

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.

PROJECT NAME

COVINGTON OF STERLING SUBDIVISION

On Aug 7, 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:

Eldorado Development, Inc., a Michigan Corporation, 43120 Utica Rd, Suite 100, Sterling Heights, Michigan 48314.

"Grantee" is:

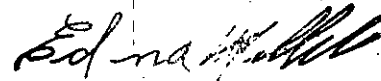
The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

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 Sterling Heights, Macomb County, Michigan described as:

"see Appendix A" attached hereto

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:48p.
AUG 31 1992



CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43571

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

A Nine (9) foot wide easement as shown on the attached plat.

- 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.

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"APPENDIX A"

"COVINGTON OF STERLING" Part of the N.W. 1/4 of Section 12, T.2N., R.12E., City of Sterling Heights, Macomb County, Michigan, and being more particularly described as: Beginning at a point on the East and West 1/4 line of said Section 12, said point also being the Northwest corner of Charrington North Subdivision, as recorded in Liber 80, Pages 49, 50 and 51 of Plats, Macomb County Records, being distant 75.16 feet, North 86 degrees 03 minutes 29 seconds East (recorded as North 86 degrees 02 minutes 58 seconds East 75.18 feet) from the West 1/4 Post of said Section 12; thence North 00 degrees 14 minutes 00 seconds West 525.02 feet to a point on the boundary of Montego Bay Subdivision, as recorded in Liber 70, Pages 19, 20 and 21 of Plats, Macomb County Records; thence along said boundary of Montego Bay Subdivision, North 86 degrees 02 minutes 40 seconds East 1083.52 feet (recorded as 1083.30 feet) and South 00 degrees 27 minutes 21 seconds East 525.15 feet (recorded as South 00 degrees 25 minutes 00 seconds East 524.99 feet) to a point on said East and West 1/4 line and said North line of Charrington North Subdivision; thence along said North and South 1/4 line and said North line of Charrington North Subdivision, South 86 degrees 03 minutes 29 seconds West 1085.55 feet (recorded as South 86 degrees 02 minutes 58 seconds West) to the point of beginning. Containing 13.047 Acres and 47 Lots numbered 1 thru 47 inclusive.

- 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)

ELDORADO DEVELOPMENT, INC.
a Michigan Corporation

x Diane B. Connelly
DIANE B CONNELLY

Gary Edward Gula
Gary Edward Gula, President

x Michelle R. Conn
MICHELLE R. CONN

RECORDED RIGHT OF WAY NO.

43571

Acknowledged before me in MACOMB County, Michigan, on 8-7, 1992 by

Gary Edward Gula
President of Eldorado Development, INC.
a Michigan Corporation, FOR THE CORPORATION

Notary's Stamp My Commission Expires 2-10-93 Notary's Signature Diane B Connelly

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

Detroit
Edison

Date: September 30, 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 Covington of Sterling Subdivision,
located in part of the Northwest 1/4 of Section 12,
Town 2 North, Range 12 East, City of Sterling Heights,
Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated August 7, 1992 for the above named project.

Easement for this project was requested by Marcia Romanski,
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 Eldorado Development,
Inc., Gary Edward Gula, President, the developer of Covington of
Sterling Subdivision.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

43671

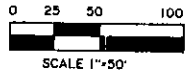
LIBER 055520494

COVINGTON OF STERLING"

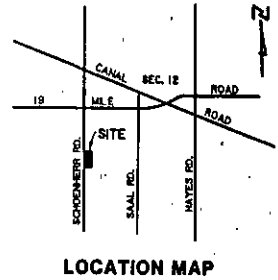
PART OF THE N.W. 1/4 OF SECTION 12, T.2N., R.12E.,
CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN.

LIBER PAGE

THERE SHALL BE NO DIRECT
VEHICULAR ACCESS TO LOTS
1, 43, 44, 45, 46 AND 47
FROM SCHOENHERR RD.

