

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9201863-01R
PROJECT NAME WESTCREEK ESTATES CONDOS**

On 11-10, 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:

Westcreek Estates Inc., a Michigan Corporation, 44899 Centre Court, Clinton Twp, MI 48038

"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:

Land in the Township of Macomb, Macomb County, Michigan, described as:

Section 18, the East 100 acres of the Northeast 1/4 of Section 18, except the East 60.0 feet, also except beginning at the Northwest corner of said East 100 acres; thence East 217.0 feet along the North Section Line; thence South 201.00 feet; thence Northwesterly to a point on West line of said East 100 acres 121.0 feet, South of point of beginning; thence North 121.0 feet to point of beginning.

RECORDED IN MACOMB COUNTY
RECORDS AT: 10:15 A. M.
DEC - 3 1992

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.

Edina Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43971


- 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.

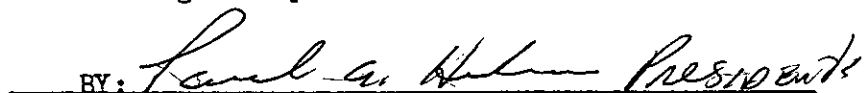
- 4. **Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
- 5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and 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)

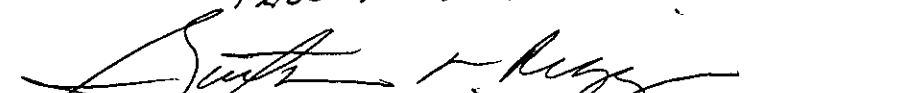
Grantor:(type or print name below signature)

WESTCREEK ESTATES INC.
a Michigan Corporation


Nancy J. Johnson

BY: 
PAUL A. HENDERSON


Cynthia Clore

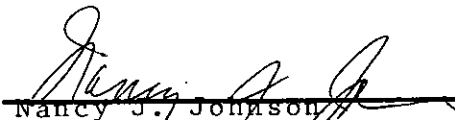

Gaetano T. Rizzo, Vice-President

Acknowledged before me in Macomb County, Michigan, on 11/10, 1992 by PAUL A. HENDERSON + GAETANO T. RIZZO, VICE PRESIDENT OF WESTCREEK ESTATES INC, A MICHIGAN CORPORATION, FOR THE CORPORATION.

NANCY J. JOHNSON
Notary Public, Macomb County, MI
My Commission Expires July 14, 1996

Notary's Stamp

Notary's Signature


Nancy J. Johnson

Prepared by and Return to:

Michael J. McCabe, 15600 19 Mile Road, Clinton Twp, MI 48038

RECORDED RIGHT OF WAY NO.

43971

Date: January 14, 1993

To: Record Center

From: Michael J. McCabe *MSM*
Sr. Real Estate & Right of Way Rep
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Westcreek Estates Condominiums,
located in part of the Northeast 1/4 of Section 18,
Town 3 North, Range 13 East, Macomb Township, Macomb
County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated November 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 Westcreek Estates, Inc.,
Paul A. Henderson, President, the developer of Westcreek Estates
Condominiums.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 43971