

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-P640  
PROJECT NAME Harbour In The Pines

On 5-27, <sup>1992</sup> 1991, 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:

Lakeview Construction, Inc, a Michigan Corporation, P.O. Box 305, New Baltimore, MI

"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  
Harron Cablevision, a Delaware Corporation, 55800 New Haven Road, New Haven, MI 48048

"Grantor's Land" is in City of New Baltimore, Macomb County, Michigan described as:

See Appendix "A" attached

RECORDED IN MACOMB COUNTY  
RECORDS AT: 11:56A  
JUN 12 1992

*Edna Hill*  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43096

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

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.

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.

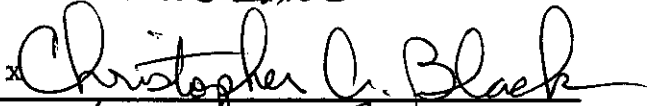
- 4. **Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
- 5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and 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)

  
 \_\_\_\_\_  
 GEORGE LANE

LAKEVIEW CONSTRUCTION, INC.  
 a Michigan Corporation

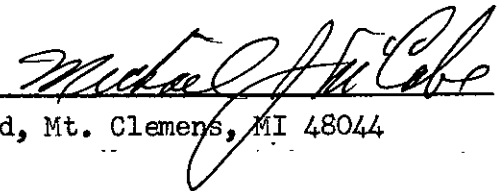
x   
 \_\_\_\_\_  
 CHRISTOPHER C. BLACK

BY:   
 \_\_\_\_\_  
 LARRY SARVER, PRESIDENT

RECORDED RIGHT OF WAY NO. 43076

Acknowledged before me in MACOMB County, Michigan, on 5/27, 1992 by LARRY SARVER, THE PRESIDENT OF LAKEVIEW CONSTRUCTION, INC, A MICHIGAN CORPORATION, FOR THE CORPORATION.

Notary's Stamp MICHAEL J. McCABE  
 Notary Public, Macomb County, MI  
 My Commission Expires Feb. 4, 1996

Notary's Signature 

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48044

**MICHAEL J. McCABE**  
 Notary Public, Macomb County, MI  
 My Commission Expires Feb. 4, 1996

## APPENDIX "A"

Land in the City of New Baltimore, Macomb County, Michigan, described as: Part of Lots 128 and 129, "Assessors Plat No. 5 of part of Private Claim 343 and Fractional Section 24, Town 3 North, Range 14 East, of Part of the Village of New Baltimore," according to the plat thereof as recorded in Liber 15 of Plats page 37, Macomb County Records, and being more particularly described as follows: Commencing at the northwest corner of Lot 129; thence N 46°32'00" East 212.39 feet along the Southeasterly side of Lakeshore Road (Jefferson Road) to the point of beginning; thence continuing N 46°32'00" East 34.12 feet; thence S 15°01'25" East 246.48 feet; thence S 12°02'00" East 197.78 feet; thence S 77°58'00" West 124.00 feet; thence N 12°02'00" West 197.00 feet; thence N 77°58'00" East 94.00 feet; thence N 15°01'25" West 229.45 feet to the point of beginning.

Also Part of Lots 128 and 129, Assessors Plat No. 5, according to the plat thereof as recorded in Liber 15, page 37 of Plats, Macomb County Records, being more particularly described as: Commencing at the Northwest corner of Lot 129; thence North 46 degrees 32 minutes East 116.25 to the point of beginning; thence North 46 degrees 32 minutes East 156.35 feet; thence South 15 degrees 01 minutes 25 seconds East 353.95 feet; thence South 12 degrees 07 minutes 10 seconds East 349.90 feet; thence South 69 degrees 41 minutes 154 feet; thence North 12 degrees 02 minutes West 644 feet to the point of beginning.

-Hesterfield Twp  
P.C. 343

**Detroit  
Edison**

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Date: July 23, 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 Harbour in the Pines Condominiums,  
located in part of P.C. 343 and Fractional Section 24,  
Town 3 North, Range 14 East, City of New Baltimore,  
Macomb County, Michigan.

Attached for Record Center is the executed Right of Way  
Agreement dated May 27, 1992 for the above named project.

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

Detroit Edison Company, Harron Cablevision and Michigan Bell  
Telephone Company made this agreement with Lakeview Construction,  
Inc., Larry Sarver, President, the developer of Harbour in the Pines.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

43076