

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-R094

PROJECT NAME AUTUMN WOODS CONDOMINIUMS

On December 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:

Autumn Woods Development Company, a Michigan corporation, 51249 Washington, New Baltimore, Michigan 48097

"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 W. Parnall Road, Jackson, Michigan 49201

Harron Cablevision of Michigan, a Delaware corporation, 55800 New Haven Road, New Haven, Michigan 48048

"Grantor's Land" is in Chesterfield Township, Macomb County, described as:

Parcel 1:

The West 1/2 of the following described land: A parcel of land located in and being a part of the northwest 1/4 of Section 22, T3N, R14E, and being more particularly described as follows: Commencing a point 318.40 feet East of the Northeast corner of Supervisors Plat No. 16, part of the northeast 1/4 of Section 21 and part of the northwest 1/4 of Section 22, T3N, R12E, according to the plat thereof as recorded in Liber 18, Page 37 of Plats, Macomb County Records, and thence extending East 318.40 feet along the Northerly section line; thence South 0°03' East 1368.00 feet; thence West 318.40 feet; thence North 0°03' West 1368.00 feet to the point of beginning, except the northerly 87 feet taken for highway.

Parcel 2:

The East 1.2 of a parcel of land located in and being a part of the northwest 1.4 of Section 22, T3N, R14E, described as: Commencing at a point 318.40 feet east of the northeast corner of Supervisor's Plat No. 16, according to the plat thereof as recorded in Liber 18, Page 37 or Plats, Macomb County Records; and thence extending East 318.40 feet along the northerly section line; thence South 0°03' East 1368.0 feet; thence West 318.40 feet; thence North 0°03' West 1368.0 feet to the point of beginning, except the northerly 87 feet taken for highway.

Parcel 3:

Part of the Northwest 1/4 of Section 22, T3N, R14E, being described as: Commencing at the Northeast corner of Supervisor's Plat No. 16, as recorded in Liber 18, Page 37 of Plats, Macomb County Records; thence East 159.20 feet along the North line of Section 22, (as previously surveyed and platted); thence South 0°30'18" East (previously recorded as South 0°03'00" East) 500.63 feet to the point of beginning; thence East 159.20 feet parallel with said North line of Section 22; thence South 0°30'18" East, (previously recorded as South 0°03'00" East) 867.37 feet; thence West 159.20 feet parallel with said North line of Section 22; thence North 0°30'18" West (previously recorded as North 0°03'00" West) 867.37 feet to the point of beginning.

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

RECORDED RIGHT OF WAY NO. 42657

9

1. Purpose: The purpose of this Right of Way is to construct, reconstruct, modify, add, operate and maintain utility line facilities consisting of poles, guys, anchors, wire manholes, conduits, pipes, cables, transformers and accessories.

LIBER 05325/199

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.

STATE OF MICHIGAN
COUNTY OF MACOMB

Autumn Woods Development Company,
a MI corp.
Grantor: (type or print name below signature)

Witnesses: (type or print name below signature)

Deborah A. Bauer
Deborah A. Bauer

Bart Bauer
Bart Bauer, President

Patricia M. Bauer
Patricia M. Bauer

Gerald J. Peck
Gerald J. Peck, Vice-President.

RECORDED IN MACOMB COUNTY
RECORDS AT: 9:05 AM

FEB 11 1992

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

STATE OF MICHIGAN
COUNTY OF MACOMB
Acknowledged before me in Macomb County, Michigan, on

December 31, 1991

by Bart Bauer and Gerald J. Peck the President + Vice-President

of Autumn Woods Development Company a Michigan corporation, for the corporation.

Notary's Stamp Macomb County

Notary's Signature Deborah A. Bauer

Prepared by and Return to: Susan A. Putrycus; 15600 - 19 Mile Road; Mt. Clemens, MI 48044 My Commission Expires: 9/26/92

RECORDED RIGHT OF WAY NO. 42057

RECORDED RIGHT OF WAY NO. 42657

Date: March 2, 1992
To: Record Center
2310 WCB
From: Michael J. McCabe *MJM*
Sr. Real Estate and R/W Rep.
Macomb Division
Subject: Right of Way Agreement for Underground Residential
Distribution for Autumn Woods Condo's, located in
the West 1/2 of the Northwest 1/4 of Section 22,
T2N, R14E, Chesterfield Township, Macomb County,
Michigan.

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

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

Detroit Edison, Michigan Bell Telephone Company, Consumers Power Company, Harron Cablevision of Michigan made this agreement with Autumn Woods Development Company, a Michigan corporation the developers of Autumn Woods Condominiums.

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

MJM/sp
Attachments



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

March 2, 1992

Mr. Robert Bauer
Bauer Builders
51249 Washington
New Baltimore, Michigan 48097

Re: Autumn Woods Condo's
Chesterfield Township, Macomb County, Michigan

Dear Mr. Bauer:

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 R/W
Macomb Division

SP/ms
Enclosure

RECORDED RIGHT OF WAY NO.

42657

