

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. MC-R219  
PROJECT NAME FAIRWAY ESTATES SUBDIVISION**

On 9-18, 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:**

Fairway Development, Inc., a Michigan Corporation, 30538 23 Mile Rd, New Baltimore, MI 48087  
James R. Fox, 51604 Base Road, New Baltimore, MI 48047  
Harry and Delores Fox, husband & Wife, 24779 Delwood, Mt. Clemens, MI 48043

**"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, Det, MI 48226  
Harron Cablevision, a Delaware Corporation, 55800 New Haven Rd, New Haven, MI 48048

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

Commencing at the South 1/4 corner of Section 14, T3N, R14E, Chesterfield Township, Macomb County, Michigan; thence along the North-South 1/4 line North 00°59'21" East 1102.44 feet to the point of beginning; thence along said 1/4 line North 00°59'21" East 909.65 feet; thence North 89°00'39" West 182.98 feet; thence South 00°59'21" West 912.56 feet; thence South 89°55'19" East 183.00 feet to the point of beginning. Containing 3.8276 acres and consisting of Lots 1 through 11, both inclusive.

RECORDED IN MACOMB COUNTY  
RECORDS AT: 8:33A.M.  
SEP 24 1992

*Edna M. Hill*

CLERK - REGISTER OF DEEDS  
MACOMB COUNTY, MICHIGAN

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

A twelve (12) foot easement as shown on the attached drawing.

RECORDED RIGHT OF WAY NO. 43746

13

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)

FAIRWAY DEVELOPMENT, INC.  
a Michigan Corporation

BY:

Jacob D. Hewitt, President

James R. Fox, a single man

Harry Fox

Delores Fox, wife

x Janine O'mara  
JANINE O'MARA

x Ralph DeVries  
RALPH DEVRIES

x Janine O'mara  
JANINE O'MARA

x Ralph DeVries  
RALPH DEVRIES

Acknowledged before me in MACOMB County, Michigan, on 9-18, 1991 by James R. Fox, a single man , Harry Fox and Delores Fox, his wife.

RALPH L. DEVRIES  
Notary Public, Macomb County, MI  
My Commission Expires Feb. 28, 1994

Notary's Stamp

Notary's Signature

Ralph L. DeVries

Prepared by and Return to:

Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48044

RECORDED RIGHT OF WAY NO.

13746

LIBER 05579PG711

Acknowledged before me in Macomb County, Michigan, on 9-18, 1992

by JACOB D. HEWITT the PRESIDENT

of FAIRWAY DEVELOPMENT CORPORATION a Michigan Corporation, for the Corporation.

Notary's Stamp  
RALPH L. DEVRIES  
Notary Public, Macomb County, MI  
My Commission Expires Feb. 28, 1994

Notary's Signature  
Ralph L. Devries

RECORDED RIGHT OF WAY NO. 43746

Date: November 2, 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 Fairway Estates Subdivision, located  
in part of the Southwest 1/4 of Section 14, Town 3  
North, Range 14 East, Chesterfield Township, Macomb  
County, Michigan.

Attached for Record Center is the executed Right of Way  
Agreement dated September 18, 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 Fairway Development, Inc,  
Jacob D. Hewitt, President, the developer of Fairway Estates Sub-  
division.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

