

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.

PROJECT NAME WINDEMERE WOODS SUBDIVISION

On 9-10, 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:

GTR Builders, Inc., a Michigan Corporation, 44899 Centre Court, Mt. Clemens, MI 48044
Huntington Bank of Michigan, 27248 Van Dyke Avenue, Warren, Michigan 48093

"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 Macomb Township, Macomb **County, Michigan described as:**

"See Appendix A" attached hereto.

RECORDED IN MACOMB COUNTY
RECORDS AT: 8:34A M.
SEP 24 1992

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43765

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

A ten (10) foot wide easement as shown on the attached plats.

- 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

GTR BUILDERS, INC.
 a Michigan Corporation

BY: Gaetano T. Rizzo
 Gaetano T. Rizzo, President

RECORDED RIGHT OF WAY NO. 43714

Acknowledged before me in Macomb County, Michigan, on 9-16, 1992 by GAETANO T. RIZZO, PRESIDENT OF GTR BUILDERS, A MICHIGAN CORPORATION, FOR THE CORPORATION.

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

WITNESSES:(type or print name below signature)

GRANTOR:(type or print name below signature)

HUNTINGTON BANK OF MICHIGAN
a Michigan Banking Corporation

x Deanne M. May
Deanne M. May

x Tom P. Bernasconi
Tom P. Bernasconi
Senior Vice President

x Brenda C. Meyers
Brenda C. Meyers

RECORDED RIGHT OF WAY NO. 43765

Acknowledged before me in Macomb County, Michigan, on 9/10/ 1992 by Tom P. Bernasconi, Senior Vice President OF MICHIGAN, a MICHIGAN BANKING CORPORATION, FOR THE CORP. FOR HUNTINGTON BANK

DEANNE M. MAY
NOTARY PUBLIC - MACOMB COUNTY, MICH.
MY COMMISSION EXPIRES 7-27-93

Notary's Stamp

Notary's Signature

Deanne M. May
Deanne M. May

Prepared by and Return to:

"APPENDIX A"

Part of the Northeast 1/4 of Section 33, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan, being described as:

Beginning on the East line of Section 33, North 00 degrees 08 minutes 28 seconds West 300.00 feet from the East quarter post of Section 33; thence North 89 degrees 59 minutes 38 seconds West 300.00 feet; thence South 00 degrees 08 minutes 28 seconds East 300.00 feet to the East and West Quarter line of Section 33; thence North 89 degrees 59 minutes 38 seconds West 1451.28 feet along the East and West Quarter line of Section 33; thence North 00 degrees 00 minutes 22 seconds East 650.88 feet; thence South 74 degrees 25 minutes 26 seconds East 103.76 feet; thence Northerly along a nontangent curve concave to the Southeast having a central angle of 00 degrees 32 minutes 12 seconds, a Radius of 330.00 feet, an arc distance of 3.09 feet and a chord of North 15 degrees 50 minutes 40 seconds East 3.09 feet; thence South 89 degrees 59 minutes 38 seconds East 185.83 feet; thence North 74 degrees 52 minutes 30 seconds East 114.93 feet; thence South 89 degrees 59 minutes 38 seconds East 264.53 feet; thence North 65 degrees 57 minutes 11 seconds East 594.22 feet; thence North 76 degrees 15 minutes 43 seconds East 67.02 feet; thence North 13 degrees 42 minutes 59 seconds West 182.55 feet; thence Easterly along a nontangent curve concave to the South having a central angle of 10 degrees 28 minutes 11 seconds, a Radius of 1000.00 feet, an arc distance of 182.75 feet and a chord of North 81 degrees 31 minutes 10 seconds East 182.49 feet; thence North 03 degrees 14 minutes 43 seconds West 155.40 feet; thence South 89 degrees 55 minutes 54 seconds East 349.81 feet to the East line of Section 33; thence South 00 degrees 08 minutes 28 seconds East 973.17 feet along the East line of Section 33 to the point of beginning. Containing Lots numbered 1 thru 99, inclusive and 32.35 cres, more or less.

