

#1500

(B331662)

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05264 PG 880 B643982

January 25, 19 89

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, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan and Comcast Cable Television

corporation of 6065 Wall St., 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 and appurtenances including the necessary above ground equipment, connections, poles and accessories required 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 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 Hill CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 2:04p M. FEB 7 1989 Edna Hill CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

Being Re-Recorded to include Appendix B

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, employes or contractors, repairs shall be made by the granting 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 Dawn A. Conway Dawn A. Conway

x Victoria H. Sivec Victoria H. Sivec

Grantors: LOMBARDO ENTERPRISES, INC. a Michigan Corporation

Antoinette Lombardo Antoinette Lombardo, President

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

Address: 47200 Van Dyke Utica, MI 48087

RECORDED RIGHT OF WAY NO. 42440

13

**Acknowledgement-Individual**

LIBER 05264PG881

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 \_\_\_\_\_

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

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

**Acknowledgement-Individual**

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 \_\_\_\_\_

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

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

**Acknowledgement-Corporation**

STATE OF MICHIGAN

County of Macomb )SS

On this 25<sup>th</sup> day of January, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Antoinette Lombardo  
whose title(s) is/are President  
of Lombardo Enterprises, Inc., a Michigan corporation, on behalf of the corporation.

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

My commission expires June 26, 1991

**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 \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 42442

## APPENDIX "A"

"HERITAGE PLACE NORTH CONDOMINIUMS, PHASE 5" 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, T3N, R12E, 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 South 1/4 of the Southeast 1/4; except Commencing at the Southwest corner of Section 24; thence N 89°30' East 1897.0 feet along the South section line to the point of beginning; thence N 01°22' East 174.24 feet; thence N 89°30' East 450.0 feet; thence S 01°22' West 174.20 feet to the South section line; thence S 89°30' West 450.0 feet along said line to the point of beginning. ALSO EXCEPT: Beginning at a point 1348.47 feet N 01°22'54" East along the North and South 1/4 line from the South 1/4 corner of said Section 24 and thence extending N 01°22'54" East 434.53 feet; thence S 89°29'31" West 754.93 feet; thence N 01°27'42" East 579.74 feet; thence N 88°37'07" East 754.59 feet to said North and South 1/4 line; thence N 01°22'54" East 337.31 feet along North and South 1/4 line to the centerpost of said Section 24; thence N 88°10'01" East 1326.85 feet along the East and West 1/4 line of said Section 24; thence S 01°04'04" West 1377.86 feet; thence S 88°49'09" West 1333.65 feet to the point of beginning.

Detroit  
Edison

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Date: December 23, 1991

To: Record Center

From: Michael J. McCabe *MJM*  
Sr. Real Estate & Right of Way Rep  
Macomb Division

Subject: Right of Way Agreement for Underground Residential  
Distribution for Heritage Place North Condominiums, Phase  
5, located in part of the South 1/2 of Section 24, T3N,  
R12E, Shelby Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way  
Agreement dated January 25, 1989 for the above named project.

Easement for this project was requested by Robert Burcar,  
Service Planning, Macomb Division. The Agreement was  
negotiated by Michael J. McCabe, Representative, Real  
Estate and Rights of Way, Macomb Division.

Detroit Edison Company, Comcast Cablevision and Michigan Bell  
Telephone Company made this agreement with Lombardo Enterprises,  
Inc., Antoinette Lombardo, President, the developer of Heritage  
Place North Condominiums, Phase 5.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 93442