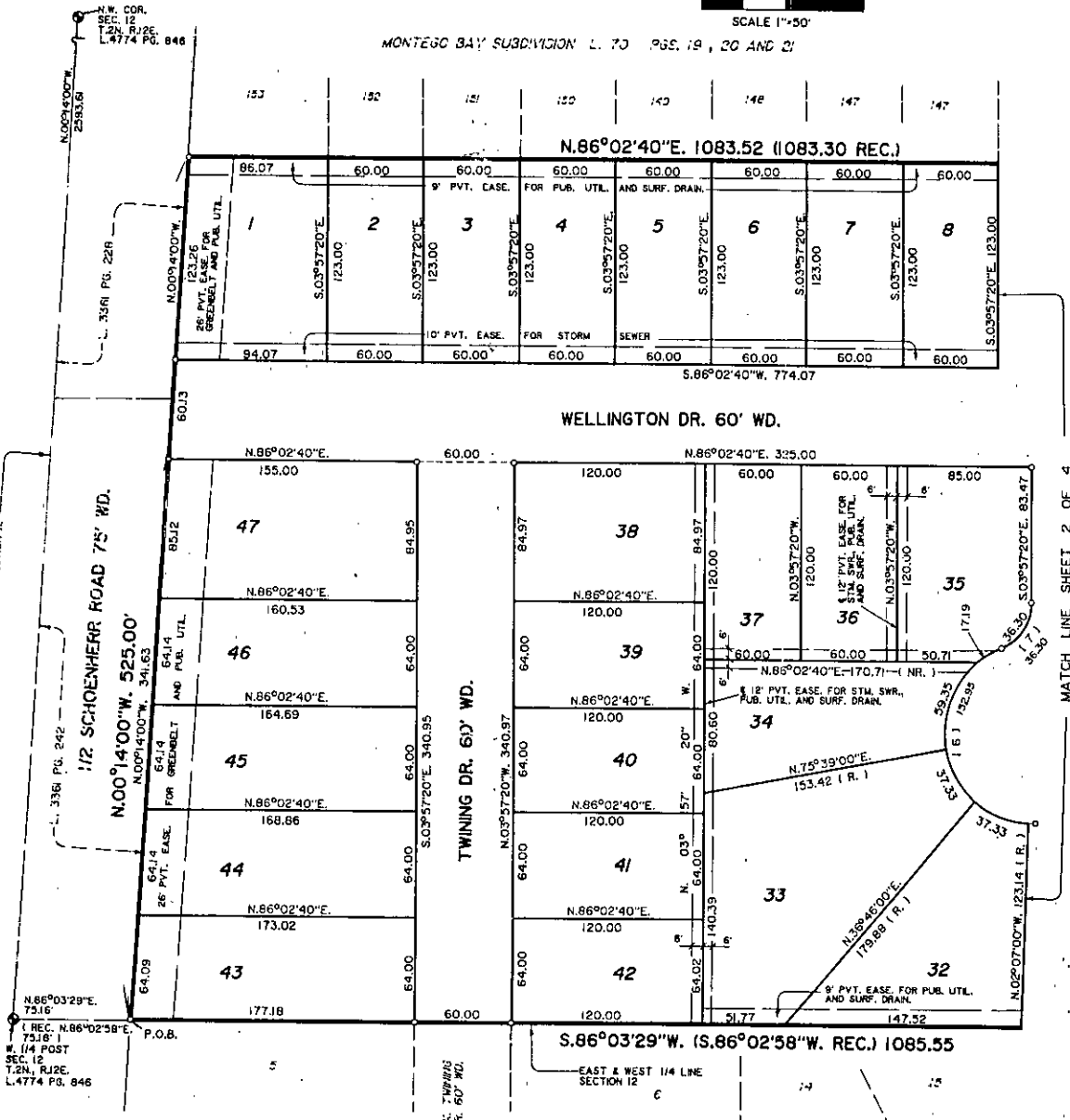


MONTEGO BAY SUBDIVISION L. 70 PGS. 19, 20 AND 21



CURVE DATA

NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
.6	55.00	132.85	159°19'58"	108.22	N. 14°17'21" W.
.7	30.00	36.30	69°19'58"	34.13	N. 30°42'39" E.



