

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P889

PROJECT NAME SHORELINE APARTMENTS PHASES I & II B637623

On November 12, 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:

E. Gula Company, a Michigan co-partnership, 50 Willison, Grosse Pointe Shores, Michigan 48236

RECORDED IN MACOMB COUNTY RECORDS AT: 9:10A

"Grantee" is:

NOV 15 1991

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 Cable Television, a Delaware corporation, 6065 Wall Street, Sterling Heights, Michigan 48112

REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

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

Part of Section 1; Commencing at the Northeast corner of Section 1; thence South 0°38'15" East 827.0 feet along the East section line; thence South 89°08'45" West 60.0 feet; thence South 0°38'15" East 419.31 feet along the West right of way line of Hayes Road to the point of beginning; thence South 89°21'45" West 164.0 feet and North 44°38'11" West 225.21 feet and South 89°21'45" West 280.0 feet along the centerline of Utica Drain; thence South 0°38'15" East 1234.51 feet; thence North 89°21'53" East 600.44 feet; thence North 0°38'15" West 1071.32 feet along the West right of way line of Hayes Road 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.

42366

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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.

E. Gula Company, a MI co-partnership.

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Cynthia E. Gula
CYNTHIA E. GULA

Edward Gula
EDWARD GULA - partner

Lillian M. Gula
LILLIAN M. GULA

Lillian A. Gula
LILLIAN A. GULA, (partner)

Acknowledged before me in Wayne County, Michigan, on November 12, 1991

by Edward Gula & Lillian A. Gula, a partner of E. Gula Company,
MI co-
a partnership, for the partnership.

Notary's Stamp: LILLIAN M. GULA, NOTARY PUBLIC STATE OF MICHIGAN, MACOMB COUNTY, MY COMMISSION EXP. AUG. 29, 1995
Notary's Signature: Lillian M. Gula

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

RECORDING RIGHT OF WAY NO. 42366

Detroit
Edison

Sterling Jwp.

Date: November 27, 1991

To: Record Center
2310 WCB

From: Michael J. McCabe *mcm*
Sr. Real Estate and Rights of Way Representative
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Shoreline Apartments Phases I & II,
located in the Northeast 1/4 of Section 1, City of
Sterling Heights, Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement
dated November 12, 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 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 E. Gula Company, a
Michigan co-partnership the developers of Shoreline Apartments
Phases I & II.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 42366

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 27, 1991

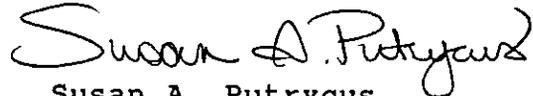
Mr. Edward Gula
E. Gula Company
50 Willison
Grosse Pointe Shores, MI 48236

Re: Shoreline Apartments Phases I & II
City of Sterling Heights, Macomb County, Michigan

Dear Mr. Gula:

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

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42366

To (Supervisor, RE & R/W) M. McCABE	For RE & R/W Dept. Use ME-0288	Date Received	OE/Best/C.P. No.
Division MDHQ	Date 10-7-91	Application No. MC-P889	

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.

10-2491 OK permike. - Cust to bring in supporting paperwork

Information

1. Project Name SHORELINE APTS. PHASE I + II		County MACOMB
City/Township/Village STG. HTS.		Section No. 1
Type of Development <input type="checkbox"/> Proposed Subdivision <input checked="" 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 E. GULA CO., A PARTNERSHIP		Phone No. 247-1360
Address 50 WILLISON - GROSSE PTE. SHORES, MI. 48236		Phone No.
Owner's Representative		Phone No.
Date Service is Wanted		

4. Entire Project will be developed at one time **PH. II** 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 CABLE

b. Other Utility Engineer Names
H. POSTL Phone Numbers **978-3530**

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner M. H. Romanish	Signed (Service Planning Supervisor)
Phone No. 286-9404	Address 138 MDHQ

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