

B754193

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.
PROJECT NAME FIELDSTONE SUBDIVISION**

On July 24th, 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: *FRASER FIELDSTONE LIMITED PARTNERSHIP BY ITS GENERAL PARTNER*

R & H Industries, Inc., 24055 Jefferson Avenue, Suite 102, St. Clair Shores, Michigan 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 Fraser, Macomb **County, Michigan described as:**

Part of the Southwest 1/4 of Section 31, T2N, R13E, City of Fraser, Macomb County Michigan: Beginning at the West 1/4 corner of Section 31, thence N89°36'29" E 723.40 ft. along the East and West 1/4 line of Section 31; thence S00°03'41" E 1091.84 ft. along ~~the boundary of "Fraser Meadows Subdivision"~~ (Liber 93, Pages 5, 6, 7 and 8 of the Macomb County Records); thence S89°44'29" W 718.83 ft.; thence N00°18'05" W 1095.15 ft. along the West line of Section 31 and the centerline of Hayes Road to the point of beginning. Containing 18.061 Acres and comprising 59 Lots numbered 1 through 59, both inclusive and two private parks.

RECORDED IN MACOMB COUNTY
RECORDS AT: 12:21 p
AUG 14 1992

Edna M. Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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.

- 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.

RECORDED RIGHT OF WAY NO. 43395

- 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)

FRASER FIELDSTONE LIMITED PARTNERSHIP
BY R&H INDUSTRIES, INC.
a Michigan Corporation

x *Anita L. Wagner*
ANITA L. WAGNER

Raif Harik
Raif Harik, President

John E. DeWala
JOHN E. DE WALA

ITS GENERAL PARTNER

RECORDED RIGHT OF WAY NO. 43399

Acknowledged before me in MACOMB County, Michigan, on 7/24, ~~1991~~ ¹⁹⁹² by
RAIF HARIK, PRESIDENT, R&H INDUSTRIES, INC, A MICHIGAN CORP. GENERAL PARTNER OF R&H INDUSTRIES INC.
FRASER FIELDSTONE LIMITED PARTNERSHIP

Subscribed and sworn before me, this 24th day of July, 1992, a Notary Public in and for MACOMB County Michigan.

Anita L. Wagner
(Signature)
NOTARY PUBLIC
My Commission expires 2-13, 1996

Notary's Stamp _____ Notary's Signature _____
Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48044

Clinton Twp
Sec. 31

Detroit
Edison

Date: September 9, 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 Fieldstone Subdivision, located in
part of the Southwest 1/4 of Section 31, Town 2 North,
Range 13 East, City of Fraser, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement date July 24, 1993 for the above named project.

Easement for this project was requested by Jim 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 Fraser Fieldstone Limited
Partnership, Rail Harik, President, the developer of Fieldstone Sub-
division.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 43399

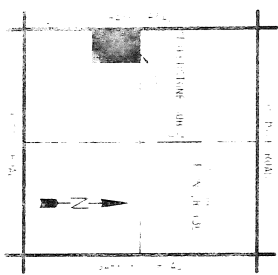
"FIELDSTONE SUB."

PART OF THE SOUTHWEST 1/4 OF SECTION 31, T.2N., R.13E., RECORDED RIGHT OF WAY NO. 43399, CITY OF FRASER, MACOMB COUNTY, MICHIGAN.

PLAT LEGEND

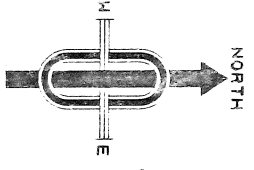
A. The plat is prepared and made in accordance with the provisions of the Michigan Platting Act, Chapter 207, Act No. 210 of the Public Acts of 1907, as amended, and the rules and regulations of the State Board of Public Works, promulgated thereunder.

B. The plat is prepared and made in accordance with the provisions of the Michigan Platting Act, Chapter 207, Act No. 210 of the Public Acts of 1907, as amended, and the rules and regulations of the State Board of Public Works, promulgated thereunder.



LOCATION MAP

NOTE
The right of way shown on this plat is for the use of the public and is not to be used for any other purpose.