Date: October 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 Windemere Woods Subdivision No. 1,
located in part of the Northeast 1/4 of Section 33,
Town 3 North, Range 13 East, Macomb Township, Macomb
County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated September 10, 1992 for the above named project.

Easement for this project was requested by Jerry Pollard,
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 G.T.R. Builders, Inc.,
Gaetano T. Rizzo, President, the developer of Windemere Woods
Subdivision No. 1.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

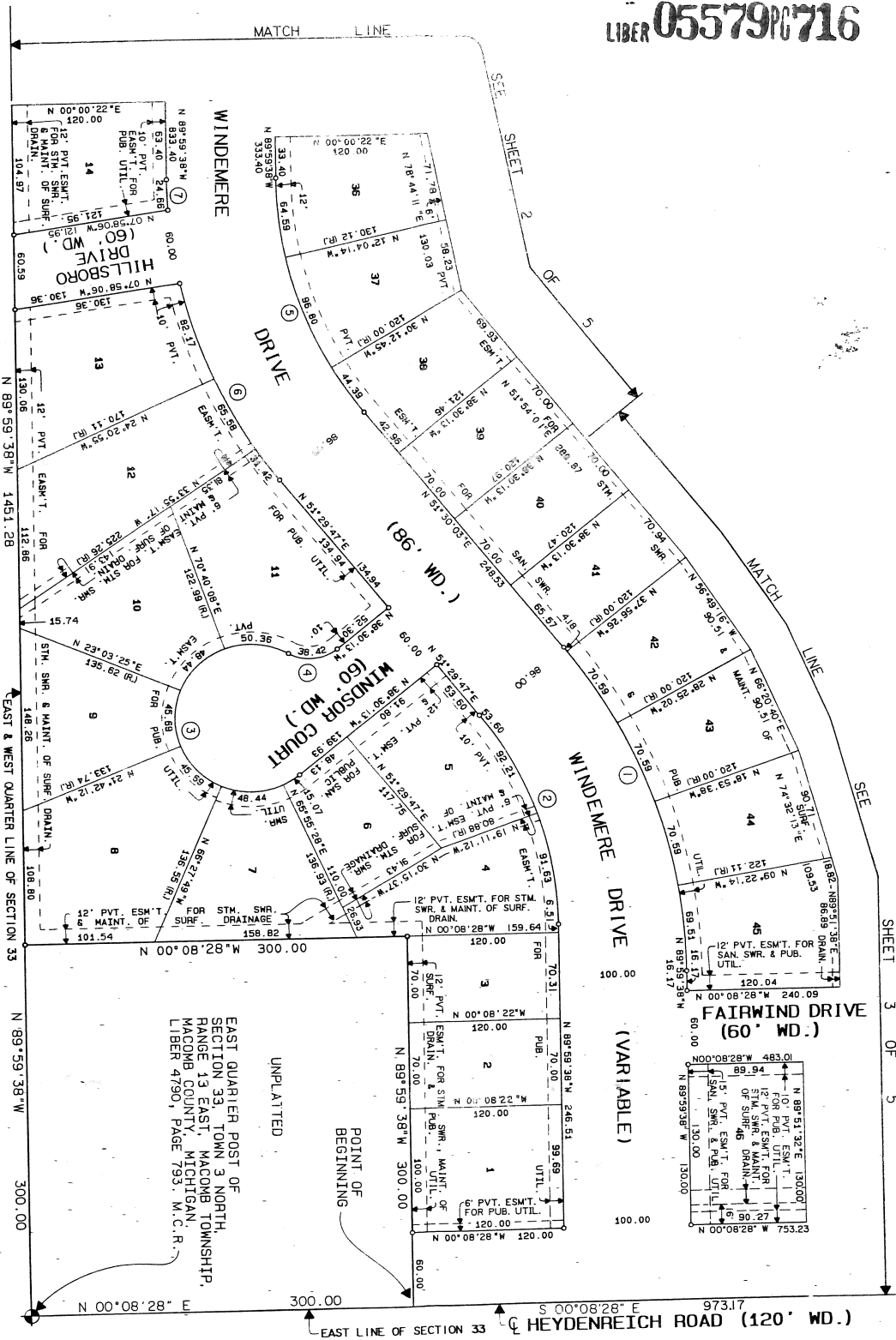
43768 - ~~43775~~

WINDEMERE WOODS SUBDIVISION

RECORDED RIGHT OF WAY NO. 431705 & 43166

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN.

