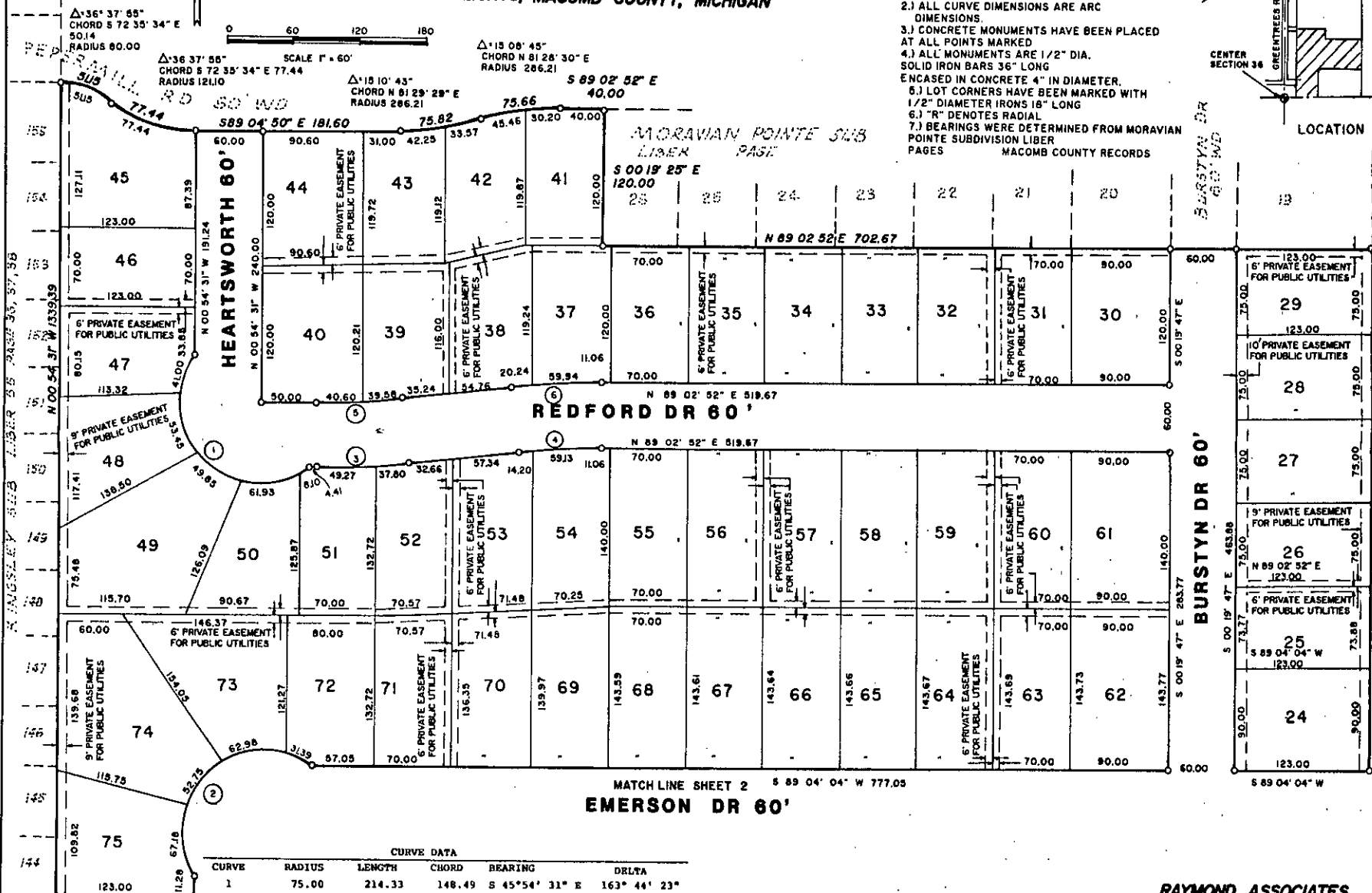
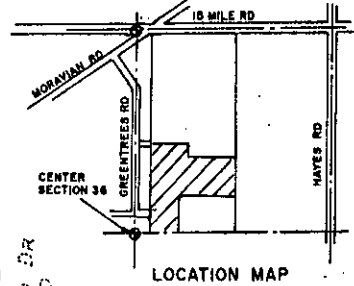
42364

MORAVIAN POINTE NO. 2 SUBDIVISION

PART OF THE NE 1/4 SECTION 36 T2N, R12E
CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN

LEGEND.

