

(LIBER 05668PG611)

(B804894)

LIBER 05738PG409

B833395

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO.

PROJECT NAME STONEY CREEK ESTATES

On 11-5, 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:

Fleetwood Construction Company, a Michigan Corporation, 3603 14 Mile Road, Sterling Heights, Michigan, 48310

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in Washington Township, Macomb County, Michigan **described as:**

See appendix "A" attached hereto

RECORDED IN MACOMB COUNTY
RECORDS AT: 1:03P M.
FEB - 1 1993

Carmella A. ...
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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

Edna ...
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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.

RE-RECORD TO INCLUDE MICHIGAN BELL TELEPHONE AND HARROW CABLEVISION

RECORDED RIGHT OF WAY NO. 44369

"APPENDIX A"

LIBER 05668PG613

LIBER 05738PG411

Part of Lots 31 and 37 of "Supervisor's Plat No. 2", part of the N.E. 1/4 of Section 33, Town 4 North, Range 12 East, Washington Township, Macomb County, Michigan, according to the Plat thereof as recorded in Liber 17, Page 44 of Plats, Macomb County Records, and being more particularly described as follows: Commencing at the Northwest corner of said Lot 37; thence South 89 degrees 04 minutes 00 seconds East 761.65 feet; thence South 00 degrees 43 minutes 20 seconds West 376.20 feet; thence South 89 degrees 18 minutes 00 seconds East 221.80 feet; thence South 00 degrees 32 minutes 00 seconds West 60.00 feet; thence North 89 degrees 18 minutes 00 seconds West 348.00 feet; thence South 01 degrees 02 minutes 55 seconds East 207.38 feet; thence North 83 degrees 32 minutes 40 seconds West 403.48 feet; thence North 00 degrees 33 minutes 06 seconds East 62.55 feet; thence North 83 degrees 32 minutes 40 seconds West 198.85 feet; thence North 15 degrees 18 minutes 09 seconds West 148.84 feet; thence North 00 degrees 30 minutes 06 seconds East 380.57 feet along East line of "Supervisor's Plat No. 7", as recorded in Liber 56, Page 15 of Plats, Macomb County Records, to the point of beginning. (North Parcel)

Description of South Parcel:

Part of Lot 31 of Supervisor's Plat No. 2", part of the N.W. 1/4 of Section 33, Town 4 North, Range 12 East, Washington Township, Macomb County, Michigan, according to the Plat thereof as recorded in Liber 17, Page 44 of Plats, Macomb County Records, and being more particularly described as follows: Commencing at a point on the South line of said Lot 31; it being 320.70 feet North 88 degrees 59 minutes 57 seconds West from the Southeast corner of said Lot 31; thence extending North 88 degrees 59 minutes 57 seconds West 423.06 feet along South line of Lot 31; thence North 00 degrees 33 minutes 06 seconds East ~~500.45~~ feet; thence South 83 degrees 32 minutes 40 seconds East 403.48 feet; thence South 01 degrees 02 minutes 55 seconds East 211.04 feet; thence South 84 degrees 14 minutes 00 seconds East 227.40 feet; thence South 89 degrees 20 minutes 00 seconds East 110.00 feet; thence South 00 degrees 32 minutes 00 seconds West 60.00 feet; thence North 89 degrees 20 minutes 00 seconds West 112.79 feet; thence North 84 degrees 14 minutes 00 seconds West 208.79 feet; thence South 00 degrees 32 minutes 00 seconds West 189.62 feet to the point of beginning.

R.T.
500.45

RECORDED RIGHT OF WAY NO. 44369

- 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 Gail Taliaferro
Gail Taliaferro

x Donna Upleger
DONNA UPLEGER

FLEETWOOD CONSTRUCTION COMPANY
a Michigan Corporation

[Signature]
BY: Richard Tabbi, Jr.
RICHARD TABBI, JR., PRESIDENT

RECORDED RIGHT OF WAY NO.

44369

Acknowledged before me in MALONE County, Michigan, on 11-5, 1992 by RICHARD TABBI, JR., PRESIDENT OF FLEETWOOD CONSTRUCTION COMPANY, A MICHIGAN CORPORATION, FOR THE CORPORATION.

MICHAEL J. McCABE
Notary Public, Macomb County, MI
My Commission Expires Feb. 4, 1996

Notary's Stamp _____ Notary's Signature [Signature]

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

Date: March 10, 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 Stoney Creek Estates, located in part
of the Northeast 1/4 of Section 33, Town 4 North, Range
12 East, Washington Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated November 5, 1992 for the above named project.

Easement for this project was requested by John Baum,
Service Planning, Macomb Division. The Agreement was
negotiated by Michael J. McCabe, Representative, Real
Estate and Right of Way, Macomb Division.

Detroit Edison Company, Harron Cablevision and Michigan Bell
Telephone Company made this agreement with Fleetwood Construction
Company and Richard Tabbi, Jr, President, the developer of Stoney
Creek Estates.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 44369