

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.

PROJECT NAME APPLGROVE CONDOS, PHASE II

On 8-31, 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:

MGM Construction, Inc., 29920 Little Mack, Roseville, Michigan 48066

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Harron Cablevision, a Delaware Corporation, 55800 New Haven Road, New Haven, MI 48048
Michigan Bell Telephone Company, a Michigan Corporation, 444 Michigan Ave, Detroit, MI 48226

"Grantor's Land" is in Chesterfield Twp, Macomb **County, Michigan described as:**

A parcel of land located in and being a part of Section 30, Town 3 North, Range 14 East, Chesterfield Township, Macomb County, Michigan, being more particularly described as follows: Part of Lot 13 of Supervisor's Plat No. 19, according to the plat thereof as recorded in Liber 18, Page 16 of Plats, Macomb County Records, described as: Beginning at a point 360.68 feet South 79 degrees 57 minutes 10 seconds East from the Northwest corner of Lot 13; thence South 79 degrees 57 minutes 10 seconds East 906.99 feet; thence South 01 degrees 18 minutes East 170.06 feet; thence North 79 degrees 57 minutes 10 seconds West 973.95 feet; thence North 21 degrees 26 minutes East 170.02 feet to 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.

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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 William J Hertz
WILLIAM J. HERTZ

MGM CONSTRUCTION, INC.
a Michigan Corporation

BY: Mario Grillo
MARIO GRILLO, PRESIDENT

RECORDED IN MACOMB COUNTY
RECORDS AT:
2:36p.
SEP 17 1992

Edna Hubbell
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

Acknowledged before me in Macomb County, Michigan, on 8-31, 1992 by MARIO GRILLO, THE PRESIDENT
OF MGM CONSTRUCTION, INC, A MICHIGAN CORPORATION, FOR THE CORPORATION

ROSANNE FRAZZITTA
NOTARY PUBLIC STATE OF MICHIGAN
MACOMB COUNTY
COMMISSION EXPIRES JUNE 28, 1995

Notary's Stamp

Notary's Signature Rosanne Frazzitta

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

RECORDED RIGHT OF WAY NO. 43645

Date: October 15, 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 Applegrove Condominiums, Phase II,
located in part of Section 30, Town 3 North, Range
14 East, Chesterfield Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way Agreement dated August 31, 1992 for the above named project.

Easement for this project was requested by Chuck Maddix, 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 MGM Construction, Inc., Mario Grillo, President, the developer of Applegrove Condominiums, Phase II.

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

MJM

Attachment

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