

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.

PROJECT NAME ROSEWOOD TERRACE CONDOS, PHASE 5

On 7/20, 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:

Walter K. and Patricia A. ^{OK} ~~Winkle~~, husband and wife, 26950 23 Mile Road, ~~Marx-Clermont~~, MI ~~48045~~
Chesterfield 48051

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

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

Lot 12, and part of Lots 13 and 14, Assessor's Plat No. 7, according to the plat thereof as recorded in Liber 17, page 11 of Plats, Macomb County Records, described as: Beginning at the Southwest corner of Lot 14; thence North 0 degrees 30 minutes 00 seconds West 30.00 feet; thence South 89 degrees 23 minutes 13 seconds East 150.00 feet; thence North 0 degrees 30 minutes 00 seconds West 150.00 feet; thence North 89 degrees 23 minutes 13 seconds West 150.00 feet; thence along the Westerly lines of Lots 12 and 13, North 0 degrees 30 minutes 00 seconds West 363.70 feet to the Northwest corner of Lot 12; thence South 89 degrees 22 minutes 00 seconds East 576.11 feet to the Northeast corner of Lot 12; thence South 0 degrees 31 minutes 00 seconds East 543.50 feet to the Southeast corner of Lot 14; thence North 89 degrees 23 minutes 13 seconds West 576.26 feet to the Southwest corner of Lot 14 and the point of beginning.

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.

RECORDED RIGHT OF WAY NO. 43530

- 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.

RECORDED RIGHT OF WAY NO. 43530

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

x *Kurt Hensen*
 Kurt Hensen

x *Janeen Basel*
 Janeen Basel

Walter K. Winkle
 Walter K. Winkle

Patricia A. Winkle
 Patricia A. Winkle, wife

RECORDED IN MACOMB COUNTY
 RECORDS AT: 10:27A
 AUG - 4 1992

Edna Hall
 CLERK - REGISTER OF DEEDS
 MACOMB COUNTY, MICHIGAN

Acknowledged before me in Macomb County, Michigan, on 7/20, 1992 by WALTER K. WINKLE AND PATRICIA A. WINKLE, HIS WIFE.

SUSAN K. COMPTON, NOTARY PUBLIC
 OAKLAND COUNTY, STATE OF MICHIGAN
 MY COMMISSION EXPIRES 09-26-92

SUSAN K. COMPTON, NOTARY PUBLIC
 OAKLAND COUNTY, STATE OF MICHIGAN

Notary's Stamp _____ Notary's Signature *Susan K. Compton*
 Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Clinton Township, MI 48038

Susan K. Compton (Acting in Macomb)

LET. O.
 IRES 199
 XP 26
 ST 08
 PL 01

**Detroit
Edison**

Date: August 31, 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 Rosewood Terrace Condominiums, Phase 5,
located in part of the Northeast 1/4 of Section 35,
Town 5 North, Range 14 East, City of Richmond, Macomb
County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated July 20, 1992 for the above named project.

Easement for this project was requested by Dick Mroz,
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 Walter K. and Patricia
A. Winkle, the developers of Rosewood Terrace Condominiums, Phase 5.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

43630