LIBER 05579PG716



CURVE DATA

CHORD BEARING	CHORD DIST.	TANGENT	LEN./DIST.	DELTA
N 71° 01' 58" E	276.48	146.18	381.60	37° 56' 46"
N 70° 45' 04" E	181.25	86.00	274.86	38° 30' 35"
N 85° 53' 38" E	98.02	97.64	260.54	248° 47' 43"
N 04° 08' 22" W	38.42	40.82	40.82	88° 47' 43"
N 70° 45' 04" E	202.48	107.24	208.34	381° 30' 35"
N 64° 34' 30" E	177.86	91.30	179.42	28° 08' 27"
N 88° 12' 28" E	24.66	12.34	24.67	3° 58' 47"

UNPLATTED



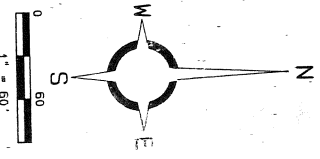
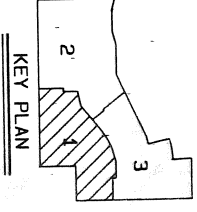
EAST QUARTER POST OF SECTION 33, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN. LIBER 4790, PAGE 793, M.C.R.

SHEET 1 OF 5

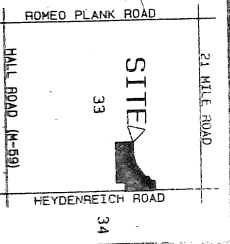


PLAT LEGEND

(N.R.) DENOTES NON-RADIAL LINES.
 (R.) DENOTES RADIAL LINES.
 ALL DIMENSIONS ARE IN FEET.
 ALL CURVE LINEAR DIMENSIONS ARE SHOWN IN CHORD DISTANCES.
 * DIA. CONCRETE MONUMENTS 36" LONG WITH 1/2" REBAR ARE INDICATED BY 1/2" DIA. BEARINGS, 18" LONG, WITH PLASTIC CAP NO. 30092
 BEARINGS ARE RELATED TO SUPERVISOR'S PLAT OF HALLNER SUBDIVISION LIBER 40, PAGE 14.
 ANDERSON, ECKSTEIN AND WESTRICK INC., CIVIL ENGINEERS, SURVEYORS & ARCHITECTS SHELBY TOWNSHIP, MICHIGAN 48315



LOCATION MAP N.T.S.

