

Date: April 27, 1992

To: Record Center

From: Michael J. McCabe *MJM*  
Sr. Real Estate & Right of Way Rep  
Macomb Division

Subject: Right of Way Agreement for Underground Residential  
Distribution for Springbrook Est Mobil Home Park, Ph 2,  
located in part of the Southeast 1/4 of the Southwest  
1/4 of Section 26, T4N, R12E, Bruce Township, Macomb  
County, Michigan

Attached for Record Center is the executed Right of Way  
Agreement dated September 22, 1989 for the above named project.

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

Detroit Edison Company, Harron Cablevision and Michigan Bell  
Telephone Company made this agreement with JIMCAM, James Williams,  
Partner, the developer of Springbrook Est Mobil Home Park, Ph 2.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 42712

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

B693696

LIBER 05393 PG 177

September 22, 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 Harron Cable Television, a Delaware

corporation of 55800 New Haven Rd., New Haven, MI 48048 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 Township of Bruce, 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 ten (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: 9:17A N. APR - 9 1992

Edna M. Hill CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 12:40p M. OCT 26 1989 Edna M. Hill CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 42712

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 Margaret M. Giroux

x Raisa Medvinsky

JIMCAM a Michigan Co-Partnership

James A. Williams Managing Partner

Prepared by: & return to: Susan Putrycus 15600 - 19 Mile Road Mt. Clemens, MI 48044

Address: 380 N. Woodward, Ste 300 Birmingham, MI 48009

Being Re-Recorded to include "Appendix B"

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Acknowledgement-Individual

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

LIBER 05393PG178

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

Acknowledgement-Individual

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 \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

RECORDED RIGHT OF WAY NO. 42712

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 Oakland )SS

On this 22<sup>nd</sup> day of September 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by James A. Williams, the Managing Partner

(a) general/managing partner(s), on behalf of JIMCAM, a Michigan Co- ~~xxx~~ partnership.

Margaret M. Gibson  
Margaret M. Gibson  
Notary Public, Oakland County, Michigan

My commission expires 11-27-89

## APPENDIX "A"

"SPRINGBROOK ESTATES MOBILE HOME PARK, PHASE II", Land in the Township of Bruce, Macomb County, Michigan, described as follows:

PARCEL A: North 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 26, T5N, R12E, Michigan but excepting therefrom a parcel described as: commencing at the South 1/4 post of Section 26; thence N  $00^{\circ}11'50''$  West 617.61 feet along North and South 1/4 line to point of beginning; thence N  $00^{\circ}11'50''$  West 240.0 feet along said line, thence N  $89^{\circ}48'10''$  West 181.50 feet; thence S  $00^{\circ}11'50''$  East 240.0 feet; thence N  $89^{\circ}48'10''$  East 181.50 feet to the point of beginning. Together with an easement for ingress and egress over the Easterly 25 feet of the South 20 acres of Southeast 1/4 of Southwest 1/4 of said Section 26.

PARCEL B: A parcel of land located in a part of the Southeast 1/4 of the Southwest 1/4 of Section 26, T4N, R12E, Michigan being more particularly described as follows: Beginning at a point distant S  $00^{\circ}31'01''$  West 667.02 feet along the West line of said Section 26 and S  $89^{\circ}33'11''$  East 400.0 feet from the West 1/4 corner of said Section 26; thence from said point of beginning S  $89^{\circ}33'11''$  East 2257.99 feet to a point on the North and South 1/4 line of said Section 26 and along said line S  $00^{\circ}11'47''$  East 994.79 feet; thence S  $89^{\circ}48'13''$  West 181.50 feet; thence S  $00^{\circ}11'47''$  East 240.0 feet; thence S  $89^{\circ}48'13''$  West 1155.34 feet; thence N  $00^{\circ}09'58''$  East 376.57 feet; thence N  $60^{\circ}05'13''$  West 1072.38 feet; thence N  $00^{\circ}31'01''$  East 345.64 feet to the point of beginning.

Less and except North 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 26, T5N, R12E, Michigan, but excepting therefrom a parcel described as: commencing at the South 1/4 post of Section 26; thence N  $00^{\circ}11'50''$  West 617.61 feet along North and South 1/4 line to the point of beginning; thence N  $00^{\circ}11'50''$  West 240.0 feet along said line, thence N  $89^{\circ}48'10''$  West 181.50 feet; thence S  $00^{\circ}11'50''$  East 240.0 feet; thence N  $89^{\circ}48'10''$  East 181.50 feet to the point of beginning. Together with an easement for ingress and egress over the Easterly 25 feet of the South 20 acres of Southeast 1/4 of Southwest 1/4 of said Section 26.

RECORDED RIGHT OF WAY NO.

42712

