

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.

PROJECT NAME NORTH SHORE VILLAS, PHASE 3

On July 27th, 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:

Piku Management Company, a Michigan Corporation, P.O. Box 5979, 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

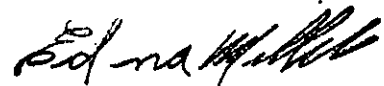
Comcast Cablevision, a Delaware Corporation, 6065 Wall Street, Sterling Heights, MI 48077

"Grantor's Land" is in City of St. Clair Shores ^{Macomb} **County, Michigan described as:**

See "APPENDIX A" attached

RECORDED IN MACOMB COUNTY
RECORDS AT: *12:20p.*

AUG 14 1992



CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO.

43466

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)

x Denise C. Martin
Denise C. Martin

x Douglas J. Moll
Douglas J. Moll

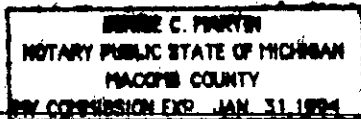
PIKU MANAGEMENT COMPANY
a Michigan Corporation

BY: Chrystem W. Piku
Chrystem W. Piku, President

RECORDED RIGHT OF WAY NO.

43266

Acknowledged before me in Macomb County, Michigan, on 7/27, 1992 by Chrystem W. Piku, President of Piku Management Co., a Michigan corporation.



Notary's Stamp

Notary's Signature

Denise C. Martin
Denise C. Martin

Prepared by and Return to:

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

"APPENDIX A"

Lot 40 and part of Lot 39, Assessor's Plat No. 35, being part of Fractional Section 2 and 11, T1N, R13E., and part of Private Claims 199, 170, 250 and 630, as recorded in Liber 15 of plats, page 26, Macomb County records.

and Lots 263 and 264, and part of Lots 262 and 265, together with vacated Virgin Court adjacent thereto, of "Lake Breeze Sub." as recorded in Liber 4 of plats, pages 98 & 99, Macomb County records, City of St. Clair Shores, Macomb County, Michigan, being more particularly described as follows:

Beginning at the Southwesterly corner of Lot 40 of Assessor's Plat No. 35, also being the intersection of the Northerly line of Masonic Boulevard (76 feet wide) and the Easterly line of Rhode Island Avenue (50 feet wide);
thence N.34°01'32" E. 645.87 feet along said Easterly line of Rhode Island Avenue;
thence S.55°12'55" E. 565.96 feet along the Southerly line of "Merle-Diane Subdivision" (Liber 34, page 33);
thence S.34°31'25" W. 235.00 feet;
thence N.55°28'35" W. 130.00 feet;
thence S. 34°31'25" W. 85.00 feet;
thence N.55°28'35" W. 205.35 feet;
thence S.34°31'25" W. 324.29 feet to the Northerly line of said Masonic Boulevard;
thence N.55°13'00" W. 225.00 feet along said Northerly line to the point of beginning.

Lake Twp
sec. 2 + 11

**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 North Shore Villas, Phase III, located
in part of Frc Sections 2 and 11, Town 1 North, Range 13
East, City of St. Clair Shores, Macomb County, Michigan.

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

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

Detroit Edison Company, Comcast Cablevision and Michigan Bell Telephone Company made this agreement with Piku Management Company, Chrystem W., Piku, President, the developer of North Shore Villas, Phase LLL.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

13466