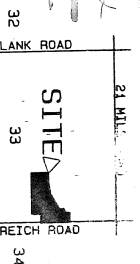


21 MILE ROAD

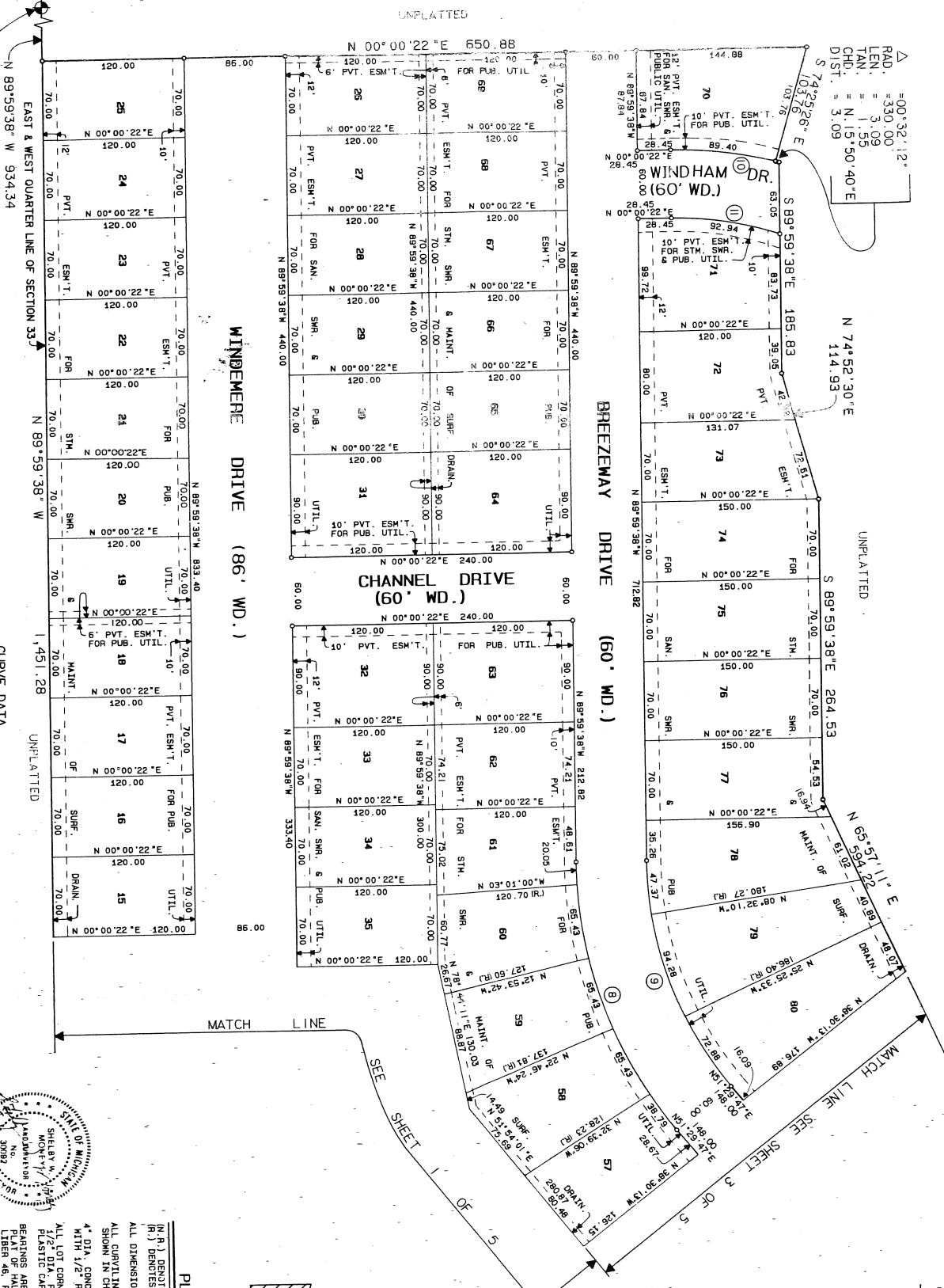
WINDEMERE WOODS SUBDIVISION

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN.

RECORDED RIGHT OF WAY NO. 43766-6-2



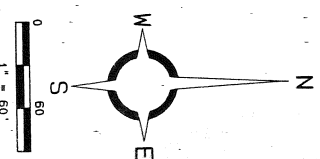
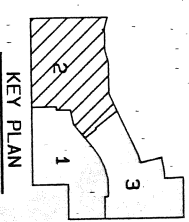
Δ $\angle = 00^{\circ}32'12''$
 RAD. = 330.00
 LEN. = 3.09
 TAN. = 1.55
 CHD. = $N 15^{\circ}50'40'' E$
 DIST. = 3.09



