

Detroit Edison

Real Estate and Rights of Way

Joint Underground Residential Distribution
Right of Way Agreement

B643989

MARCH 1, 1989

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 a Michigan

corporation of 6065 Wall Street, Sterling Heights, MI 48077 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 City of Fraser, 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 Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 1:26 P.M. APR 4 1989
Edna Miller
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 42664-

Being Re-Recorded to include Appendix "A"

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:

Grantors:

x Caron Bondak
CARON BONDAK
x Sheyl DelGreed Maryanski
SHEYL DELGREED MARYANSKI

Douglas L. Davis
Mrs. JOAN L. Davis, wife
Antonio Giannola
A SINGLE MAN
Michele Biundo
Mrs. Maria Biundo, wife
35086 CORDELIA
MT Clemens, Mich 48043

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

13

Acknowledgement-Individual

STATE OF MICHIGAN

County of MACOMB)SS

LIBER 05264PG910

On this 1ST day of MARCH, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by DOUGLAS L. DAVIS + JOAN L. DAVIS, WIFE + ANTONIO GIANNOLA, A SINGLE MAN

Michael J. McCabe
Notary Public, _____ County, Michigan

My commission expires _____

MICHAEL J. McCABE
Notary Public, Macomb County, MI
My Commission Expires Mar. 9, 1992

Acknowledgement-Individual

STATE OF MICHIGAN

County of MACOMB)SS

On this 1ST day of MARCH, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by MICHELE BIUNDO + MARIA BIUNDO WIFE

Michael J. McCabe
Notary Public, _____ County, Michigan

My commission expires _____

MICHAEL J. McCABE
Notary Public, Macomb County, MI
My Commission Expires Mar. 9, 1992

RECORDED RIGHT OF WAY NO. 42664

Acknowledgement-Corporation

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 _____ whose title(s) is /are _____ of _____, a _____ corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan

My commission expires _____

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 _____

(LIBER 4621 PAGE 116)

LIBER 05264 PG 911

APPENDIX "B"

"RICHWOOD ESTATES APARTMENTS", The North 300 feet of Lot 4, Supervisor's Plat No. 2, also the North 300 feet of the East 1/2 of Lot 3, Supervisor's Plat No. 2, as recorded in Liber 17 of Plats, Page 30, of the Macomb County Records.

RECORDED RIGHT OF WAY NO. 4264

Erin Twp
NW 1/4 Sec 4

**Detroit
Edison**

Date: December 17, 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 Richwood Estates Apartments, located in part
of Lot 4, Supervisor's Plat No 2, as recorded in Liber 17 of plats,
Page 30, of the Macomb County Records. *CITY OF FRASER
MACOMB COUNTY MICHIGAN NW 1/4 OF SEC 4*

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

Easement for this project was requested by Richard Mroz,
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 Douglas L. Davis and Joan
Davis, his wife the developers of Richwood Estates Apartments.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 43607

