

Clinton Twp
Sec. 18

**Detroit
Edison**

Date: May 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 Clinton Senior Citizens, located in
part of the Northwest 1/4 of Section 18, T2N, R13E,
Clinton Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated April 9, 1992 for the above named project.

Easement for this project was requested by James Kelly,
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 Clinton Township
Building Authority, James L. Nichols, Chairperson, the Developers
of Clinton Senior Citizens.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 42809

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-R318
PROJECT NAME CLINTON SENIOR CITIZENS**

On April 9, 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:

Clinton Township Building Authority, 40700 Romeo Plank Road, Mt. Clemens, MI 48044

"Grantee" is:

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

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

Part of the Northwest 1/4 of Section 18, Town 2 North, Range 13 East, being described as follows: Beginning at a point on the North line of Section 18; North 89 degrees 07 minutes 00 seconds East 300.00 feet from the Northwest corner of Section 18; thence North 89 degrees 07 minutes 00 seconds East 908.00 feet along the North line of Section 18; thence South 00 degrees 25 minutes 37 seconds West 671.29 feet; thence South 89 degrees 00 minutes 22 seconds West 910.23 feet; thence North 00 degrees 36 minutes 46 seconds East 673.10 feet to the North line of Section 18 and the point of beginning.

RECORDED IN MACOMB COUNTY
RECORDS AT: 3:08 p.m.
APR 29 1992

Edna Hill

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

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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. 42809

- 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.

- 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)

CLINTON TOWNSHIP BUILDING AUTHORITY

X *Ernest O. Hornung*
Ernest O. Hornung

X *Dennis C. Tomlinson*
Dennis C. Tomlinson

BY: *James L. Nichols*
James L. Nichols, CHAIRPERSON

Kathleen A. Justman
Kathleen A. Justman, SECRETARY

Acknowledged before me in Macomb County, Michigan, on 4/9, 1992 by James L. Nichols and Kathleen A. Justman, being the Chairperson and Secretary for the Clinton Township Building Authority.

Notary's Stamp Notary Public - Macomb County, Michigan
My Commission Expires 8-14-93 Notary's Signature

Dennis C. Tomlinson
Dennis C. Tomlinson

Prepared by and Return to:

Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48044

RECORDED RIGHT OF WAY NO.

42809