

(B476676)

(LIBER 04896PG672)

Real Estate and Rights of Way

**Detroit Edison**

**Joint Underground Residential Distribution Right of Way Agreement**

LIBER 05264PG901

B643987

May 31, 19 90

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 West Michigan Avenue, Jackson, Michigan, THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, and Comcast Cable Television, a Delaware corporation of 6065 Wall Street, Sterling Heights, MI 48078, hereinafter referred to collectively as "GRANTEE", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide gas, electric and communication services with the usual services, connections and accessories in, under, upon, over and across the property located in the Township of Clinton, County of Macomb, State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the GRANTEE of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be 10 feet in width unless otherwise indicated and the route is described as follows:

The exact location of said easements will be as shown on a drawing to be recorded within 90 days after construction.

RECORDED IN MACOMB COUNTY RECORDS AT: 8:30A M. DEC - 5 1991

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

RECORDED IN MACOMB COUNTY RECORDS AT: 2:19P M. JUN 19 1990

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

RECORDED RIGHT OF WAY NO. 43483

In order to provide for the proper maintenance and protection of GRANTEE, the undersigned covenant and agree that:

1. The right of way will be graded to within four inches of final grade before the GRANTEE'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around GRANTEE'S above ground equipment.
2. No buildings or structures other than GRANTEE'S equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of GRANTEE.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. GRANTEE shall not be responsible to owners for damages to or removal of trees or plant life planted in front of said door or within the right of way causing an interference with GRANTEE'S maintenance of their equipment.
4. If the lines or facilities of GRANTEE are damaged by the acts of owners, their agents, employees or contractors, repairs shall be made by the utility company so damaged at the cost and expense of owners. Owners are defined as those persons owning the property at the time the damage occurred.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

Witnesses:

X [Signature] Robin Raymond

X [Signature] Marilyn A. Sharpe

Grantors:

RESCO, INC., a Michigan Corporation

BY: [Signature] Salvatore Cottone, President

X [Signature] Leonard Kukuk Leonard Kukuk

X [Signature] Hazel E. Kukuk Hazel E. Kukuk, wife

X [Signature] Steve S. Jekielek Steve S. Jekielek

X [Signature] Genevieve Jekielek Genevieve Jekielek, wife

Prepared by: & return to: Michael J. McCabe 15600 - 19 Mile Road Mt. Clemens, MI 48044

Being Re-Recorded to include Appendix B

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**Acknowledgement-Individual**

STATE OF MICHIGAN

County of MACOMB )SS

LIBER **05264PG902**

On this 31 day of May, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Leonard Kukuk and Hazel Kukuk, his wife

Sharilyn A Sharpe, Notary Public  
St. Clair County, MI  
Acting in Macomb County, MI  
My commission expires: 04-08-92

Sharilyn A. Sharpe  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires 04-08-92

**Acknowledgement-Individual**

STATE OF MICHIGAN

County of Macomb )SS

On this 31 day of May, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Steve S. Jekielek and Genevieve Jekielek, his wife

Sharilyn A Sharpe, Notary Public  
St. Clair County, MI  
Acting in Macomb County, MI  
My commission expires: 04-08-92

Sharilyn A. Sharpe  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires 04-08-92

**Acknowledgement-Corporation**

STATE OF MICHIGAN

County of Macomb )SS

On this 31 day of May, 19 90, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Salvatore Cottone

whose title(s) is /are President

of RESCO, INC., a Michigan corporation, on behalf of the corporation.

Sharilyn A Sharpe, Notary Public  
St. Clair County, MI  
Acting in Macomb County, MI  
My commission expires: 04-08-92

Sharilyn A. Sharpe  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires 04-08-92

RECORDED AT THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF MACOMB, MICHIGAN ON MAY 31 1990 AT 4:03 PM

**Acknowledgement-Partnership**

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

(a) general/managing partner(s), on behalf of \_\_\_\_\_ a partnership.

Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

APPENDIX "A" LIBER 05264PG903

"NORTH FORK CONDOMINIUMS, PHASE 1", A parcel of land located in part of the South 1/2 of Fractional Section 9 and P.C. 546, T2N, R13E, Clinton Township, Macomb County, Michigan and being more particularly described as: Beginning at a point on the West line of said P.C. 546 distant N 02°41'32" East, 764.60 feet from the intersection of the West line of P.C. 546 and South line of Fractional Section 9; N 71°01'08" West 686.12 feet; and N 02°30'37" East 257.68 feet; and N 88°31'08" East 661.15 feet, N02°31'17" East 561.40 feet and S 71°31'18" East, 248.07 feet along the South line of North Winds Subdivision as recorded in Liber 64 of plats, Pages 26 through 28, M.C.R.; and S 71°27'11" East 620.43 feet; to the point of beginning of Phase 1; thence from said point of beginning S 71°27'11" East 20.00 feet; thence N 02°47'14" East 863.86 feet; thence S 66°49'29" East 221.23 feet; thence S 26°08'53" West 18.00 feet; thence S 59°00'34" East 122.00 feet; thence N 26°08'53" East 258.00 feet; thence S 59°00'34" East 121.05 feet; thence S 02°41'29" West 1037.31 feet; thence N 71°44'33" West 239.65 feet; thence S 02°19'04" West 260.00 feet; thence S 69°06'11" West 260.00 feet; thence N 17°42'26" West 310.00 feet; thence N 16° 01'02" East 165.00 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 42403

**Detroit  
Edison**

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Date: December 17, 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 North Fork Condominiums, Phase I, located in  
part of the South 1/2 of Fractional Section 9 and P.C. 546, T2N,  
R13E, Clinton Township, Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement  
dated May 31, 1991, and other pertinent papers for the above  
named project.

Easement for this project was requested by Phil Howard,  
Service Planner, Macomb Division. The Agreement was negotiated by  
Michael J. McCabe, 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 Resco, Inc.  
Salvatore Cottone, the developers of North Fork Condominiums, Phase I.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 42403

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**Serving Customers**

*We're all a part of it!*

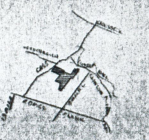
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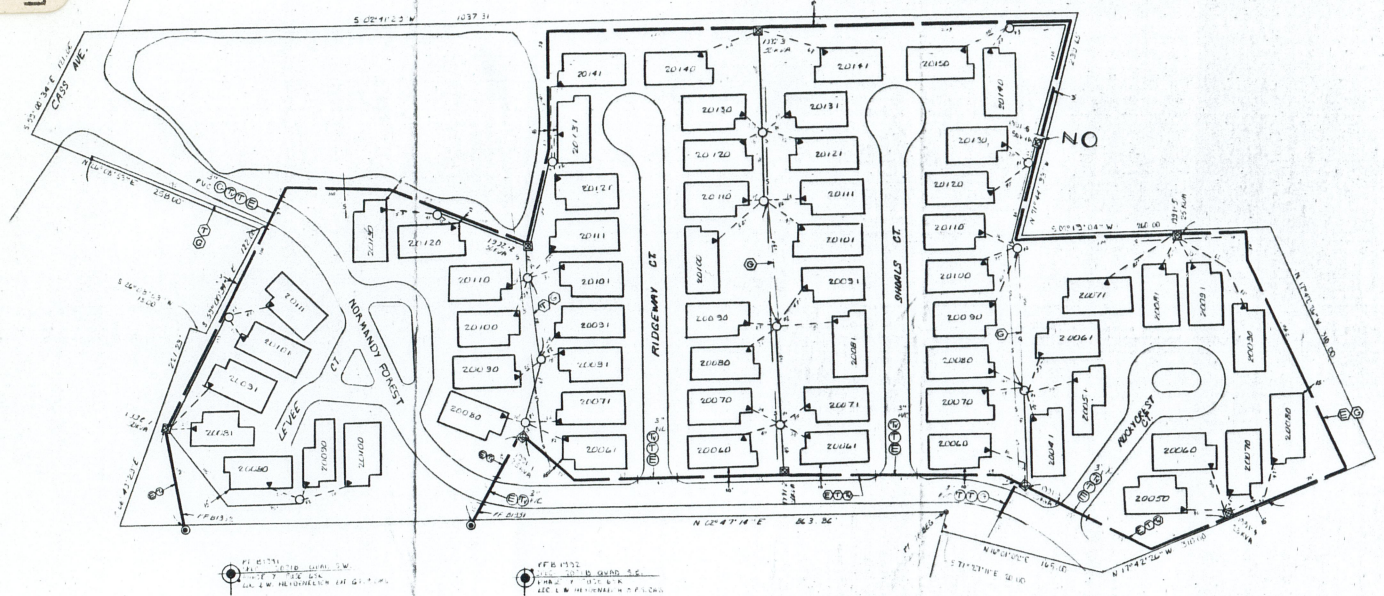