PLAT LEGEND

ALL DIMENSIONS ARE IN FEET.
ALL CURVILINEAR DIMENSIONS ARE MEASURED ALONG THE ARC.
CONCRETE MONUMENTS CONSISTING OF 1/2" DIA. RE-ROD 36" LONG ENCASED IN CONCRETE 4" IN DIA. AND 36" LONG HAVE BEEN PLACED AT ALL POINTS MARKED "S".
LOT CORNERS HAVE BEEN MARKED WITH 1/2" DIA. RE-RODS AND ARE 18" LONG.
BEARINGS SHOWN ARE IN RELATION TO THE WEST LINE OF SECTION 12 AS RECORDED IN MONTEGO BAY SUBDIVISION, LIBER 70, PAGES 19, 20 AND 21 MACOMB COUNTY RECORDS.
THE SYMBOL (R.) DENOTES RADIAL LOT LINES.
"b" DENOTES A RIGHT ANGLE.
(NR.) DENOTES NON-RADIAL

John L. Kern
STATE OF MICHIGAN
JOHN L. KERN
LAND SURVEYOR
NO. 25988
MACOMB COUNTY

SHEET 1 OF 4

FENN AND ASSOCIATES INC.
LAND SURVEYING
18750 22 MOUND ROAD
STERLING HEIGHTS, MICHIGAN
48114 PHONE (313) 254-9577

CHARRINGTON NORTH SUBDIVISION L. 80 PGS. 49, 50 AND 51

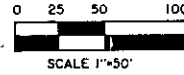
LIBER 055520495

RECORDED RIGHT OF WAY NO. 43571

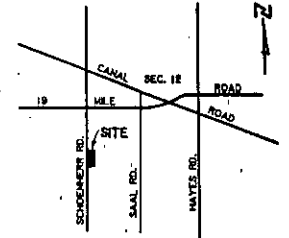
"COVINGTON OF STERLING"

PART OF THE N.W. 1/4 OF SECTION 12, T.2N., R.12E.,
CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN.

