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**Detroit Edison**

**PROJECT NAME**

RUDGATE EAST MANUFACTURED HOUSING COMMUNITY, PHASE III

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P568**

On October 31, 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:**

Rudgate East II, Limited Partnership, a Michigan Limited Partnership, 201 W. Big Beaver, Troy Michigan, 48084

RECORDED IN MACOMB COUNTY RECORDS AT: 2:02 P.M.

JAN 15 1992

RECORDED IN MACOMB COUNTY RECORDS AT: 9:11 A.M.

NOV 15 1991

**"Grantee" is:**

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan, Detroit, Michigan 48226

Comcast Cablevision, a Delaware Corporation, 6065 Wall St, Sterling Heights, MI 48077

**"Grantor's Land" is in Wash Twp, Macomb County, Michigan described as:**

A parcel of land located in and being a part of the Northeast 1/4 of Section 34, T4N, Range 12 East, and being more particularly described as: Commencing at the North 1/4 Post of said Section 34, thence North 88 degrees 13 minutes 33 seconds East 36.96 feet along the North line of said Section 34, thence South 02 degrees 27 minutes 30 seconds East 570.25 feet to a point of a curve; thence along the arc of a curve to the right, 735.50 feet, said curve having a radius of 28797.80 feet, and a central angle of 01 degrees 27 minutes 48 seconds and whose long cord bears South 01 degrees 43 minutes 36 seconds East 735.48 feet to the point of beginning; thence North 88 degrees 23 minutes 30 seconds East 661.25 feet; thence South 0 degrees 46 minutes East 1316.06 feet, thence South 88 degrees 25 minutes West 661.00 feet along the East and West 1/4 line in said Section 34, thence North 0 degrees 46 minutes West 1200.89 feet to a point of curve; thence along the arc of a curve to the left 114.76 feet, said curve having a radius of 28797.80 feet, and a central angle of 0 degrees 13 minutes 42 seconds and whose long chord bears North 0 degrees 59 minutes 42 seconds West 114.76 feet to the point of beginning. (OVER)

The "Right of Way Area" is a part of Grantor's Land described as: a ten (10) foot easement

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.

Being Re-Recorded to remove Comcast Cablevision from this document.

RECORDED RIGHT OF WAY NO. 42633

Together with an easement of Right of Way across the South 1/2 of the Northeast 1/4 of Section 34, T4N, R12E, and being more particularly described as: Eastment and Right of Way, 66 feet in width, for ingress and egress and Public Utility Purposes, whose centerline is described as beginning at a point South 0 degrees 46 minutes East 393.00 feet from the Northeast corner of the above described 19.966 acre parcel thence running North 88 degrees 23 minutes 30 seconds East to the East line of Section 34, being the centerline of Jewell Road.

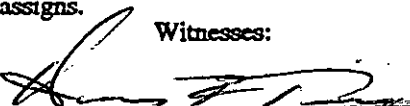
also part of the Northeast 1/4 of Section 34, T4N, R12E, Washington Township, Macomb County, Michigan, being more particularly described as follows: Beginning at a point which is South 00 degrees 39 minutes 52 seconds West 1315.06 feet along the East line of Section 34 from the Northeast corner of Section 34, T4N, R12E, thence South 00 degrees 39 minutes 52 seconds West 784.22 feet along the East line of Section 34, thence North 89 degrees 26 minutes 13 seconds West 620.50 feet; thence South 00 degrees 39 minutes 52 seconds West 528.00 feet; thence North 89 degrees 26 minutes 13 seconds West 1179.26 feet along the East and West 1/4 line of Section 34; thence North 01 degrees 29 minutes 04 seconds East 1311.05 feet; thence South 89 degrees 28 minutes 49 seconds East 1781.00 feet to the point of beginning.

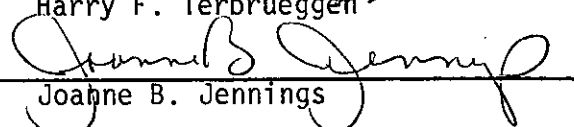
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- 2. Access: Grantee has the right of access to and from the Right of Way Area.
- 3. Buildings or other Permanent Structures: No buildings or other permanent structures shall be placed in the Right of Way Area without Grantee's prior written consent.
- 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:

Grantor:

x   
 Harry F. Terbrueggen

x   
 Joanne B. Jennings

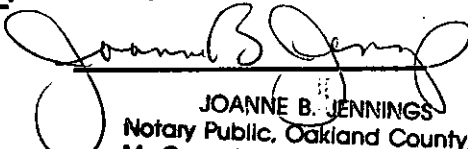
RUDGATE EAST II LIMITED PARTNERSHIP  
 a Michigan Limited Partnership

BY:   
 Graham A. Orley  
 General Partner

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

201 W. Big Beaver  
 Troy, MI 48084

Acknowledged before me in OAKLAND County, Michigan, on October 31, 1991 by Graham A. Orley  
General Partner of Rudgate East II Limited Partnership, a Michigan Limited Partnership.

  
 JOANNE B. JENNINGS  
 Notary Public, Oakland County, MI  
 My Commission Expires Jan. 9, 1995

ORDERED RIGHT OF WAY NO. 428633

Date: November 27, 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 Rudgate East Manufactured Housing Community,  
Phase III, being part of the Northeast 1/4 of Section 34, T4N,  
Range 12 East, Washington Township, Macomb County, Michigan

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

Easement for this project was requested by Michael Demchak, 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 Rudgate East II Limited Partnership, the developers of Rudgate East Manufactured Housing Community, Phase III.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 42633