

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.
PROJECT NAME RED RUN CONDOMINIUMS**

On 9/1, 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:

Red Run Partners, a Michigan Co-Partnership, 46401 Romeo Plank, Mt. Clemens, MI 48044

"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
Consumers Power Company, a Michigan Corporation, 1955 Parnall Road, Jackson, MI 49201

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

Town 2 North, Range 12 East, Section 35, Commencing at the East 1/4 Post of Section 35, thence North 01 degrees 20 minutes 46 seconds West 752.37 feet along the East Section line to the point of beginning; thence North 01 degrees 20 minutes 46 seconds West 799.43 feet along said Section line; thence North 81 degrees 41 minutes 40 seconds West 697.71 feet; thence South 01 degrees 20 minutes 46 seconds East 922.46 feet; thence North 88 degrees 09 minutes East 687.88 feet to the point of beginning, except the East 60.0 feet of the South 625.0 feet and the East 70.0 feet of the North 174.33 feet for road purposes.

RECORDED IN MACOMB COUNTY
RECORDS AT: *2:40 P.M.*

SEP 17 1992

Edna M. Hill

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

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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.

RECORDED RIGHT OF WAY NO.

43734

- 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 Kristine Sampson
Kristine Sampson

x Katherine Hamlin
Katherine Hamlin

RED RUN PARTNERS
a Michigan Co-Partnership

BY: [Signature]
Michael A. Chirco, Partner

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Acknowledged before me in Macomb County, Michigan, on 9/1, 1992 by MICHAEL A. CHIRCO, PARTNER
FOR RED RUN PARTNERS, A MICHIGAN CO-PARTNERSHIP, FOR THE CO-PARTNERSHIP

Notary's Stamp BARBARA A. KLONKE
Notary Public, Macomb County, MI
My Commission Expires Jan. 28, 1995

Notary's Signature Barbara A. Klonke

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48044

Date: October 14, 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 Red Run Condominiums, located in
part of the Northeast 1/4 of Section 35, 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 September 1, 1992 for the above named project.

Easement for this project was requested by Bryan Bolling,
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 Red Run Partners, Michael A. Chirco, Partner, the developers
of Red Run Condominiums.

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

MJM

Attachment

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