

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9200879-01
PROJECT NAME MIDDLEBURY MEADOWS SUBDIVISION**

On 6-11, 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:

L & S Development, a Michigan Corporation, 35375 Groesbeck, Mt. Clemens, MI 48043

"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, Detroit, 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 13, T3N, R12E, Shelby Township, Macomb County, Michigan described as: Beginning at the West 1/4 corner of Section 13; thence N. 01°19'30" West 387.64 feet along the West line of Section 13 and the centerline of Schoenherr Road; thence N. 84°06'53" East 980.19 feet; thence S. 05°53'07" East 168.18 feet; thence S. 26°19'32" West 72.40 feet; thence S. 05°05'05" East 170.54 feet; thence S. 84°54'55" West 970.13 feet along the East-West 1/4 line of Section 13 to the point of beginning and containing 8.813 acres and comprising lots numbered 1 thru 21 inclusive.

RECORDED IN MACOMB COUNTY
RECORDS AT: 10569

JUL - 6 1992

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

A ten (10) foot wide easement as shown on the attached plat.

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43161

- 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)

Debra N. Jones

 DEBRA N. JONES

Stan Slanec

 STAN SLANEC

L & S DEVELOPMENT
 a Michigan Corporation
Michael E. Slanec

 Michael E. Slanec, President

Settimo Leone

 Settimo Leone, Vice President

Acknowledged before me in MACOMB County, Michigan, on 6/11, 1992 by MICHAEL E. SLANEC + SETTIMO LEONE,
THE PRESIDENT & VICE PRESIDENT OF L&S DEVELOPMENT, A MICHIGAN CORPORATION FOR
THE CORPORATION

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

Notary's Stamp

Notary's Signature

Michael J. McCabe

Prepared by and Return to:

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

RECORDED RIGHT OF FAX NO. 43161

Date: July 29, 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 Middlebury Subdivision, located in
the Northwest 1/4 of Section 13, Town 3 North, Range
12 East, Shelby Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated June 11, 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 I&S Development, Michael
E. Slanec, President, the developer of Middlebury Subdivision.

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

MJM

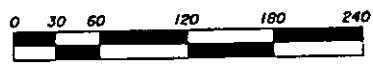
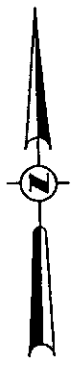
Attachment

RECORDED RIGHT OF WAY NO. 43161

PR 0549610440

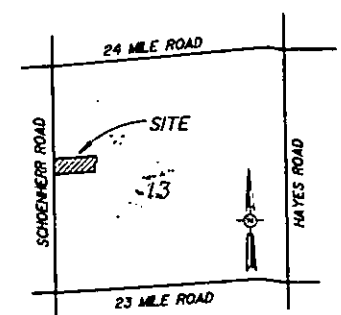
"MIDDLEBURY MEADOWS SUBDIVISION"

PART OF THE N.W. 1/4 OF SECTION 13, T.3N., R.12E.,
SHELBY TOWNSHIP, MACOMB COUNTY, MICHIGAN



SCALE: 1" = 60'

THIS PLAN IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE RECORDED IN LIBER _____ OF RECORDS OF THE COUNTY.