- 1.) ALL DIMENSIONS ARE IN FEET.
- 2.) ALL CURVE DIMENSIONS ARE ARC DIMENSIONS.
- 3.) CONCRETE MONUMENTS HAVE BEEN PLACED AT ALL POINTS MARKED
- 4.) ALL MONUMENTS ARE 1/2" DIA. SOLID IRON BARS 36" LONG ENCASED IN CONCRETE 4" IN DIAMETER.
- 5.) LOT CORNERS HAVE BEEN MARKED WITH 1/2" DIAMETER IRONS 18" LONG
- 6.) "R" DENOTES RADIAL
- 7.) BEARINGS WERE DETERMINED FROM MORAVIAN POINTE SUBDIVISION LIBER PAGES MACOMB COUNTY RECORDS



CURVE DATA

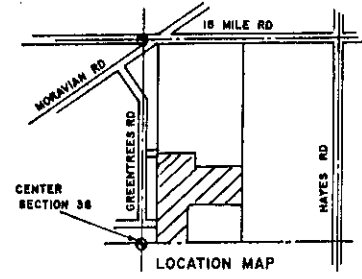
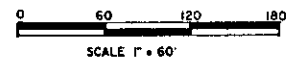
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
1	75.00	214.33	148.49	S 45°54' 31" E	163° 44' 23"
2	75.00	214.30	148.49	S 44°04' 46" W	163° 42' 58"
3	757.90	87.07	87.02	N 85°48' 01" E	06° 34' 57"
4	642.54	73.33	73.29	S 85°46' 42" W	06° 32' 20"
5	697.90	80.81	80.13	N 85°48' 01" E	06° 34' 57"
6	702.54	80.18	80.13	S 85°46' 42" W	06° 32' 20"

