

LIBER 05264PG876

Real Estate & Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

B643381

January 26, 19 87

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation, of 2000 Second Avenue, Detroit, Michigan and the MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "UTILITY", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and required to provide communication and electric services in, under, upon, over and across the property located in the Township of Shelby, County of Macomb State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the UTILITIES 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 Ten (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.

SEE APPENDIX "A"

RECORDED IN MACOMB COUNTY RECORDS AT: 3:27 P.M. FEB 4 1987 Edna M. Clerk - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

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

1. The right of way will be graded to within four inches of final grade before the UTILITY'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 UTILITY'S above ground equipment.
2. No buildings or structures other than UTILITY'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 UTILITY.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. UTILITY 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 UTILITY'S maintenance of their equipment.
4. If the lines or facilities of UTILITY are damaged by the acts of owners, their agents, employes 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.

Being Re-recorded to include Appendix B

Witnesses: RECORDED IN MACOMB COUNTY

Grantors:

X Dawn A. Conway Dawn A. Conway

RECORDS AT: 8:30 A.M. DEC - 5 1991

Lombardo Enterprises, Inc., a Michigan Corporation

X Victoria H. Sivec Victoria H. Sivec

Edna M. Clerk - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

BY: Cosimo Lombardo, President

X

BY:

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

Address: 47200 Van Dyke Utica, Michigan 48087

RECORDED IN MACOMB COUNTY RECORDS AT: 4:34 P.M.

13 9-11

Land in the Township of Shelby, Macomb County, Michigan, described as follows: A parcel of land located in and being a part of the South 1/2 of Section 24, Town 3 North, Range 12 East, Shelby Township, Macomb County, Michigan, and being more particularly described as follows: The East 40.0 acres of the South 70.0 acres of the East 1/2 of the Southwest 1/4; also the Northwest 1/4 of the Southeast 1/4; also the West 1/2 of the Southwest 1/4 of the Southeast 1/4; except Commencing at the Southwest corner of Section 24; thence North 89 degrees 30 minutes East 1897.0 feet along the South Section line to the point of beginning; thence North 01 degree 22 minutes East 174.24 feet; thence North 89 degrees 30 minutes East 450.0 feet; thence South 01 degree 22 minutes West 174.20 feet to the South Section line; thence South 89 degrees 30 minutes West 450.0 feet along said line to the point of beginning. ALSO EXCEPT: Beginning at a point 1348.47 feet North 01 degree 22 minutes 54 seconds East along the North and South 1/4 line from the South 1/4 corner of said Section 24 and thence extending North 01 degree 22 minutes 54 seconds East 434.53 feet; thence South 89 degrees 29 minutes 31 seconds West 754.93 feet; thence North 01 degree 27 minutes 42 seconds East 579.74 feet; thence North 88 degrees 37 minutes 07 seconds East 754.59 feet to said North and South 1/4 line; thence North 01 degree 22 minutes 54 seconds East 337.31 feet along North and South 1/4 line to the centerpost of said Section 24; thence North 88 degrees 10 minutes 01 second East 1326.85 feet along the East and West 1/4 line of said Section 24; thence South 01 degree 04 minutes 04 seconds West 1377.86 feet; thence South 88 degrees 49 minutes 09 seconds West 1333.65 feet to the point of beginning.

RECORDED
RIGHT OF WAY NO. 42439

CORPORATION

STATE OF MICHIGAN

(LIBER 4125 PAGE 254)

County of Macomb) SS

LIBER 05264 PG 878

On this 26th day of January, A.D. 19 87, before me,

the subscriber, a notary public in and for said County, appeared Cosimo Lombardo and --

to me personally known, who being by me duly sworn did say that they are the President of Lombardo Enterprises, Inc., a Michigan corporation

and that the seal affixed to said instrument is the corporate seal of said corporation and said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and -- and --

acknowledged said instrument to be the free act and deed of said corporation.

Victoria H. Sivec
Victoria H. Sivec
Notary Public, Macomb County, Michigan

My commission expires: July 26, 1987

DE 963-4182 10-79 CS

RECORDED RIGHT OF M.A.I. NO. 42434

Date: December 19, 1991

To: Records Center

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 Heritage Place North Condominiums,
Phase 2, Step 1 located in part of the South 1/2 of
Section 24, Town 3 North, Range 12 East, Shelby
Township, Macomb County, Michigan

Attached for Records Center is the executed Right of Way
Agreement, dated January 26, 1987, and other pertinent papers for
the above named project.

Easement for this project was requested by Mary Orlow, Service
Planner, Macomb Division. The Agreement was negotiated by Susan
Putrycus, Representative of Real Estate and Rights of Way,
Macomb Division.

Detroit Edison Company and Michigan Bell Telephone Company made
this agreement with Lombardo Enterprises, Inc., Cosimo Lombardo,
President, the developers of Heritage Place North, Phase 2, Step
1.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 42439

