

APPLICATION FOR RIGHT OF WAY

DE 903-0811 5-7455 (MS 60)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 3-19-92

LOCATION 90, 100 & 112 SEWARD NR. SECOND AVE. APPLICATION NO. D-1331

CITY OR VILLAGE DETROIT DEPT. ORDER NO. A-24519

TOWNSHIP _____ COUNTY WAYNE BUDGET ITEM NO. 2MA0B-MDA

DATE BY WHICH RIGHT OF WAY IS WANTED 4-3-92 INQUIRY NO. _____

THIS R/W IS _____ % OF TOTAL PROJECT NO. _____ ACCUM. _____ % JOINT RIGHT OF WAY REQUIRED YES NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED 6 FT. R/W REQUESTED ON N. PROPERTY LINE OF LOT

6-7 & 8 EXTENDING FROM THE E. PROP. LINE OF LOT 8 161 FT. TO THE W. PROP.

LINE OF LOT 6 ALSO AN ADDITIONAL 13 FT. X 9FT. REQ'D. IN N.W. CORNER OF LOT 9

ADJACENT TO LOT 8 TO COVER EXTENSION FROM EXIST. EQUIPMENT.

PURPOSE OF RIGHT OF WAY _____

TO PROVIDE SERVICE TO CUSTOMERS LOCATED AT 90, 100 & 112 SEWARD.

SIGNED P. J. Warmack

430 SB Service Planning-Canin

OFFICE DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

RECORDED RIGHT OF WAY NO.

PERMITS IN RECORD CENTER _____ R.E. & R/W DEPT. FILE _____ GRANTOR _____

NO. OF PERMITS _____ NO. OF STRUCTURES _____ NO. OF MILES _____ PERMITS TO MBT _____

DATE _____ SIGNED _____

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. D1331 6-12-92
PROJECT NAME: HISTORIC NEW CENTER APARTMENTS

On 6/15/92, 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:

Historic New Center Apartments Limited Partnership, a Michigan limited partnership located at 1575 Lafayette, Suite 203, Detroit, Michigan 48207

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in the City of Detroit, Wayne County, described as:

Lot 6, and east 43.7 feet of Lot 7, and west 6.3 feet of Lot 5 and Lot 8 and the west 2.61 feet of Lot 7 and the east 3.26 feet of Lot 9, Schmidt's Subdivision, as recorded in Liber 19, page 66 of Plats, Wayne County Records.

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

The northerly 6 feet of Grantor's land.

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:

David B. Cade

DAVID B. CADE

Ada Burton

ADA BURTON

Grantor:

HISTORIC NEW CENTER APARTMENTS LIMITED PARTNERSHIP

BY:

Ronald M. Gatton

RONALD M. GATTON

ITS: GENERAL PARTNER

Acknowledged before me in Wayne County, Michigan, on JUNE 5, 1992, 1992 by Ronald M. Gatton, General Partner on behalf of Historic New Center Apartments Limited Partnership, a Michigan limited partnership, for the limited partnership.

CLARICE Y. LARKINS
Notary Public, Wayne County, MI.
My Commission Expires June 27, 1995

Notary's Stamp

Notary's Signature

Clarice Y. Larkins

(Notary's name, county, and date commission expires)

Prepared by and Return to: Michael Venetis, 2310 WCB, 2000 Second Avenue, Detroit, MI 48226/adm

