

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9209073-1MR
PROJECT NAME BIRCHWOOD APARTMENTS

On 11-17, 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:

Alfa Building Corporation, a Michigan Corporation, 8222 Phippen, Romeo, MI 48065

"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 Shelby Township, Macomb County, Michigan described as:

A parcel of land located in the Northwest 1/4 of Section 10, Town 3 North, Range 12 East, Shelby Township, Macomb County, Michigan, described as: Commencing at a point 278.0 feet North 0°28'30" East and 611.79 feet South 88°42'52" East of the West quarter Post of said Section 10 and thence extending South 88°42'52" East 399.99 feet along the Southerly sideline of Annsbury Drive (70 feet wide); thence South 0°22'08" West 276.70 feet along the centerline of the Disco Drain; thence North 88°47'35" West 340.49 feet along the East/West quarter line; thence North 0°28'30" East 277.15 feet to the point of beginning, containing 2.163 acres of land, more or less. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

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.

RECORDED RIGHT OF WAY NO. 44024

- 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 *Antoinette Camara*
 ANTOINETTE CAMARA

ALFA BUILDING CORPORATION
 a Michigan Corporation
 BY: *Umberto Guidi*
 UMBERTO GUIDI, PRESIDENT

x *Christina Santi*
 CHRISTINA SANTI

Pier A. Santi
 PIER A. SANTI, VICE PRESIDENT

RECORDED IN MACOMB COUNTY
 RECORDS AT: 16:18A

DEC - 3 1992

Edna M. [Signature]

CLERK - REGISTER OF DEEDS
 MACOMB COUNTY, MICHIGAN

Acknowledged before me in Macomb County, Michigan, on 11/17, 1992 by ALFA BUILDING CORP., a Michigan Corporation by UMBERTO GUIDI and PIER A. SANTI, THE PRESIDENT AND VICE PRESIDENT RESPECTIVELY, OF ALFA BUILDING CORP, a MICHIGAN CORPORATION, FOR THE CORP.

ANTIONETTE CAMARA
 Notary Public, Macomb County, MI
 My Commission Expires Dec. 5, 1993

Notary's Signature *Antoinette Camara*

Notary's Stamp
 Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Clinton Twp, MI 48038

RECORDED RIGHT OF WAY NO.

44074

**Detroit
Edison**

Date: January 15, 1993
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 Birchwood Apartments, located in
part of the Northwest 1/4 of Section 10, Town 3 North,
Range 12 East, Shelby Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated November 17, 1992 for the above named project.

Easement for this project was requested by Dick Anderson,
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 Alfa Building Corporation,
Umberto Guidi, President, the developer of of Birchwood Apartments.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 44024

Serving Customers

We're all a part of it!