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Serving Customers

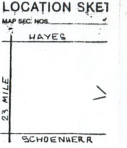
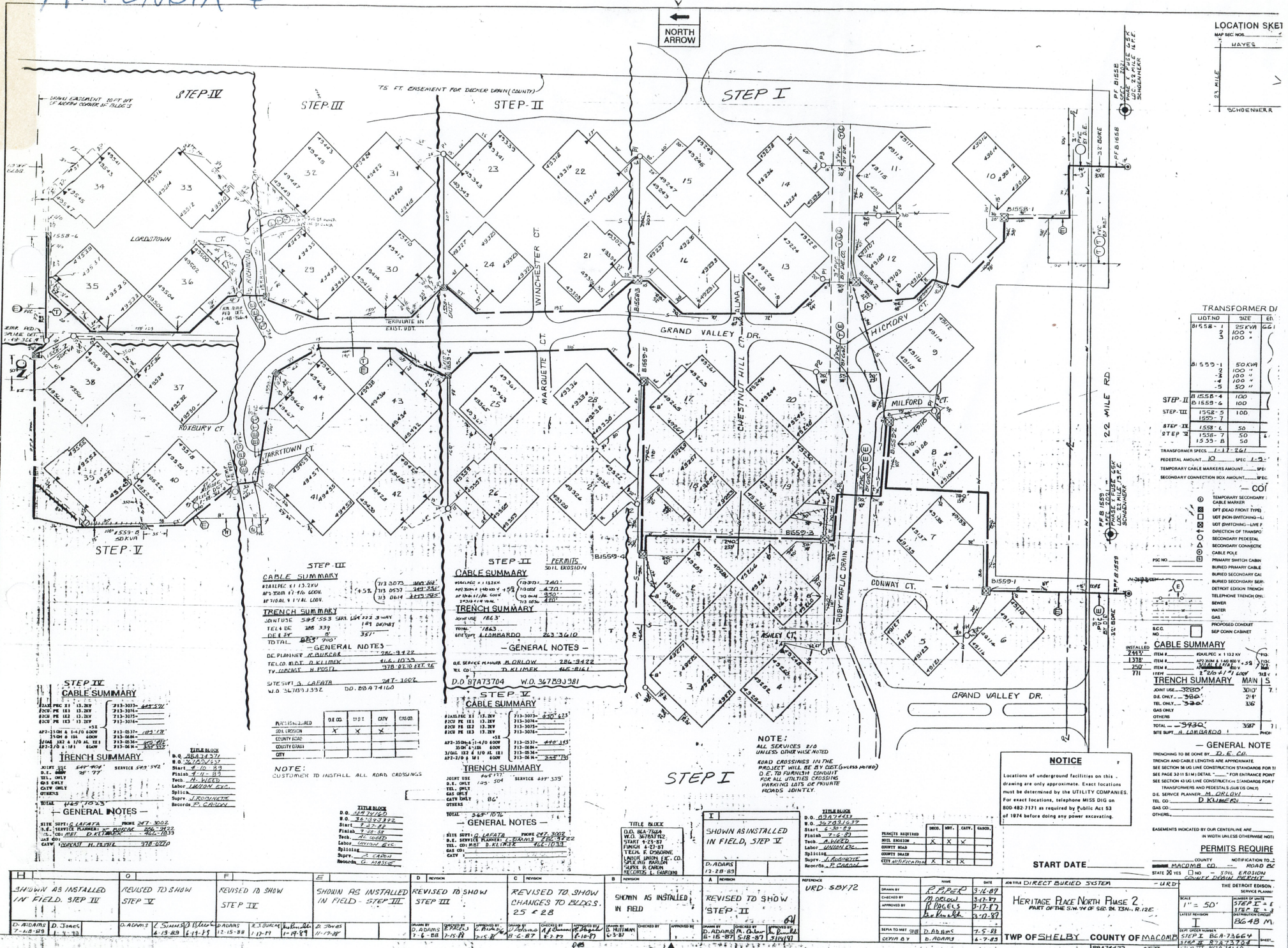
*We're all a part of it!*

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# APPENDIX B

RECORDED RIGHT OF WAY NO. 42440



**STEP III  
CABLE SUMMARY**  
 RESILITE 11 13.25V  
 #150M 11 16.00V  
 #170M 9 17.00V

**TRENCH SUMMARY**  
 JOINT USE 3.87 553 SAK 154'22.2 3 WAY  
 TEL. DC 288 339 181 04/24/87  
 DIELECT. 357  
 TOTAL 287 700

**GENERAL NOTES**  
 DC PLANNER: R. DUSKER 286-3422  
 TEL. CO. MGR: D. KLIMEK 466-1033  
 TV. SUPERV. H. POST 418-0232

SITE SUPV: A. LAPEIRA W.D. 367-1002  
 W.O. 36-10393352 DD. DD.9474160

**STEP II  
CABLE SUMMARY**  
 RESILITE 11 13.25V  
 #150M 11 16.00V  
 #170M 9 17.00V

**TRENCH SUMMARY**  
 JOINT USE 182.3  
 TEL. DC 288 339 181 04/24/87  
 DIELECT. 357  
 TOTAL 287 700

**GENERAL NOTES**  
 DC PLANNER: R. DUSKER 286-3422  
 TEL. CO. MGR: D. KLIMEK 466-1033  
 TV. SUPERV. H. POST 418-0232

SITE SUPV: A. LAPEIRA W.D. 367-1002  
 W.O. 36-10393352 DD. DD.9474160

**STEP IV  
CABLE SUMMARY**  
 RESILITE 11 13.25V  
 #150M 11 16.00V  
 #170M 9 17.00V

**TRENCH SUMMARY**  
 JOINT USE 182.3  
 TEL. DC 288 339 181 04/24/87  
 DIELECT. 357  
 TOTAL 287 700

**GENERAL NOTES**  
 DC PLANNER: R. DUSKER 286-3422  
 TEL. CO. MGR: D. KLIMEK 466-1033  
 TV. SUPERV. H. POST 418-0232

SITE SUPV: A. LAPEIRA W.D. 367-1002  
 W.O. 36-10393352 DD. DD.9474160

**STEP V  
CABLE SUMMARY**  
 RESILITE 11 13.25V  
 #150M 11 16.00V  
 #170M 9 17.00V

**TRENCH SUMMARY**  
 JOINT USE 182.3  
 TEL. DC 288 339 181 04/24/87  
 DIELECT. 357  
 TOTAL 287 700

**GENERAL NOTES**  
 DC PLANNER: R. DUSKER 286-3422  
 TEL. CO. MGR: D. KLIMEK 466-1033  
 TV. SUPERV. H. POST 418-0232

SITE SUPV: A. LAPEIRA W.D. 367-1002  
 W.O. 36-10393352 DD. DD.9474160

**TRANSFORMER DATA**

LD/NO	SIZE	EN
B1558-1	25 KVA	100'
	100"	100"
	50"	50"
B1555-1	50 KVA	100'
	100"	100"
	50"	50"
B1558-4	100	
B1558-5	150	
B1558-7	100	
B1558-8	50	
B1558-9	50	

