

Date: February 5, 1992

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 Harbor Club North Apartments being a
part of Private Claim 148, T2N, R14E, Harrison Township,
Macomb County, Michigan.

Attached for Records Center is the executed Right of Way Agreement dated November 1, 1991, and other pertinent papers for the above named project.

Easement for this project was requested by Phillip W. Howard, 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, Haddon Cable Television, Consumers Power and Michigan Bell Telephone Company made this agreement with Harbor Club North Limited Partnership, a Michigan limited partnership the developers of Harbor Club North Apartments.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 42579

To (Supervisor, RE & R/W) M. McCabe	For RE & R/W Dept. Use	Date Received	DE/Bell/C.P. No.
Division Macomb	Date 3-20-91	Application No. MC-P256	

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.

Michael J. McCabe
MAR 25 1991

S. PUTRYCUS
MAY 06 1991

5/6/91

per mike - OK to use legal provided

Information

1. Project Name Harbor Club North	County Macomb
City/Township/Village Harrison Township	Section No. PC-148
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 Milan Brody	Phone No. 961-1466
Address 333 W. Fort	
Owner's Representative Richard Nolan	Phone No. 961-1466
Date Service is Wanted June, 1991	

- 4. Entire Project will be developed at one time 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 Harron CATV	
b. Other Utility Engineer Names Rich Jeroue	Phone Numbers 749-9561
Addresses 55800 New Haven Rd. New Haven, MI 48048	

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner P. W. Howard	Phone No. 286-9417	Signed (Service Planning Supervisor) <i>Scary Rinaldi</i>	Address 138 MDHq
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RECORDED RIGHT OF WAY NO. 48579

**Detroit
Edison**

Macomb Division
15600 Nineteen Mile Road
Clinton Township, Michigan 48044
(313) 228-4000

February 5, 1992

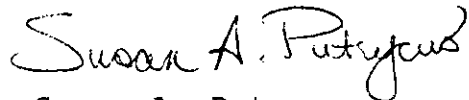
Mr. Richard Nolan
c/o Milan Brody
333 W. Fort
Suite 1400
Detroit, Michigan 48226

Re: Harbor Club North Apartments
Harrison Township, Macomb County, Michigan

Dear Mr. Nolan:

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. 48579

PROJECT NAME HARBOR CLUB NORTH

B658067

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P256

On November 1, 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:

Harbor Club North Limited Partnership, a Michigan limited partnership, 333 West Fort Street, Suite 1400, Detroit, Michigan 8226⁴

"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

Consumers Power Company, a Michigan corporation, 1955 West Parnall Road, Jackson, Michigan 48201

arron Cablevision of Michigan, a Delaware corporation, 55800 New Haven Road, New Haven, Michigan 48843

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:08 P M.

JAN 15 1992

CLERK REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

"Grantor's Land" is in the Township of Harrison, Macomb County, Michigan described as:

PARCEL A

A parcel of land located in and being a part of Private Claim 148, T2N, R14E, being more particularly described as follows: Commencing at a point 291.88 feet North 43 degrees 04 minutes 14 seconds East 211.77 feet North 55 degrees 33 minutes 44 seconds East and 62.82 feet South 51 degrees 39 minutes 26 seconds East from the intersection of the centerline of Jefferson (120 feet wide) and the Northeasterly line of Vandy Street (50 feet wide), and thence extending North 55 degrees 33 minutes 44 seconds East 578.20 feet along the Southeasterly line of Jefferson Avenue (120 feet wide), thence South 51 degrees 39 minutes 26 seconds East 867.82 feet; thence South 82 degrees 12 minutes 04 seconds West 765.94 feet along the approximate shore line of Lake St. Clair; thence North 51 degrees 39 minutes 26 seconds West 508.28 feet to the point of beginning.

PARCEL B

A parcel of land located in and being a part of Private Claim 148, T2N, R14E, being more particularly described as follows: Commencing at a point 291.88 feet North 43 degrees 04 minutes 14 seconds East 789.97 feet North 55 degrees 33 minutes 44 seconds East and 62.82 feet South 51 degrees 39 minutes 26 seconds East from the intersection of the centerline of Jefferson Avenue (120 feet wide) and the Northeasterly line of Vandy Street (50 feet wide) and thence extending along the Southeasterly line of Jefferson Avenue (120 feet wide) North 55 degrees 33 minutes 44 seconds East 234.34 feet along a curve (radius = 191.50 feet) concave to the South, whose long chord bears South 86 degrees 54 minutes 45 seconds East 233.29 feet, and along a curve (radius = 314.50 feet) concave to the North, whose long chord bears South 64 degrees 53 minutes 43 seconds East 210.06 feet; thence leaving said Southeasterly line of Jefferson Avenue, South 47 degrees 39 minutes 32 seconds East 702.39 feet; thence South 68 degrees 05 minutes 08 seconds West 184.17 feet and South 81 degrees 58 minutes 38 seconds West 292.76 feet along the approximate shore line of Lake St. Clair; thence North 51 degrees 39 minutes 26 seconds West 867.82 feet to the point of beginning.

PARCEL C

A parcel of land located in and being a part of Private Claim 148, T2N, R14E, being more particularly described as follows: Commencing at a point 291.88 feet North 43 degrees 04 minutes 14 seconds East 211.77 feet North 53 degrees 33 minutes 44 seconds East and 571.10 feet South 51 degrees 39 minutes 26 seconds East from the intersection of the centerline of Jefferson Avenue (120 feet wide) and the Northeasterly line of Vandy Street (50 feet wide) and thence extending along the approximate

RECORDING RIGHT OF WAY NO. 42579

Handwritten marks and scribbles at the bottom left corner.

shore line of Lake St. Clair, North 82 degrees 12 minutes 04 seconds East 765.94 feet, North 81 degrees 58 minutes 38 seconds East 292.76 feet and North 68 degrees 05 minutes 08 seconds East 184.17 feet; thence leaving said shoreline South 47 degrees 39 minutes 32 seconds East 60.00 feet; thence South 04 degrees 08 minutes 54 seconds West 439.19 feet; thence North 85 degrees 51 minutes 06 seconds West 990.43 feet along the Southerly line of Private Claim 148; thence North 51 degrees 39 minutes 26 seconds West 311.50 feet to the point of beginning.

The "Right of Way Area" is a part of Grantor's Land 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.
- 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:

Richard Nolan

Richard Nolan

[Signature]

EDWIN T GRAY II

Grantor:

[Signature]
HARBOR CLUB NORTH LIMITED PARTNERSHIP
EMI limited partnership
E. RONALD MILAN, gen. partner

Prepared by and Return to:

Susan A. Putrycus
15600 - 19 Mile Road
Mt. Clemens, MI 48044

Acknowledged before me in Macomb County, Michigan, on November 1, 1991 by E. Ronald Milan, of Detroit, MI

general partner of Harbor Club-North limited Partnership, a MI limited partnership

[Signature]

HELEN POULIOT
NOTARY PUBLIC-WAYNE COUNTY, MICH.
MY COMMISSION EXPIRES 11-25-91

RECORDED RIGHT OF WAY NO. 48579