CURVE DATA

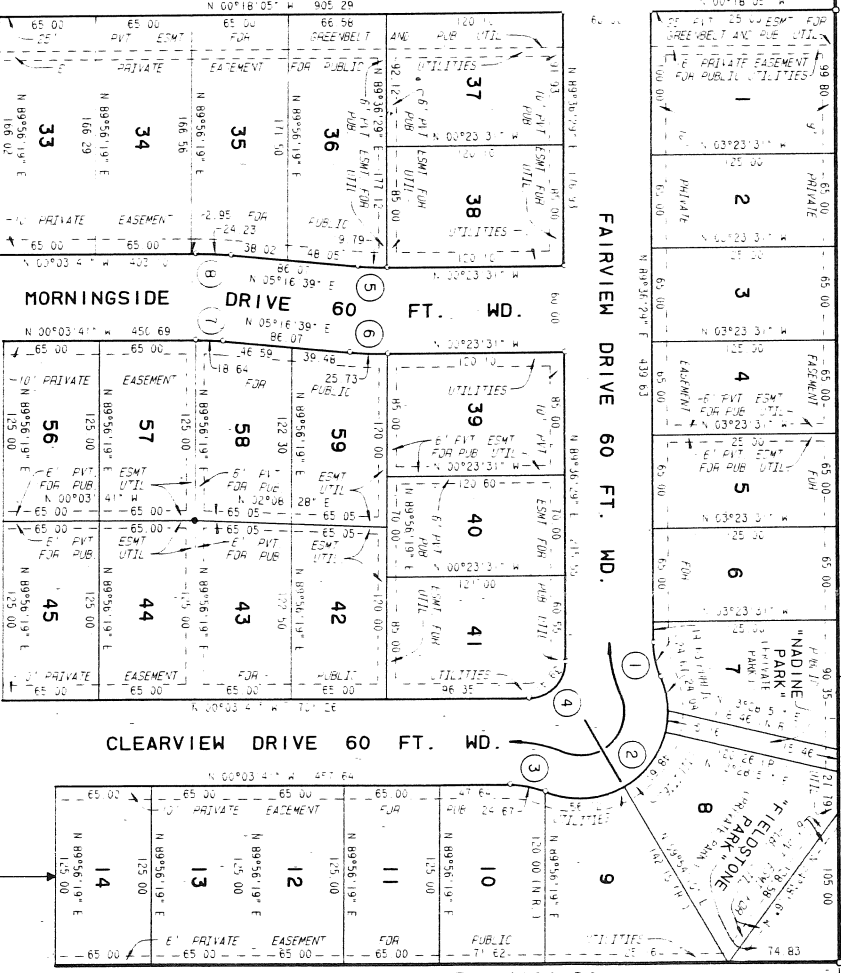
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UNPLATTED

WEST LINE OF SECTION 31 AND CENTER LINE OF HIGHWAY

N 00°18'05" W 1090.15

1/2 HAYES ROAD 60 FT. WD.



POINT OF BEGINNING

WEST 1/4 CORNER OF SECTION 31, T.2N., R.13E., RECORDED RIGHT OF WAY NO. 43399, LIBER 5292, PAGE 723, M.C.R.

UNPLATTED

CENTER POST OF SECTION 31, T.2N., R.13E., RECORDED RIGHT OF WAY NO. 43399, LIBER 5292, PAGE 723, M.C.R.

S 00°03'41" E 1091.84

FRASER MEADOWS PARK NORTH "FRASER MEADOWS SUB." LIBER 535, PAGES 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, M.C.R.

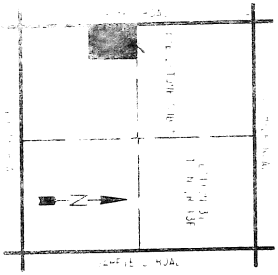
FIELDSTONE SUB.

PART OF THE SOUTHWEST 1/4 OF SECTION 31, T.2N., R.13E.,
CITY OF FRASER, MACOMB COUNTY, MICHIGAN.

RECORDED RIGHT OF WAY NO. 43399

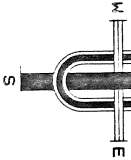
PLAT LEGEND

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR IRON NAILS.
3. ALL LINES ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.
4. ALL UTILITIES ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.
5. ALL EASEMENTS ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.
6. ALL EASEMENTS ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.
7. ALL EASEMENTS ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.
8. ALL EASEMENTS ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.
9. ALL EASEMENTS ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.
10. ALL EASEMENTS ARE TO BE PLACED IN THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.



LOCATION MAP

NOTE:
1. THIS PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE DEEDS REFERENCE TO HEREIN.
2. THE DIMENSIONS OF THE LOTS ARE TO BE MEASURED FROM THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE NOTED.



