

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.R-9109557-01R
PROJECT NAME**

PALMER WOODS ESTATES

On September 17, 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:

William Froling, Sr., 3715 15 Mile Road, Sterling Heights, Michigan
William P. Froling Revocable Trust Dated September 16, 1983

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

"Grantor's Land" is in City of Warren, Macomb County, Michigan described as:

Part of the West 1/2 of the Northwest 1/4 of Section 17, T1N, R12E, City of Warren Macomb County, Michigan, more particularly described as: Commencing at the Northwest corner of said Section 17; thence South 89°58'00" East 913.61 feet along the North line of Section 17; thence South 00°31'41" East 59.97 feet to the point of beginning; thence South 89°58'00" East 502.88 feet; thence South 00°57'07" East 2566.12 feet; thence South 89°55'41" West 521.86 feet; thence North 00°31'41" West 2566.82 feet to the point of beginning.

RECORDED IN MACOMB COUNTY
RECORDS AT: 1:21 P. M.
OCT 16 1992

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

A ten (10) foot easement whereby 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.

18887

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- 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 Rosemary McQuiston
 ROSEMARY McQUISTON

X William P. Froling
 William P. Froling Revocable Trust Dated
 September 16, 1983

X William J. Froly
 WILLIAM J. FROLY

RECORDED RIGHT OF WAY NO. 43887

Acknowledged before me in Macomb County, Michigan, on 9-17, 1992 by William P. Froling
REVOCABLE TRUST, DATED SEPTEMBER 16, 1983

ROSEMARY McQUISTON
 Notary Public, Macomb County, MI
 My Commission Expires Sept. 20, 1994

Notary's Stamp

Notary's Signature

Rosemary McQuiston
 ROSEMARY McQUISTON

Prepared by and Return to:

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

Date: November 23, 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 Palmer Woods Estates, being part of
the West 1/2 of the Northwest 1/4 of Section 17, Town
1 North, Range 12 East, City of Warren, Macomb County,
Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated September 17, 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, Consumers Power
Company and Michigan Bell Telephone Company made this agreement
with William P. Froling, the developer of Palmer Woods Estates.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. _____

48887