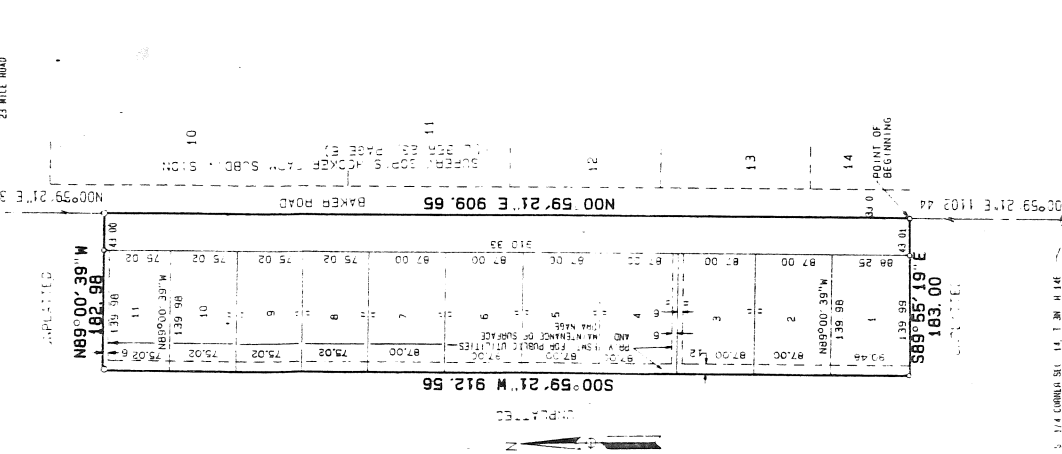
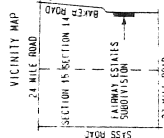
43946

# FAIRWAY ESTATES SUBDIVISION

PART OF THE S.W. 1/4 OF SECTION 14, T. 38. N. R. 14E.  
CHESTERFIELD TWP., MACOMB CO., MICHIGAN



- 1. ALL DIMENSIONS ARE IN FEET
- 2. DIMENSIONS WITH 1/2" THICK BARS IN CORNERS ARE TO BE MAINTAINED
- 3. LOT CORNERS HAVE BEEN MARKED WITH 1/4" IRON RODS
- 4. ALL LOTS ARE TO BE PLATTED AND RECORDED
- 5. THE S.W. 1/4 OF SECTION 14, T. 38. N. R. 14E. IS A CORNER SECTION
- 6. THE S.W. 1/4 OF SECTION 14, T. 38. N. R. 14E. IS A CORNER SECTION
- 7. THE S.W. 1/4 OF SECTION 14, T. 38. N. R. 14E. IS A CORNER SECTION
- 8. THE S.W. 1/4 OF SECTION 14, T. 38. N. R. 14E. IS A CORNER SECTION
- 9. THE S.W. 1/4 OF SECTION 14, T. 38. N. R. 14E. IS A CORNER SECTION
- 10. THE S.W. 1/4 OF SECTION 14, T. 38. N. R. 14E. IS A CORNER SECTION



### SURVEYOR'S CERTIFICATE

I, Frank J. Lubner, Registered Surveyor 48386, certify that the above plat was prepared, checked and mapped on this plat, described as follows:  
Fairway Estates, Subdivision, part of the S.W. 1/4 of Section 14, T. 38. N. R. 14E., Chesterfield Township, Macomb County, Michigan.

Commencing at the South 1/4 corner of Section 14, T. 38. N. R. 14E., Chesterfield Township, Macomb County, Michigan; thence along N 5 1/4 line N. 00° 52' 21" E. 1102.44 ft. to the point of beginning; thence along said 3/4 line N. 89° 00' 39" W. 139.98 ft. to the point of beginning; thence S. 89° 00' 39" W. 139.98 ft. to the point of beginning; containing 1.87% acre, and consisting of Lots 1 through 14, both inclusive.

That I have made such survey, land division, and plat by the direction of the owners of such land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

That the required monuments and lot markers have been located in the ground and that survey has been deposited with the municipality, as required by Section 175 of the Act.

That the accuracy of survey is within the limits required by Section 180(2) of the Act as explained in the legend.

That the bearings shown on the plat are expressed as required by Section 128(2) of the Act as explained in the legend.