CURVE DATA

NO.	STATION	CHORD	CHORD BEARING
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2	0+00	147.14	N 10° 00' 00" E
3	0+00	147.14	N 10° 00' 00" E
4	0+00	147.14	N 10° 00' 00" E
5	0+00	147.14	N 10° 00' 00" E
6	0+00	147.14	N 10° 00' 00" E
7	0+00	147.14	N 10° 00' 00" E
8	0+00	147.14	N 10° 00' 00" E
9	0+00	147.14	N 10° 00' 00" E
10	0+00	147.14	N 10° 00' 00" E
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13	0+00	147.14	N 10° 00' 00" E
14	0+00	147.14	N 10° 00' 00" E
15	0+00	147.14	N 10° 00' 00" E
16	0+00	147.14	N 10° 00' 00" E
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19	0+00	147.14	N 10° 00' 00" E
20	0+00	147.14	N 10° 00' 00" E
21	0+00	147.14	N 10° 00' 00" E
22	0+00	147.14	N 10° 00' 00" E
23	0+00	147.14	N 10° 00' 00" E
24	0+00	147.14	N 10° 00' 00" E
25	0+00	147.14	N 10° 00' 00" E
26	0+00	147.14	N 10° 00' 00" E
27	0+00	147.14	N 10° 00' 00" E
28	0+00	147.14	N 10° 00' 00" E
29	0+00	147.14	N 10° 00' 00" E
30	0+00	147.14	N 10° 00' 00" E
31	0+00	147.14	N 10° 00' 00" E
32	0+00	147.14	N 10° 00' 00" E

UNPLATTED

N 00°18'05" W 1090.15

1/2 HAYES ROAD 60 FT. WD.

MORNINGSIDE DRIVE 60 FT. WD.

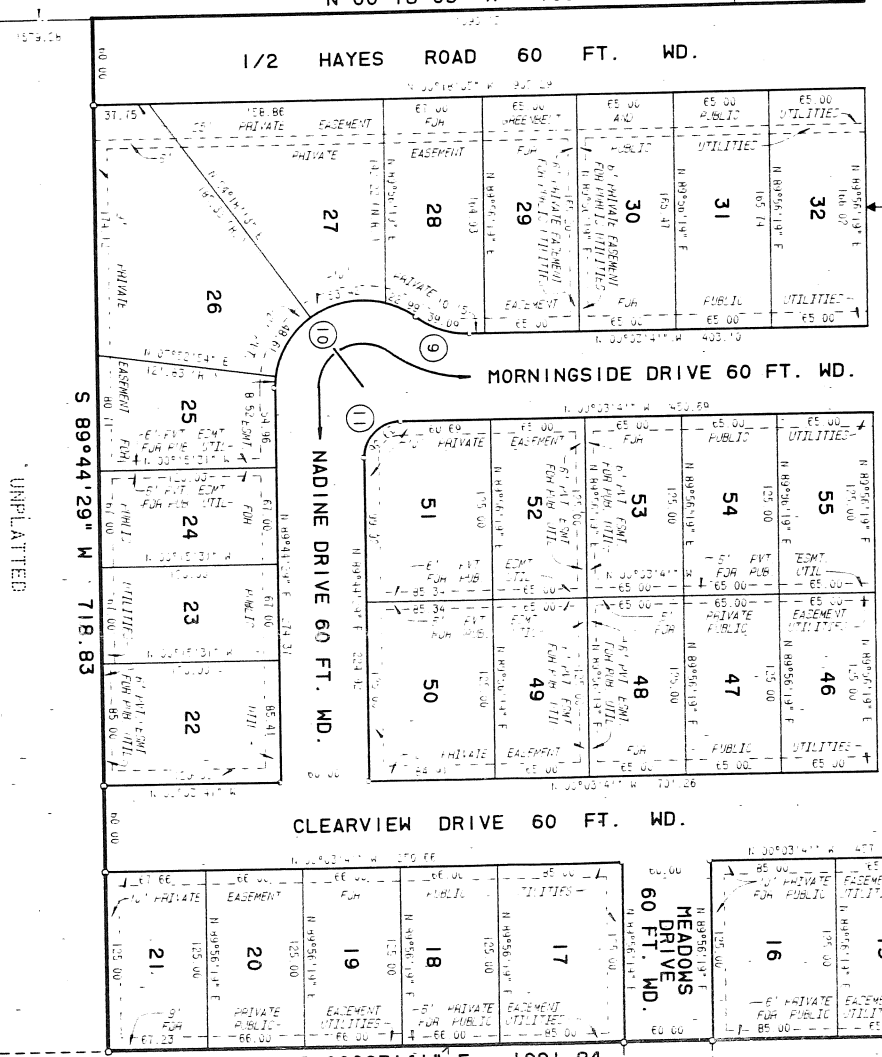
CLEARVIEW DRIVE 60 FT. WD.

HEADOMS DRIVE 60 FT. WD.

S 00°03'41" E 1091.84

FRASER MEADOWS PARK SOUTH

FRASER MEADOWS PARK NORTH



MATCH LINE ON SHEET NO. 1

SOUTHWEST CORNER OF SECTION 31, T.2N., R.13E.,
LIBER 5292, PAGE 724, M.C.R.