

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-R410
PROJECT NAME PLUMBROOK VILLAGE CONDOS, PHASE 6**

On 6/17/92, 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:

Masonic Kelly Plumbrook Joint Venture, 22725 Greater Mack Ave, St. Clair Shores, MI 48080

"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 Heights, MI 48077

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

A parcel of land located in and being a part of the Southeast 1/4 of Section 23, T2N, R12E, City of Sterling Heights, Macomb County, Michigan, and being more particularly described as follows: Commencing at a point 313.60 feet, N.88°30'53" and 102.02 ft, North from the South 1/4 Post of said Section 23, thence extending North 2140.38 ft., to the centerline of the Plumbrook Drain, thence along the centerline of said drain the following courses and distances; S.49°33'20" East 90.74 ft, and S.65°27'10" East 183.21 ft, and N.74°57'50" East 56.47 ft. and S.86°53'00" East 23.29 ft, thence South 2010.66 ft to the Northerly sideline of 16 Mile Road; thence S.88°30'53" West 313.60 ft along said sideline to the point of beginning and containing 15.47 acres of land.

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.

RECORDED IN MACOMB COUNTY RECORDS AT: 10.58A

JUL - 6 1992

- 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.

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MAGOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 4316

- 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 *Dorothy H. Muelhoefer*
 Dorothy H. Muelhoefer

x *Rose A. Grange*
 Rose A. Grange

PLUMBROOK DEVELOPMENT, INC.
 a Michigan Corporation

BY: *Michael J. Mattei*
 Michael J. Mattei
 Treasurer

Acknowledged before me in Macomb County, Michigan, on 6/17, 1992 by Michael J. Mattei, Treasurer of Plumbrook Development, Inc., a Michigan Corporation, for the Corporation.

Macomb County, Michigan
 Dorothy H. Muelhoefer

Notary's Stamp Expires 12/12/95

Notary's Signature

Dorothy H. Muelhoefer

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

RECORDED RIGHT OF WAY NO.

43163

Date: July 30, 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 Plumbrook Village Condos, Phase 6,
located in part of the Southeast 1/4 of Section 23,
Town 2 North, Range 12 East, City of Sterling Heights,
Macomb County, Michigan.

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

Easement for this project was requested by Marcia Romanski,
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 Plumbrook Development,
Inc., Michael J. Mattei, Treasurer, the developer of Plumbrook
Village Condos, Phase 6.

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

MJM

Attachment

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