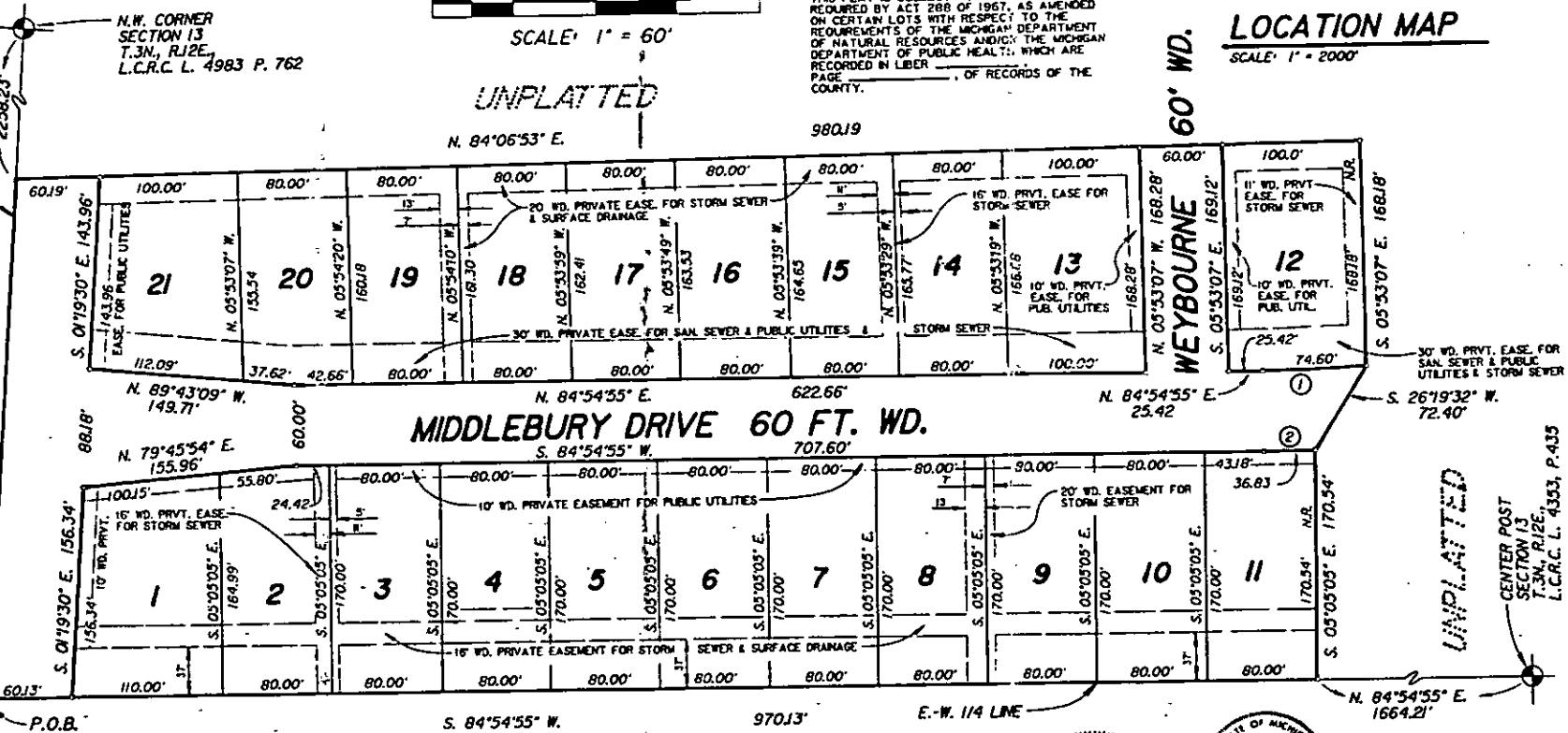
LOCATION MAP

SCALE: 1" = 2000'

UNPLATTED

SCHOENHERR ROAD 120' WD.

WEST 1/4 CORNER SECTION 13 T.3N., R.12E., L.C.R.C. L. 4353, P. 435



WEYBOURNE 60' WD.

UNPLATTED

CENTER POST SECTION 13 T.3N., R.12E., L.C.R.C. L. 4353, P. 435

LEGEND

- ALL DIMENSIONS ARE IN FEET
- ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC
- R - DENOTES RADIAL
- NR - DENOTES NOT RADIAL
- MONUMENTS ARE 1/2" BARS, 3' LONG, ENCASED IN CONCRETE CYLINDERS 4" IN DIAMETER INDICATED THUSLY "•"
- ALL LOT MARKERS ARE 1/2" IRON BARS 18" LONG
- BEARINGS FOR THIS PLAT ARE IN RELATION TO THE BEARING SYSTEM FOR ROYAL FOREST SUBDIVISION NO. 1 AS RECORDED IN LIBER 87, PAGES 38,39,40, & 41 IN THE MACOMB COUNTY RECORDS.

CURVE DATA

NO.	RADIUS	ARC	DELTA	CHORD	CHORD BEARING
1	1191.06'	74.60'	03°35'20"	74.59'	S. 63°07'15" W.
2	1251.06'	36.83'	01°41'12"	36.83'	N. 84°04'19" E.



URBAN LAND CONSULTANTS (313) 731-8030
CIVIL ENGINEERS - PLANNERS - LAND SURVEYORS