

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 Hills of Regency Condos, Ph I, located
in part of the Northwest 1/4 of Section 7, T3N, R12E,
Shelby Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated March 17, 1992 for the above named project.

Easement for this project was requested by Anthony Garnatz,
Service Planning, Macomb Division. The Agreement was negotiated
by Michael J. McCabe, Representative, Real Estate and Right of Way,
Macomb Division.

Detroit Edison Company, Comcast Cablevision and Michigan Bell
Telephone Company made this agreement with Michael J. Chirco Develop-
ment Company, Inc., Michael J. Chirco, President, the developer of
Hills of Regency Condos, Ph I.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 437559

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-R245
PROJECT NAME HILLS OF REGENCY CONDOS
PHASE I**

On March 17, 1992, 1992, 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:

Michael J. Chirco Development Company, Inc., a Michigan Corporation, 48645 Van Dyke, Utica, Michigan 48087 and Roy B. Church

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan Corporation, 444 Michigan Ave, Det, MI 48226
Comcast Cablevision, a Delaware Corporation, 6065 Wall Street, Sterling Hgts, MI 48077

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

Part of the Northwest 1/4 of Section 7, T3N, R12E, Shelby Township, Macomb County Michigan, and being more particularly described as follows: Commencing from the Northwest corner of said Section 7, South 89°39'11" East 897.51 feet along the North line of Section 7; also being the centerline of 25 Mile Road to the point of beginning; thence continuing along said centerline of 25 Mile Road South 89°39'11" East 245.43 feet; thence South 26°22' East 721.14 feet; thence South 45°15'09" West 153.46 feet; thence South 14° 06'46" East 62.00 feet; thence South 89°57'34" West 302.74 feet; thence North 02°27'18" West 400.00 feet; thence North 17°18'26" West 126.59 feet; thence North 39°33'43" West 180.93 feet; thence North 00°21'00" East 156.00 feet to the point of beginning.

RECORDED IN MACOMB COUNTY
RECORDS AT: 9:11A

APR - 9 1992

The "Right of Way Area" is a part of Grantor's Land described as:

The exact location of underground equipment must be determined by 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.

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

- 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.
- 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.

RECORDED RIGHT OF WAY NO. 48759

- 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:(type or print name below signature)

Grantor:(type or print name below signature)

x Jeanene A. Henry
Jeanene A. Henry

x William R. Church
William R. Church

x Cindy Simpson
Cindy Simpson

x Mary Simpson
Mary Simpson

MICHAEL J. CHIRCO DEVELOPMENT COMPANY, INC.
a Michigan Corporation

BY: Michael J. Chirco
MICHAEL J. CHIRCO, PRESIDENT

x Roy B. Church
Roy B. Church, SINGLE MAN

RECORDED RIGHT OF WAY NO. 40759

Acknowledged before me in Macomb County, Michigan, on 3-17, 1992 by Michael J. Chirco
the President of Michael J. Chirco Development Company, Inc.
a Michigan Corporation, for the Corporation.

Notary's Stamp _____ Notary's Signature Cindy Simpson
Prepared by and Return to: Cindy Simpson Macomb County Notary
Commission Expires 2-25-95

Acknowledged before me in MACOMB County, Michigan, on 3-9 1992 by Roy B. Church, SINGLE MAN
JEANEANE A. HENRY

Notary's Stamp _____ Notary's Signature Jeanene A. Henry
Notary Public, Macomb County, MI
My Commission Expires June 13, 1994