

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.

PROJECT NAME VINEYARD PARC NORTH
CONDOMINIUMS, PHASE 2

On 8-26, 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:

Sterling Ryan Partners, a Michigan Co-Partnership, 12741 S. Saginaw, Grand Blanc, MI 48439

"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 Hgts, 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: 10:41A
NOV 18 1992

Edna Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:37P.
SEP 17 1992

Edna Hill
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 48875

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.

Being Re-Recorded to include Commerce Power Company

- 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

BY: Dominic J. Mocerri
 Dominic J. Mocerri, PARTNER

x Susan A. Putrykus
 SUSAN A. PUTRYKUS

RECORDED RIGHT OF WAY 10. 48875

Acknowledged before me in Macomb County, Michigan, on 2/26, 1992 by Dominic J. Mocerri, PARTNER
FOR STERLING RYAN PARTNERS, a Michigan Co-Partnership, For the Co-Partners.

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

Date: October 16, 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 Vineyard Parc North, Phase II, located
in part of the Southwest 1/4 of Section 5, 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 26, 1992 for the above named project.

Easement for this project was requested by Bill Ronne,
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 made this agreement with Sterling Ryan Partners,
Dominic Mocerri, Partner, the developer of Vineyard Parc North,
Phase II.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

438715