

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.  
PROJECT NAME VINEYARD PARC CONDOMINIUMS**

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:**

Sterling Ryan Partners, a Michigan Co-Partnership, 12741 S. Saginaw, Grand Blanc, MI 48439

**"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, MI 48226  
Comcast Cablevision, a Delaware Corporation, 6065 Wall Street, Sterling Heights, MI 48077  
Consumers Power Company, a Michigan Corporation, 1955 W. Parnall Road, Jackson, MI 49201

**"Grantor's Land" is in Sterling Heights, Macomb County, Michigan described as:**

See "Appendix A" attached hereto

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

*Edna Hill*  
CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43567

**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 *Michael J. McCabe*  
 MICHAEL J. MCCABE

x *Phillip W. Howard*  
 PHILLIP W. HOWARD

STERLING RYAN PARTNERS  
 a Michigan Co-Partnership

BY: *Dominic Mocerri*  
 Dominic Mocerri, President  
 Ryan 19 Properties, Inc.

RECORDED RIGHT OF WAY NO. 43569

Acknowledged before me in MACOMB County, Michigan, on 7/20, 1992 by Dominic Mocerri, President of Ryan 19 Properties, a Michigan Co-Partnership, for the Partnership.

MICHAEL J. MCCABE  
 Notary Public, Macomb County, MI  
 My Commission Expires Feb. 4, 1996

Notary's Stamp

Notary's Signature

*Michael J. McCabe*

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Clinton Township, MI 48038

## "APPENDIX A"

Part of the Southwest 1/4 of Section 5, Town 2 North, Range 12 East, City of Sterling Heights, Macomb County, Michigan, being more particularly described as follows: Beginning at a point which is South 02 degrees 02 minutes 57 seconds West 70.00 feet along the West line of Section 5 and South 88 degrees 33 minutes 53 seconds East 60.00 feet from the West 1/4 corner of Section 5, Town 2 North, Range 12 East; thence along a line parallel with and 70 feet South of the East and West 1/4 line of Section 5, South 88 degrees 33 minutes 53 seconds East 400.00 feet thence along the boundary of "Vineyards Subdivision No. 3" (Liber , Page , Macomb County Records), South 01 degrees 26 minutes 07 seconds West 222.44 feet and South 13 degrees 31 minutes 52 seconds East 141.00 feet and South 51 degrees 02 minutes 54 seconds East 139.40 feet and South 59 degrees 05 minutes 07 seconds East 163.54 feet and South 07 degrees 43 minutes 05 seconds East 425.92 feet and South 30 degrees 41 minutes 19 seconds West 314.81 feet; thence along the boundary of "Vineyards Subdivision No. 1, (Liber , Page , Macomb County Records), South 25 degrees 05 minutes 15 seconds West 123.00 feet and North 64 degrees 54 minutes 45 seconds West 137.81 feet and Westerly 241.26 feet along the arc of a curve to the left (Radius of 600.00 feet, central angle of 23 degrees 02 minutes 18 seconds, long chord bears North 76 degrees 25 minutes 54 seconds West 239.63 feet) and North 87 degrees 57 minutes 03 seconds West 206.54 feet; thence along a line parallel with and 60 feet East of the West line of Section 5, North 02 degrees 02 minutes 57 seconds East 1224.07 feet to the point of beginning.



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

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 Vineyard Parc Condominiums, located  
in part of the Southwest 1/4 of Section 5, Town 2 North,  
Range 13 East, City of Sterling Heights, 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 Frank Goettl,  
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, Consumers Power Company  
and Michigan Bell Telephone Company made this agreement with Sterling  
Ryan Partners, Dominic Mocerri, President, the developers of Vineyard  
Parc Condominiums.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 43567