LIBER PAGE



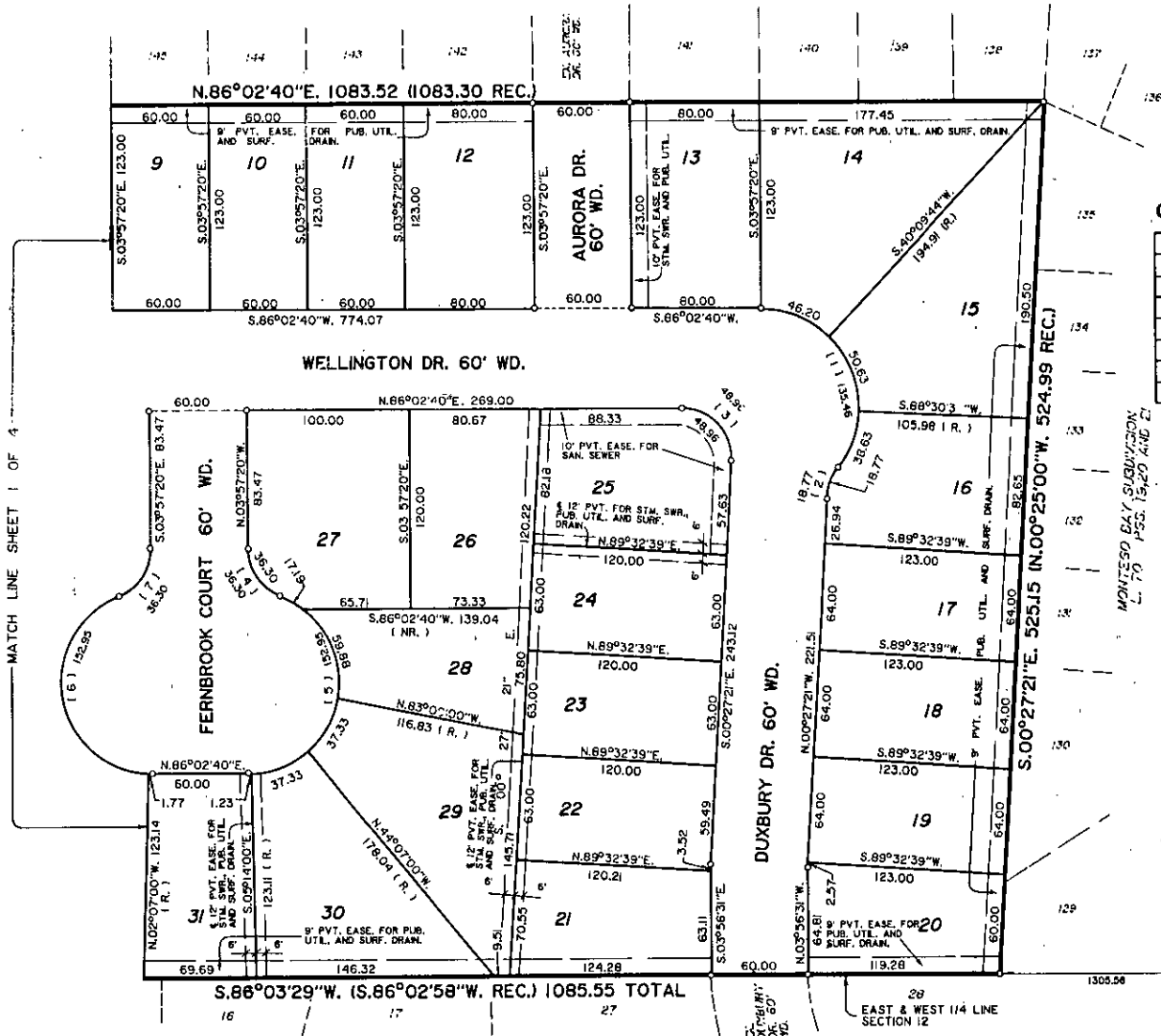
MONTEGO BAY SUBDIVISION L. 70, PGS. 19, 20 AND 21



LOCATION MAP

CURVE DATA

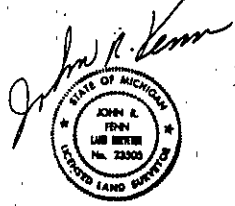
NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
.1	60.00	135.46	129°21'06"	108.47	S.29°18'47"E.
.2	30.00	18.77	35°51'07"	18.47	S.17°28'12"W.
.3	30.00	48.96	93°29'59"	43.70	N.47°12'21"W.
.4	30.00	36.30	69°19'58"	34.13	S.38°37'19"E.
.5	55.00	152.95	159°19'58"	108.22	S.06°22'41"W.
.6	55.00	152.95	159°19'58"	108.22	N.14°17'21"W.
.7	30.00	36.30	69°19'58"	34.13	N.30°42'39"E.



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"b" DENOTES A RIGHT ANGLE.
(NR.) DENOTES NON-RADIAL



CENTER POST SECTION 12
1/4" RISE
STERLING HEIGHTS
L. 907 PG. 555

SHEET 2 OF 4

CHARRINGTON NORTH SUBDIVISION L. 80, PGS. 49, 50 AND 51

FENN AND ASSOCIATES INC.
SURVEYING
2414 1/2 MOUND ROAD
STERLING HEIGHTS, MICHIGAN
PHONE (313) 254-9577