RECORDED RIGHT OF WAY NO. 42657



# 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.

1. Purpose: The purpose of this Right of way is to construct, reconstruct, modify, add to consisting of poles, guys, anchors, wire anholes, conduits, pipes, cables, transforme

perate and maintain utility line facilities and accessories.

um 05325M199

My Commission Expires: 9/26/92

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.

| 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 MICHAGAN                                | AUTUMIN WOODS Development Company                                   |
|   | a MI corp.  |
| Witnesses:(type or print name below signature)                | Grantor: (type or print name below signature)                       |
| Roboal a Kriur  | A X   |
| Deboral A. Bauer  | BART BALLEY, President  |
| $\mathcal{L}$ $\mathcal{L}$                                   |   |
| Patricia/1. Daner   | (Hack Cock  |
| Patricia M. Bauer   | BERGER J. PECK, VICE-PRESIDENT.                                     |
|   | RECORDED IN MACOMB COUNTY   |
|   | RECORDS AT: 9:05AM  |
|   | FEB 1 1 1992  |
|   |   |
|   | Ed ma Will  |
| STATE OF MICHIGAN ?<br>COUNTY OF MACINE?                      | Clerk Register of Deeds<br>Macomb County, Michigan                  |
| Acknowledged before me in Macomb County, Michigan, on         | December 31 ,1991   |
| byBart Bauer and Gerald J. Peck                               | the President + VICE-President                                      |
| of Autumn Woods Development Company                           | D. W. L   |
| Or Moteum woods bevelopment company                           | Michigan corporation, for the corporation.                          |
| Notary's Mar t A  | Notary's  |
| Stamp / acons Country   | Signature Will Garage   |

Prepared by and Return to: Susan A. Putrycus; 15600 - 19 Mile Road; Mt. Clemens, MI 48044

CORDED RIGHT OF MAY NO. 1265

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



# Application for U.R.D. Expenses

DE 963-5145 9-73CS (88 11

| To (Supervisor, RE & R/W)  | FOR RE & RIW DOOR USE<br>ME-0 298 | Date Received   | DE/BeNG.P. No.                          |
|--|-----------------------------------|-----------------|---|
| Ovision  | Date                              | Application No. |   |
| MACOMB   |                                   | MC-RO94         | •                                       |
| We have included the following necessary material and informatio             | n:                                |                 |   |
| Material:  |                                   |                 |   |
| A. Proposed Subdivision  | -                                 |                 | ,                                       |
| copy of complete final proposed plat - All pages                             | <u>.</u>                          |                 | 2                                       |
| or   | .•                                |                 | Ġ.                                      |
| B. Other than proposed subdivision (condo., apts. mobile home p              | ark .                             | S. PÚTRY        | (CUS                                    |
| - other)   |                                   |                 | (003                                    |
| Property description.  | ·                                 | <u>.</u>        |   |
| 2. Site plan.  |                                   | MAAGA           | 1991 🛱                                  |
| 3. title information (deed, title commitment, contract with title            |                                   |                 | 199 <b>1</b>                            |
| commitment, or title search).  |                                   | •               | -                                       |
| Note: Do not submit application for URD easements until all above            |                                   |                 | OF                                      |
| material has been acquired.  |                                   |                 | . ₹                                     |
| Information -  |                                   | 10              | 7                                       |
| 1. Project Name  | _                                 | County          | . 3                                     |
| AUTUMN WOODS CONDO   | Σ                                 | MICOMB          |   |
| City/Township/Village /  | -                                 | Section No.     | 1                                       |
| L NESTERFIELD  |                                   | ;               | 2                                       |
| Type of Development  |                                   | <b>—</b> .      | (C)                                     |
| Proposed Subdivision Apartment C   | omplex                            | - Condominium   | 4.                                      |
| Subdivision Mobile Home  | Park                              | Other           |   |
| 2. Name of Owner   |                                   | Phone No.       | • |
| RAVER RUTIDERS (RUS BAUE   | ァ <u>、</u> )                      | 725.2331        | •                                       |
| Address  |                                   |                 |   |
| 51249 WASJENSTON NEW B   | ULTIMORE, NII.                    | 18047           |   |
| Owner's Representative   |                                   | Phone No.       |   |
| BOR OR BRID BAVER  | -                                 | 72.5-237        | •                                       |
| Date Service is Wanted   |                                   |                 |   |
|  |                                   |                 |   |
| A. Carlos Decimals will be advantaged at any discount                        |                                   |                 | Yes — No                                |
| 4. Entire Project will be developed at one time                              |                                   |                 | Lifes — Lino                            |
| 5. Joint easements required — Michigan Bell Telephone                        |                                   |                 | ☑ Yes □ No                              |
| ./   |                                   |                 | 42 Yes \( \square\) No                  |
| — Consumers Power  |                                   |                 | LINO                                    |
| a. Name of Other Utilities II Not Michigan Bell Telephone or Consumers Power |                                   |                 |   |
| HIRRON CARLEVISON OF MII   | CHIGAN                            |                 | •                                       |
| b. Other Utrity Engineer Names   |                                   | Phone Numbers   |   |
| RICIZ VEROVE   |                                   | 749-956         | J                                       |
| Addresses  |                                   |                 |   |
| SSXOD NEW HAVEY RD_  |                                   |                 |   |
|  |                                   |                 |   |
| NEW NAVEN, MT. 92092   | • .                               |                 |   |
| 6. Additional Information or Comments  |                                   |                 | · · · · · · · · · · · · · · · · · · ·   |
|  |                                   |                 | ,                                       |
|  |                                   |                 |   |
| •  |                                   |                 |   |
|  |                                   |                 |   |
|  |                                   |                 |   |
|  |                                   |                 | ,                                       |
| Note: Trenching letter attached will be submitted late                       | er                                |                 | 1                                       |
| Service Planner  | Signed (Service Planning Sup      | ervisor)        |   |
| C.MIDATX   | 1                                 |                 | -                                       |
| C, M N D D D A Address   |                                   | Į.              |   |
|  |                                   | Ī               | i                                       |
|  |                                   |                 |   |