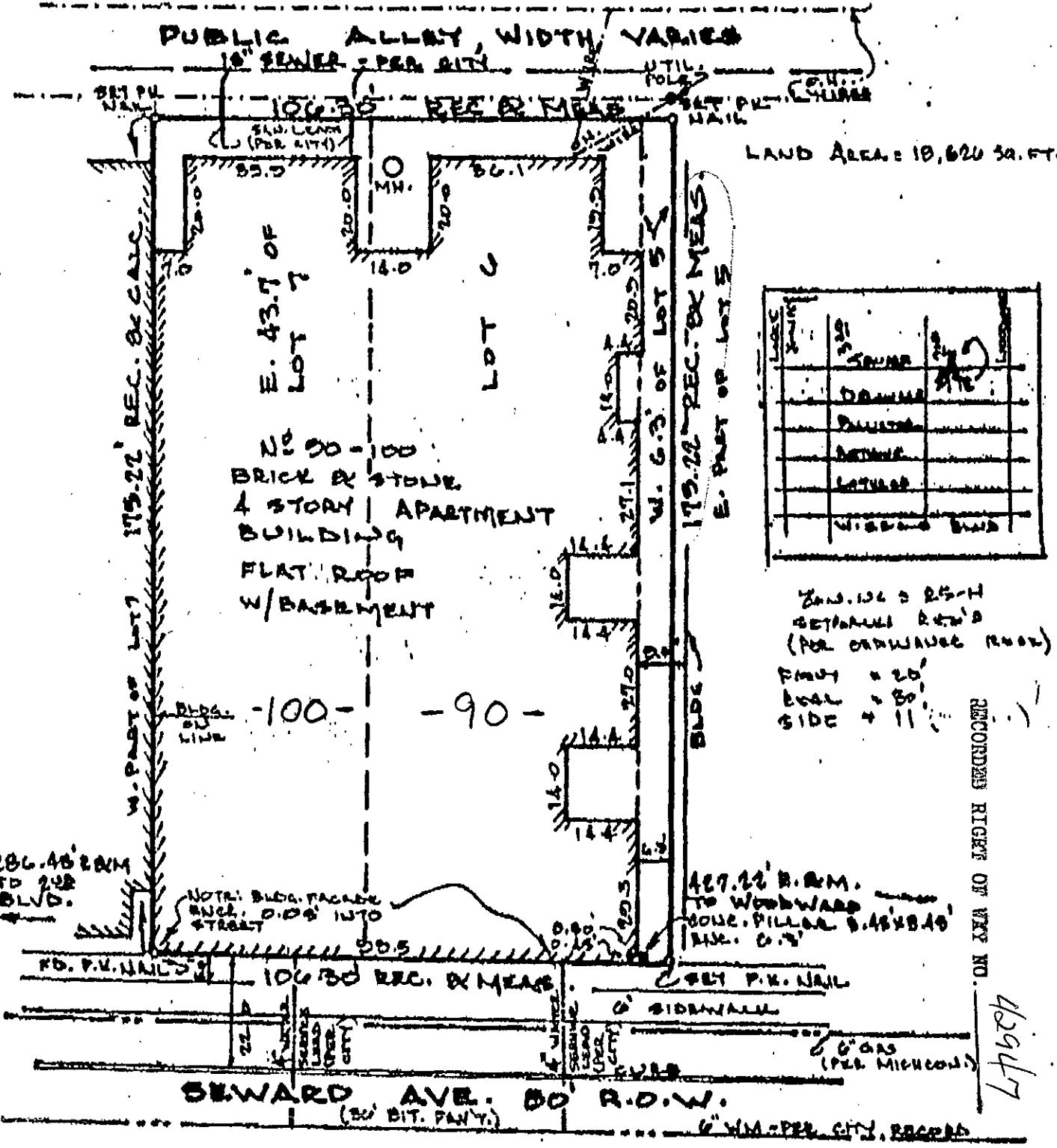
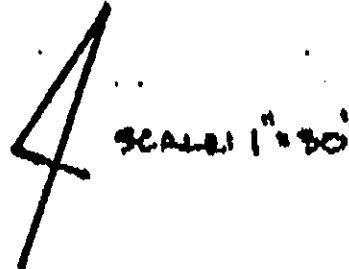
RECORDED RIGHT OF WAY NO. 42947

SM-302001

Owner: Historic New Center Apartments Ltd. Partnership

Date: 6-3-91

Lot 6 and the East 43.7 ft. of Lot 7 and the West 6.3 ft. of Lot 5 - Schmidt's Subdivision of part of 1/4 Section 58, 10,000 A.T., City of Detroit, Wayne County, Michigan. (As recorded in Liber 19 of Plats, Page 88, Wayne County Records).



ALTA - LAND TITLE SURVEY

MASON L. BROWN & SON
INCORPORATED
CIVIL ENGINEERS AND LAND SURVEYORS
1500 Woodward Ave. - 3rd Flr.
DETROIT, MICHIGAN 48226
961-3717

DATE OF SURVEY: 6-3-91
FOR: Historic New Center Apts Ltd P/S
JOB NUMBER: SM-302001

BY *William J. Carlson*
REGISTERED LAND SURVEYOR