**STEP II**  
 B1558-4 100  
 B1558-5 150  
 B1558-7 100  
 B1558-8 50  
 B1558-9 50

**STEP III**  
 B1558-4 100  
 B1558-5 150  
 B1558-7 100  
 B1558-8 50  
 B1558-9 50

**STEP IV**  
 B1558-4 100  
 B1558-5 150  
 B1558-7 100  
 B1558-8 50  
 B1558-9 50

**STEP V**  
 B1558-4 100  
 B1558-5 150  
 B1558-7 100  
 B1558-8 50  
 B1558-9 50

FEDESTAL AMOUNT 10 SPEC 1-9  
 TEMPORARY CABLE MARKERS AMOUNT 50  
 SECONDARY CONNECTION BOX AMOUNT 50

- LEGEND**
- TEMPORARY SECONDARY CABLE MARKER
  - OPT DEAD FRONT TYPE
  - ⊘ NOT NON-SWITCHING LI
  - ⊘ NOT SWITCHING LI - F
  - ⊘ DIRECTION OF TRANSPO
  - ⊘ SECONDARY FEDESTAL
  - ⊘ SECONDARY CONNECTION BOX
  - ⊘ CABLE POLE
  - ⊘ PRIMARY SWITCH CABIN
  - ⊘ BURIED PRIMARY CABLE
  - ⊘ BURIED SECONDARY CABLE
  - ⊘ BURIED SECONDARY TRENCH
  - ⊘ DETROIT DESIGN TRAMP
  - ⊘ TELEPHONE TRENCH ONLY
  - ⊘ SEWER
  - ⊘ WATER
  - ⊘ PROPOSED CONDUIT
  - ⊘ SEP COON CABINET

**CABLE SUMMARY**

ITEM #	DESCRIPTION	QUANTITY
1	RESILITE 11 13.25V	11
2	#150M 11 16.00V	11
3	#170M 9 17.00V	9

**TRENCH SUMMARY**

ITEM #	DESCRIPTION	QUANTITY
1	JOINT USE 3.87 553 SAK 154'22.2 3 WAY	1
2	TEL. DC 288 339 181 04/24/87	1
3	DIELECT. 357	1

**NOTICE**  
 Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG at 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

**NOTE:**  
 ALL SERVICES 210 UNLESS OTHERWISE NOTED  
 ROAD CROSSINGS IN THE PROJECT WILL BE BY DOT (GIVEN PERMITS)  
 D.E. TO FURNISH CONDUIT FOR ALL UTILITIES CROSSING PARKING LOTS OF PRIVATE RECORDS JOINTLY.

STEP I

**GENERAL NOTES**  
 CUSTOMER TO INSTALL ALL ROAD CROSSINGS

**TITLE BLOCK**  
 D.D. 02474433  
 W.O. 36-10393352  
 Start 2-22-87  
 Finish 7-28-87  
 Tech. J. J. B. B.  
 Labor: J. J. B. B.  
 Superv: J. J. B. B.  
 Records: J. J. B. B.

**PERMITS**  
 JOINT USE 467177 SERVICE 487333  
 D.E. ONLY 105 504  
 TEL. ONLY 105 504  
 GAS ONLY 105 504  
 GATE DRAIN 105 504  
 TOTAL 348 1076

**PERMITS REQUIRED**

PERMIT	REQD.	INT.	CONV.	VALD.
STREET CLOSURE	X	X	X	X
CONV. ROAD	X	X	X	X
CONV. DRAIN	X	X	X	X
CONV. UNDERGROUND	X	X	X	X

NO.	DESCRIPTION	DATE	BY	APPROVED BY
1	SHOWN AS INSTALLED IN FIELD - STEP I	2-22-87	J. J. B. B.	D. ADAMS
2	REVISED TO SHOW STEP II	3-12-87	J. J. B. B.	D. ADAMS
3	REVISED TO SHOW STEP III	5-17-87	J. J. B. B.	D. ADAMS
4	REVISED TO SHOW CHANGES TO BLDGS. 25 & 28	6-10-87	J. J. B. B.	D. ADAMS
5	SHOWN AS INSTALLED IN FIELD - STEP I	6-10-87	J. J. B. B.	D. ADAMS
6	REVISED TO SHOW STEP II	6-10-87	J. J. B. B.	D. ADAMS

**START DATE**  
 APRIL DIRECT BURIED SYSTEM

**PROJECT**  
 HERITAGE RAZE NORTH PHASE 2  
 PART OF THE S.W. 1/4 OF SEC. 26, T34N., R12E.

**SCALE**  
 1" = 50'

**TWP OF SHELBY COUNTY OF MACOMB**