LOCATION SKETCH



LIBER 05264PG904



**TRANSFORMER DATA**

UNIT NO.	SIZE	ED. STK. NO.
1154	36	1152
1155	36	1151
1156	36	1151
1157	36	1152
1158	36	1152
1159	36	1152
1160	36	1152

TRANSFORMER SPEC. 11T 24.6  
 PEDESTAL SPEC. 11.0 24.6  
 NO. OF PEDESTALS 13  
 NO. OF TEMPORARY CABLE MARKERS  
 TEMPORARY CABLE MARKER SPEC.  
 SECONDARY CONNECTION BOX SPEC.

- CODE**
- ⊙ TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
  - ⊙ DFT DEAD FRONT TYPE
  - ⊙ DFT NON-SWITCHING-LINE FRONT TYPE
  - ⊙ DFT SWITCHING-LINE FRONT TYPE
  - ⊙ DIRECTION OF TRANSFORMER DOOR OPENING
  - ⊙ SECONDARY PEDESTAL
  - ⊙ SECONDARY CONNECTION BOX
  - ⊙ CABLE POLE
  - ⊙ PRIMARY SWITCH CABINET
  - ⊙ BURIED PRIMARY CABLE-ALL VOLTAGES
  - ⊙ BURIED SECONDARY CABLE
  - ⊙ BURIED SECONDARY SERVICE CABLE
  - ⊙ DETECT EDITION TRENCH ONLY
  - ⊙ TELEPHONE TRENCH ONLY
  - ⊙ SEWER
  - ⊙ WATER
  - ⊙ GAS
  - ⊙ PROPOSED EXHAUST
  - ⊙ SEP COIN CABINET

**CABLE SUMMARY**

ITEM #	QUANTITY	110V	240V
1	13	13	0
2	13	0	13
3	13	0	13

**TRENCH SUMMARY**

ITEM #	QUANTITY	110V	240V
1	13	13	0
2	13	0	13
3	13	0	13

**GENERAL NOTES**

TRENCHING TO BE DONE BY 3110  
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.  
 SEE SECTION 42 US LINE CONSTRUCTION STANDARDS FOR TRANS. MOUNT. DETAILS.  
 SEE PART 24.1 5.1.1.1 DETAIL "C" FOR ENTRANCE POINT DETAILS ABOVE GROUND.  
 SEE SECTION 42 US LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES.  
 TRANSFORMERS AND PEDESTALS (BURIED ONLY)  
 D.E. SERVICE PLANNER: 286 7417  
 TEL. CO.: 248 6600  
 GAS CO.: 248 5700  
 WATER: 248 5700  
 CONTACT "MISS DIG" (800-487-1717) BEFORE DOING ANY EXCAVATION.  
 MARKERS INDICATED BY DASH CENTERLINE ARE IN REACH UNLESS OTHERWISE NOTED.

**PERMITS REQUIRED**

CITY OF \_\_\_\_\_ COUNTY, NOTIFICATION ONLY.  
 STATE  YES  NO

NO.	REVISION	DATE	BY	APPROVED BY

**PERMITS REQUIRED**

NO.	REVISION	DATE	BY	APPROVED BY

**THE DETROIT Edison COMPANY**  
 SERVICE PLANNING  
 SCALE: 1" = 50'  
 DATE: 11-20-01  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO.: 13244  
 JOB TITLE: DIRECTOR OF FIELD OPERATIONS  
 NORTH FOX CONDOMINIUMS  
 PART OF THE 8 1/4 OF FRACTIONAL SEC 9 AND  
 PRIVATE CLAIM 246 TAX RISE  
 CLINTON TWP. MACOMB CO. 48064-1411

NORTH FOX CONDOMINIUMS CHECKING PRINT