EAST & WEST QUARTER LINE OF SECTION 33
 $N 89^{\circ}59'38'' W 934.34$

CURVE DATA

CHORD BEARING	CHORD DIST.	LEN./DIST.	RADIUS	DELTA
$N 70^{\circ}45'04'' E$	250.63	380.00	387.30	$38^{\circ}30'35''$
$N 70^{\circ}45'04'' E$	211.05	330.00	387.30	$38^{\circ}30'35''$
$N 00^{\circ}03'34'' E$	92.46	330.00	330.00	$16^{\circ}06'24''$
$N 09^{\circ}54'49'' E$	92.94	270.00	270.00	$19^{\circ}49'14''$



PLAT LEGEND

- (N, R, I) BERTHS (NON-FUNCTIONAL LINES)
- (M, L) BERTHS (LOCAL LINES)
- ALL DIMENSIONS ARE IN FEET
- ALL CURVILINEAR DIMENSIONS ARE SHOWN IN CHORD DISTANCES.
- * 4" DIA. CONCRETE DIMENSIONS 36" LONG WITH 1/2" DIA. BERTHS
- ALL LOT CORNERS HAVE BEEN MARKED BY PLASTIC CAP NO 30092
- BEARINGS ARE RELATED TO SUPERVISION'S PLAT OF HALLNER SUBDIVISION LIBER 46, PAGE 14.



WINDEMERE WOODS SUBDIVISION

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN.



Δ = 10° 28' 14" R.A.D. = 1000.00
 LEN. = 182.75
 TAN. = 91.63
 CHD. = N 81° 31' 10" E
 DIST. = 182.49



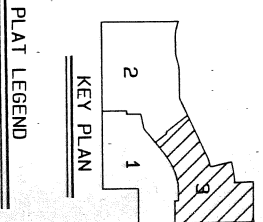
STATION	DELTA	RADIUS	LEN./DIST.	TANGENT	CHORD BEARINGS	CHORD DIST.
(1)	38° 21' 45"	700.00	468.69	243.51	N 70° 40' 38"E	489.98
(2)	38° 21' 45"	600.00	428.51	222.81	N 70° 40' 38"E	450.56
(3)	145° 10' 35"	74.00	107.50	23.81	S 45° 14' 23"E	145.22
(4)	88° 34' 28"	50.00	63.18	11.81	N 75° 27' 55"E	22.88
(5)	27° 28' 22"	50.00	23.99	12.23	N 13° 38' 13"E	23.76
(6)	127° 27' 46"	1500.00	217.52	109.19	N 82° 30' 56"E	217.09
(7)	131° 34' 28"	940.00	222.71	111.88	N 83° 04' 17"E	222.18

CURVE DATA

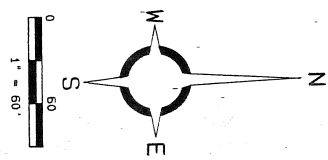
SHEET 3 OF 5



ANDERSON, ECKSTEIN AND WESTRICK, INC.
 CIVIL ENGINEERS, SURVEYORS & ARCHITECTS
 SHELBY TOWNSHIP, MICHIGAN 48315



KEY PLAN



PLAT LEGEND

(N 1) DENOTES NON-RADIAL LINES.
 (R 1) DENOTES RADIAL LINES.
 ALL DIMENSIONS ARE IN FEET.
 ALL CURVILINEAR DIMENSIONS ARE SHOWN IN CHORD DISTANCES.
 4" DIA. CONCRETE MONUMENTS 36" LONG WITH 1/2" DIA. REBARS 18" LONG, WITH BEARINGS ARE RELATED TO SUPERVISOR'S PLAT OF HALLNER SUBDIVISION LIBER 46, PAGE 14.

21 MILE ROAD
 32
 ROMEO PLANK ROAD
 33
 HALL ROAD (M-59)
 HEYDENREICH ROAD
 34
 SITE
 LOCATION MAP
 N.T.S.

NORTHEAST CORNER OF SECTION 33, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, M1 LIBER 4723, PAGE 611 M.C.R.
 N 00° 08' 28" W 1,397.71