

CORPORATE REAL ESTATE SERVICES

Date: April 1, 2002

To: Phillip Martin, Records Center

From: Barbara A. Mention, Ext.57846 *jam*

Subject: Encroachment Permit-NE ¼ of Section 11, Shelby Township, Macomb County, Michigan.

Attached is an Encroachment Permit dated June 24, 1997 to Dave and Rhonda Pearson from Detroit Edison Company.

The permit was granted for the purpose of installing a wood deck within a Detroit Edison right of way.

Please incorporate these papers into the appropriate Right of Way File.

R43561



2000 2nd Avenue
Detroit, Michigan 48226-1279

Mr. Dave Pearson
Mrs. Rhonda Pearson
54275 Talon Ct.
Shelby Township, MI 48315

RE: License (Permit) to encroach on an easement that has been granted to Edison

Dear Mr. And Mrs. Pearson:

In reply to your request, the Detroit Edison Company, a Michigan corporation, ("Edison") voluntarily grants you this license (permit) to encroach on an easement that has been granted to Edison. The terms of this permit are as follows:

1. **Personal permit** This permit is personal to you, gives no rights to the public, and gives no rights adverse to Edison.
2. **Description of easements:** Located in the NE 1/4 of Section 11, Shelby Township, Macomb Co., Michigan.
3. **Portion of the easement you are permitted to encroach upon:** Four (4) feet into Edison's easement behind your house at 54275 Talon Court.
4. **Purpose of encroachment:** Construct a wood deck.
5. **Edison's Rights** This permit is subject to Edison's rights to construct, operate and maintain overhead and underground electric transmission, distribution and communication lines and associated structures and equipment ("Edison's facilities") in the easement.
6. **Sole Risk** You must use the land at your sole risk. If your use of the land is impaired, Edison will not to liable to you for any damage.
7. **Indemnity**
 - a. You will indemnify Edison (the company, its officers, agents and employees) for any claims for injuries or damages to persons or property or both arising directly or indirectly out of the use of this permit by you (the person, company or organization, its contractors lessees and licensees). This includes, but is not limited to, claims arising out of your negligence, your and Edison's joint negligence, or any other person's negligence.
 - b. If any claim covered by your indemnity is brought against Edison, you will defend the claim at your expense. You will also pay any costs, charges, expenses, attorney fees or judgments that Edison incurs or is subject to in the claim.
8. **Clearances** You and your contractors must maintain a 20 foot clearance from Edison facilities.

9. **Title** You warrant to Edison that you are the fee owner of the land associated with this permit as of the date of your acceptance of the permit.

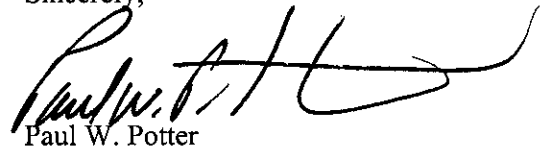
10. **Termination** This permit will terminate if you violate this agreement, or if you violate any applicable laws and regulations, or if you abandon your use for more than 6 months, or if you sell the land associated with this permit. If you sell the land associated with this permit, the new owner must request permission from Edison to continue this permit.

11. Additional Terms

- a. The wood deck shall be no more than 6 feet in height.
- b. Edison retains the right to construct wood pole lines parallel to the wood deck.
- c. Edison will have the right to trim trees within a 30 foot width of the easement line.

If you are willing to accept this permit on the above conditions, please sign and date below the word "accepted" and return the original and one copy to Supervisor of Corporate Real Estate Services, Room 2310 WCB, 2000 Second Avenue, Detroit, Michigan 48226, for signature by Edison. We will then return the completely signed original to you.

Sincerely,




Paul W. Potter

Director, Corporate Real Estate Services

ACCEPTED:

BY:



Rhonda Pearson

DATE: 6-24-97

APPROVED AS TO FORM 6/12/97 DATE
DEPARTMENT SPAA



LIBER 05523PG540

(LIBER 05474PG4)

13-
B748736

(B727078)

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-R123

PROJECT NAME DIEGEL FARMS SUBDIVISION - PHASE I

On 5-28, ¹⁹⁹²~~1991~~, 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:

Nino Homes, Inc., a Michigan corporation, 2001 Crystal Lake Dr., Shelby Township, Michigan 48315

Earl L. Diegel and Mary Diegel, husband and wife, 54355 Schoenherr, Shelby Township, Michigan 48315

RECORDED IN MACOMB COUNTY
RECORDS AT: 11:57A
JUN 12 1992

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226

Comcast Cablevision, a Delaware corporation, 6065 Wall Street, Sterling Heights, Michigan 48077-1860

Edna Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

"Grantor's Land" is in Shelby Township, Macomb County, described as:

Part of the Northeast 1/4 of Section 11, T3N, R12E; commencing at the East 1/4 corner of Section 11; thence North 01°04'12" West 400.00 feet along the East line of Section 11 and the centerline of Schoenherr Road to the point of beginning; thence South 87°37'11" West 1170.29 feet; thence North 41°28'56" East 973.36 feet along the centerline of a ninety (90) foot Detroit Edison easement recorded in Liber 5143, Pages 494 - 496 of the Macomb County Records; thence South 74°51'22" East 158.18 feet; thence South 01°03'38" East 354.33 feet; thence North 87°37'11" East 360.00 feet; thence South 01°04'12" East 300.00 feet along the East line of Section 11 and the centerline of Schoenherr Road to the point of beginning.

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

A twelve (12) foot easement as shown on the attached drawing.

- 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.

Being Re-Recorded to include Appendix A

RECORDED RIGHT OF WAY NO. 43561

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 Connie Scott
Connie Scott

NINO HOMES, INC.
a Michigan Corporation

x Gerald P. Williams
GERALD P. WILLIAMS

BY Michele Lo Chirco
Michele Lo Chirco, PRESIDENT

x James L. Bryant
JAMES L. BRYANT

Earl L. Diegel
Earl L. Diegel

x Louise Pomaski
LOUISE POMASKI

Mary Diegel
Mary Diegel, wife

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

Edna Williams

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43561

Acknowledged before me in Macomb County, Michigan, on May 28, 1992

by Earl L. Diegel and Mary Diegel, his wife

Notary's Stamp **DEBBIE BEELS**
NOTARY PUBLIC - MACOMB COUNTY, MICH.
MY COMMISSION EXPIRES 08-13-94

Notary's Signature Debbie Beels

Acknowledged before me in Macomb County, Michigan, on May 28th, 1992

by MICHELE LO CHIRCO the PRESIDENT

of NINO HOMES, INC., a Michigan corporation, for the corporation.

Notary's Stamp **DEBBIE BEELS**
NOTARY PUBLIC - MACOMB COUNTY, MICH.
MY COMMISSION EXPIRES 08-13-94

Notary's Signature Debbie Beels

Date: July 23, 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 Diegel Farms Subdivision, Located in
part of the Northeast 1/4 of Section 11, Town 3 North,
Range 12 East, Shelby Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way Agreement dated May 28, 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, Comcast Cablevision and Michigan Bell Telephone Company made this agreement with Nino Homes, Inc., Michele LoChirco, President, the developer of Diegel Farms Subdivision.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

43561