DATE: 5/25/85  
Swearing, Wecker & Associates, Inc.  
665 West Inverton Mile Road  
Macomb County, Michigan 48041

Frank J. Lubner, Chairman  
Registered Land Surveyor 48386



### PROPRIETOR'S CERTIFICATE

We, the proprietors hereby certify that we caused the land embraced in this plat to be surveyed, divided, mapped, and located as represented on this plat and that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

Ralph L. DeVries  
11094 Baker Road  
New Baltimore, MI 48047

Lowell D. Wade  
14775 Fox  
24776 Fox Road  
Mt. Clemens, MI 48043

ACKNOWLEDGEMENT  
STATE OF MICHIGAN  
Macomb County

Personally came before me this 25th day of May, 1985, the above named James R. Fox, a single man, Harry Lubner, and Frank J. Lubner, Registered Land Surveyor, and acknowledged that they executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Janine O'Hara, Notary Public, Macomb County, MI  
My Commission Expires June 1, 1992

### PROPRIETOR'S CERTIFICATE

Fairway Development, Inc., a corporation duly organized and existing under the laws of Michigan by and under the laws of the State of Michigan by Jacob D. Hewitt, President, and James R. Fox, Secretary, as proprietor, has caused the land to be surveyed, divided, mapped, and dedicated as represented on this plat and that the streets are for the use of the public, that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

FAIRWAY DEVELOPMENT, INC.  
30538 23 Mile Road  
New Baltimore, MI 48047

Jacob D. Hewitt, President

James R. Fox, Secretary

### ACKNOWLEDGEMENT

State of Michigan

Personally came before me this 25th day of May, 1985, the above named Jacob D. Hewitt, President, and James R. Fox, Secretary of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said corporation, by its authority.

Janine O'Hara, Notary Public, Macomb County, MI  
My Commission Expires June 1, 1992

### COUNTY TREASURER'S CERTIFICATE

The records in my office show no unpaid taxes or special assessments for the five years preceding \_\_\_\_\_ involving the land included in this plat.

Gloria J. Surtinch, Deputy  
County Treasurer, Macomb County

### COUNTY DRAIN COMMISSIONER'S CERTIFICATE

Approved on \_\_\_\_\_ as complying with Section 192 of Act 298, P.A. of 1967 and the applicable rules and regulations published by my office in the County of Macomb.

Thomas S. Welsh, Drain Commissioner

### LIBER PAGE

### CERTIFICATE OF COUNTY ROAD COMMISSIONERS

Approved on \_\_\_\_\_ as complying with Section 103 of Act 208, P.A. of 1967 and the applicable published rules and regulations of the Board of Road Commissioners of Macomb County.

Mary Louise Danner, Chairperson

John J. Zaccola, Member

Mathew J. Gaberty, Member

### CERTIFICATE OF MUNICIPAL APPROVAL

I certify that this plat was approved by the Township Board of the Township of Chesterfield at a meeting held \_\_\_\_\_ and was reviewed and found to be in compliance with Act 288, P.A. of 1967. Surety has been posted with the Township Clerk to insure the installation of public sewer and public water utilities. Minimum lot width and area required by Section 186 (d) Act 288 of Public Acts of 1967 has been waived and conforms with legally adopted zoning and subdivision control ordinance of the Township of Chesterfield. Surety has been posted with the Township Clerk for the setting of monuments and lot markers within one year of the above date.

Barbara Krantz, Clerk

### COUNTY PLAT BOARD CERTIFICATE

This plat has been reviewed and is approved by the Macomb County Plat Board on \_\_\_\_\_ as being in compliance with all of the provisions of Act 288, P.A. of 1967 and the Plat Board's applicable rules and regulations.

Mark A. Steenbergh, Chairman  
Board of Commissioners

Edna Miller, County Clerk &  
Register of Deeds

Adam E. Nowakowski, County Treas

### RECORDING CERTIFICATE

State of Michigan  
Macomb County

This plat was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 1990 at \_\_\_\_\_ M, and recorded in Liber \_\_\_\_\_ of Plats on Page \_\_\_\_\_

Edna Miller, Register of Deeds

RECORDED RIGHT OF WAY NO. \_\_\_\_\_