

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-R249

PROJECT NAME SHELBY SENIORS APARTMENTS

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".

RECORDED IN MACOMB COUNTY
RECORDS AT: 12:18p. M.

AUG 14 1992

"Grantor" is:

Shelby Charter Township Building Authority, 52700 Van Dyke, Shelby Township, MI 48316

"Grantee" is:

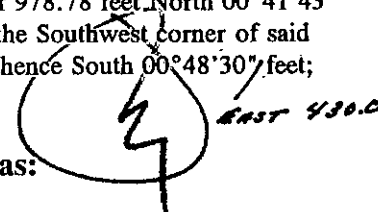
Edna Miller

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 Cable Television, a Delaware corporation, 6065 Wall Street, Sterling Heights, Michigan 48077-1860

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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

Part of the Southwest 1/4 of Section 36, T3N, R12E, described as beginning at a point a distance of 978.78 feet North 00°41'43" West along the west line of said Section 36 and a distance of 283.00 feet North 89°01'14" East of the Southwest corner of said Section 36; thence North 00°41'43" West 430.00 feet; thence North 89°01'14" East 1042.86 feet; thence South 00°48'30" feet; thence South 89°01'14" West 1043.71 feet to the point of beginning.



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

A ten (10) foot easement whereby 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.

RECORDED RIGHT OF WAY NO. 435763

- 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)

Sidney R. Borders
 Sidney R. Borders

Megan Longley
 Megan Longley

Grantor:(type or print name below signature)

John M. LaFata
 John M. LaFata, President

SHELBY CHARTER TWP. BUILDING AUTHORITY
 a MI corp.

Acknowledged before me in Macomb County, Michigan, on July 27th, 1992

by John M. LaFata the President

of Shelby Charter Township Building Authority, a Michigan corporation, for the corporation.

SIDNEY R. BORDERS
 Notary Public, Macomb County, MI
 My Commission Expires Jan. 4, 1994


Notary's
 Signature *Sidney R. Borders*
 Sidney R. Borders

Prepared by and Return to: Susan A. Putrycus, 15600 -19 Mile Road, Mt. Clemens, MI 48044

RECORDED RIGHT OF WAY NO 43563

Date: September 9, 1992

To: Records Center
2310 WCB

From: Susan Putrycus 
Real Estate and Rights of Way Representative
Shelby Service Center

Subject: Right of Way Agreement for Underground
Distribution Agreement for Shelby Seniors
Apartments, located in the Southwest 1/4 of
Section 36, T3N, R12E, Shelby Township, Macomb
County, Michigan.

Attached for Records Center is the executed Right of Way Agreement dated July 27, 1992, and other pertinent papers for the above named project.

Easement for this project was requested by Richard Mroz, Service Planner, Mt. Clemens Service Center. The Agreement was negotiated by Susan Putrycus, Real Estate and Rights of Way Representative, Shelby Service Center.

The Detroit Edison Company, Michigan Bell Telephone Company and Comcast Cable Television made this agreement with Shelby Charter Township Building Authority, a Michigan corporation, the developers of Shelby Seniors Apartments.

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

SP/ms

Attachment

RECORDED RIGHT OF WAY NO. 43563

To (Supervisor, RE & R/W) M. MCCABE	For RE & R/W Dept. Use	Date Received	DE/BE/CP No. A-73750
Division	Date 1-17-91	Application No. MC-E249	

We have included the following necessary material and information:

Material:

A. Proposed Subdivision

- 1. copy of complete final proposed plat - All pages

or

B. Other than proposed subdivision (condo, apts, mobile home park - other)

- 1. Property description. ✓
- 2. Site plan.
- 3. title information (deed, title commitment, contract with title commitment, or title search).

Note: Do not submit application for URD easements until all above material has been acquired.

S. PUTRYCUS

JAN 21 1992 job returned to Dick for drawing revision (show 4 pt.) and 2nd page of deed.

247-7060

Information

1. Project Name SHELBY SENIORS APTS	County MALCOMB
City/Township/Village SHELBY	Section No. 36
Type of Development <input type="checkbox"/> Proposed Subdivision <input checked="" type="checkbox"/> Apartment Complex <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park	<input type="checkbox"/> Condominium <input type="checkbox"/> Other
2. Name of Owner STANDARD DEVELOPMENT CO.	Phone No. 247-7060 - 254-6931
Address 5600 AUBURN LITIA MI 48317	
Owner's Representative FRANK HOWLAND	Phone No. 247-7060 - 254-6931
Date Service is Wanted 2-27-91	

4. Entire Project will be developed at one time Yes No

5. Joint easements required — Michigan Bell Telephone Yes No
 — Consumers Power Yes No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power
COMCAST T.V.

b. Other Utility Engineer Names
D. POSTL

Phone Numbers
978-3530

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner
Richard MWZ

Signed (Service Planning Supervisor)
[Signature]

Phone No. _____ Address _____

RECORDED RIGHT OF WAY TO 43523

**Detroit
Edison**

Macomb Division
15600 Nineteen Mile Road
Clinton Township, Michigan 48044
(313) 228-4000

September 10, 1992

Mr. Frank Howland
5600 Auburn Road
Utica, MI 48317

Re: Shelby Seniors Apartments
Township of Shelby, Macomb County, Michigan

Dear Ms. Howland:

Enclosed is a fully executed copy of your Joint Underground Distribution Easement. For exact location of underground equipment telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said right of way.

Sincerely,



Susan A. Putrycus
Real Estate and Rights of Way
Shelby Service Center

SP/ms
Enclosure

RECORDED RIGHT OF WAY NO. 43563