RAYMOND ASSOCIATES
2147 COUNTRYWOOD SE
KENTWOOD, MICHIGAN 49508

UNPAID

MORAVIAN POINTE NO. 2 SUBDIVISION

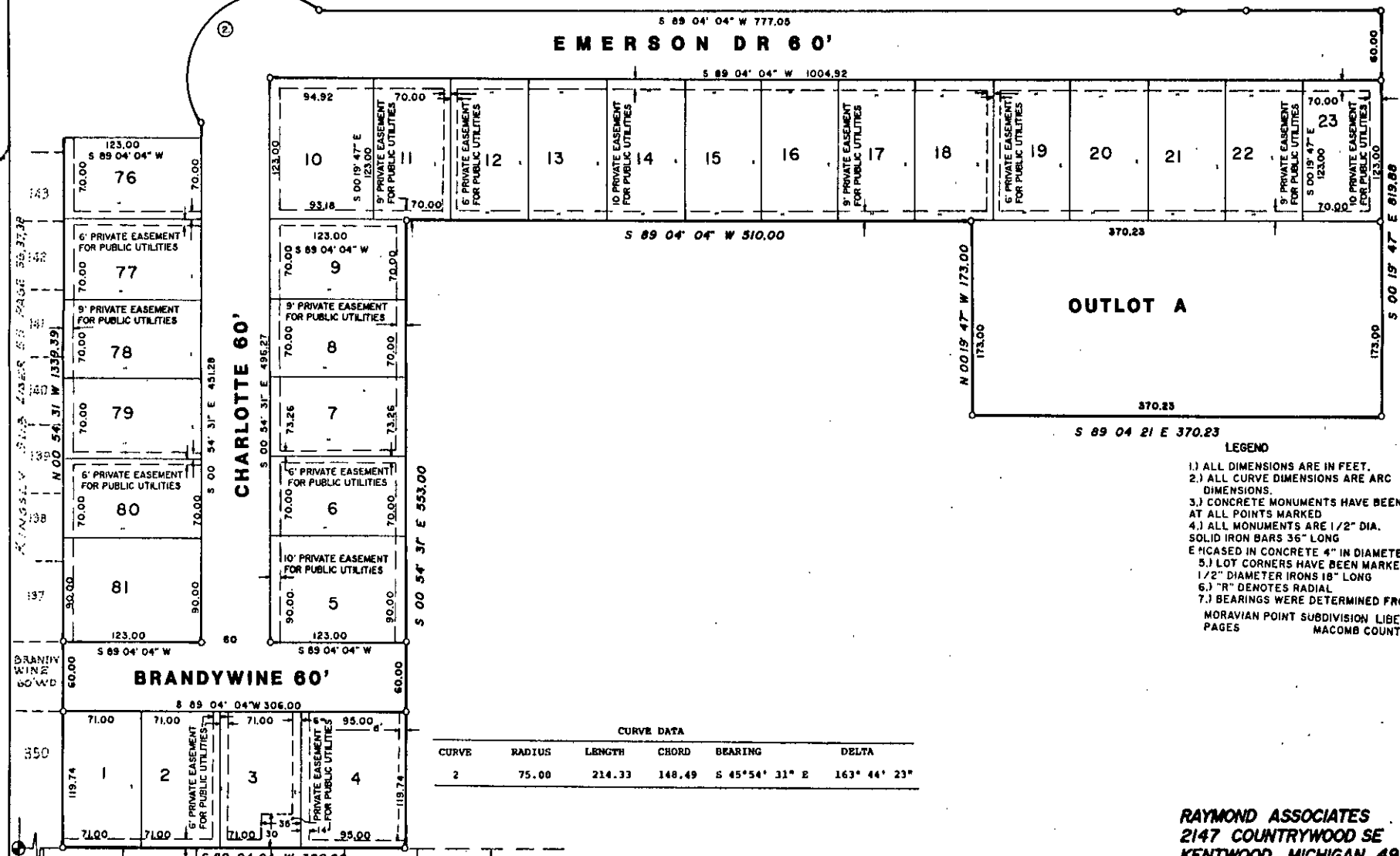
PART OF THE NE 1/4 SECTION 36 T2N, R12E,
CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN



MATCH LINE SHEET 1

111 752440053

EMERSON DR 60'



S 89 04 21 E 370.23

OUTLOT A

- LEGEND**
- 1.) ALL DIMENSIONS ARE IN FEET.
 - 2.) ALL CURVE DIMENSIONS ARE ARC DIMENSIONS.
 - 3.) CONCRETE MONUMENTS HAVE BEEN PLACED AT ALL POINTS MARKED
 - 4.) ALL MONUMENTS ARE 1/2" DIA. SOLID IRON BARS 36" LONG
 - 5.) ENCASED IN CONCRETE 4" IN DIAMETER.
 - 6.) LOT CORNERS HAVE BEEN MARKED WITH 1/2" DIAMETER IRONS 18" LONG
 - 7.) "R" DENOTES RADIAL
 - 7.) BEARINGS WERE DETERMINED FROM MORAVIAN POINT SUBDIVISION LIBER PAGES MACOMB COUNTY RECORDS

CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
2	75.00	214.33	148.49	S 45°54' 31" E	163° 44' 23"

BALTIMORE PARKING 3
LIBER 57 PAGES 448

BALTIMORE PARK NO 2
LIBER 66 PAGE 3-4

RAYMOND ASSOCIATES
2147 COUNTRYWOOD SE
KENTWOOD, MICHIGAN 49508