

Date: ~~March 10,~~ <sup>MAY 5</sup> 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 Wellington Crescent Condominiums,  
Phase III, being part of Fractional Section 23, Town  
2 North, Range 13 East, Clinton Township, Macomb County,  
Michigan.

Attached for Record Center is the executed Right of Way  
Agreement dated January 4, 1993 for the above named project.

Easement for this project was requested by Larry Simms,  
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 Monterey Development  
Company, John Alderman, President, the developer of Wellington  
Crescent Condominiums, Phase III.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 44489

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9208670-1MR**  
**PROJECT NAME WELLINGTON CRESCENT CONDOMINIUMS,**  
**PHASE III**

On 1-4-93, 1993, 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:**

Monterey Development Company, 42822 Garfield, Suite 104, Clinton Township, Michigan 48038

**"Grantee" is:**

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

Detroit Edison Company, a Michigan Corporation, 444 Michigan Avenue, Detroit, MI 48226  
Comcast Cablevision, a Delaware Corporation, 6065 Wall Street, Sterling Heights, MI 48077

*GRANTEE, 444 MICHIGAN AVE, DETROIT, MI 48226 MMR*

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

Part of Fractional Section 23, Town 2 North, Range 13 East, Clinton Township, Michigan; described as follows: Beginning at a point on the Westerly line of the Beebe Farm; said line also being the West line of said Section 23, distant North 3°49'20" East along said Westerly line 791.77 feet from a point known as the Southwest corner of Beebe Farm; thence continuing North 3°49'20" East 1409.80 feet; thence South 48°53'30" East 180.37 feet; thence South 3°33'50" West 1299.41 feet; thence North 86°36'50" West 149.37 feet to the point of beginning.

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

FEB - 1 1993

*Lernelle Aronoff*  
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.

9+x

RECORDED RIGHT OF WAY NO. 444/89

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 [Signature]  
RON BISHOP

X [Signature]  
VINCENT CRISPIGNANI

MONTEREY DEVELOPMENT CORPORATION  
a Michigan Corporation

BY: [Signature]  
JOHN ALDERMAN, PRESIDENT

93 APR - 6 PM 2: 38  
CARNELLA SABAUGH  
REGISTER OF DEEDS  
MACOMB COUNTY, MI

RECORDED RIGHT OF WAY NO. 44409

Acknowledged before me in Macomb County, Michigan, on 1-4, 1992 by JOHN ALDERMAN PRESIDENT OF MONTEREY DEVELOPMENT CORPORATION, a Michigan Corporation, FOR THE CORPORATION.

ANDREA K. BLAUROK  
Notary Public, Macomb County, MI  
My Commission Expires Mar. 26, 1994

Notary's Stamp \_\_\_\_\_ Notary's Signature Andrea K. Blaurok  
Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Clinton Township, MI 48038