

(LIBER 05608PG892)
(LIBER 05668PG616)

B804896 / /

(B781859)

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. PROJECT NAME

UNIVERSITY MANOR CONDOS, PHASE 3

On 9-30, 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:**
LDM CORPORATION, 27401 SCHOENHERR ROAD, WARREN, MICHIGAN 48093
John Cavaliere, a married man, 27041 Schoenherr Road, Warren, Michigan 48093
~~Heever Tool & Die Company, a Michigan Corporation, 5775 Ten Mile Road, Warren, Michigan~~

"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 City of Warren, Macomb **County, Michigan described as:**

Town 1 North, Range 12 East, Section 20, City of Warren, Macomb County, Michigan, described as follows: Commencing at the Southeast corner of Section 20; thence West 662.50 feet to the point of beginning; thence West 312.79 feet; thence North 0 degrees 17 minutes West 2547.50 feet; thence North 89 degrees 43 minutes 30 seconds East 311.72 feet; thence South 0 degrees 18 minutes 26 seconds East 2549.0 feet to the point of beginning.

RECORDED IN MACOMB COUNTY
RECORDS AT: *10/15/92*
DEC - 3 1992

RECORDED IN MACOMB COUNTY
RECORDS AT: *1:17 P.M.*
OCT 16 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 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.

* RE-REFER TO SHOW GRANTOR AS LDM CORPORATION

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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

LDM CORPORATION
 a Michigan Corporation
John Cavaliere
 John Cavaliere President

x Lorenzo J. Cavaliere
 LORENZO J. CAVALIERE

RECORDED RIGHT OF WAY NO. 44071

Acknowledged before me in Macomb County, Michigan, on 9/30, 1992 by John Cavaliere, President of LDM Corporation, a Michigan Corporation, for the Corporation.

Notary's Stamp MICHAEL J. McCABE
 Notary Public, Macomb County, MI
 My Commission Expires Feb. 4, 1994

Notary's Signature Michael J. McCabe

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Clinton Township, MI 48038

**Detroit
Edison**

Date: January 19, 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 University Manor Condominiums, Phase
3, located in part of the Southeast 1/4 of Section 20,
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 30, 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 Company made this agreement with LDM Corporation,
John Cavelliere, President, the developer of University Manor
Condominiums, Phase 3.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

44071