

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9209976-1MR
PROJECT NAME MILLCREEK CONDOMINIUMS
PHASE I, PART II

On Feb. 26, 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:

Lombardo Enterprises, Inc., 47200 Van Dyke, Utica, Michigan 48087

"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:

Part of the Northeast 1/4 of Section 25, T.3N., R.12E., Shelby Township, Macomb County, Michigan, being more particularly described as follows: Beginning at the North 1/4 corner of said Section 25, T.3N., R.12E., thence N89°56'50" East 1325.81 feet. along the North line of Section 25; thence along the West line of "Heritage Place Condominiums" (Liber 3625, Page 372, M.C.R), S01°32'26" West 1632.35 ft.; thence along the North line of "Heritage Subdivision" (Liber 84, Page 20, M.C.R.), S89°56'22" West 1326.03 ft.; thence N01°32'52" East 1632.54 feet along the North and South 1/4 line of Section 25 to the point of beginning.

CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

93 APR - 6 PM 2:38

RECORDED RIGHTS OF WAY NO. 44537

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.

- 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 Dawn A. Valentic
 Dawn A. Valentic

x Victoria H. Sivec
 Victoria H. Sivec

LOMBARDO ENTERPRISES, INC.
 a Michigan Corporation

BY: [Signature]
 Anthony Lombardo, Vice-President

RECORDED RIGHT OF WAY NO. 44837

Acknowledged before me in Macomb County, Michigan, on 2-26, 1993 by ANTHONY LOMBARDO VICE PRESIDENT OF LOMBARDO ENTERPRISES INC A MICHIGAN CORPORATION FOR THE COR.

Notary's Stamp VICTORIA H. SIVEC
 Notary Public, Macomb County, MI
 My Commission Expires May 16, 1995

Notary's Signature Victoria H. Sivec

Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd, Clinton Twp, MI 48036

Date: May 3, 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 Millcreek Condominiums, Phase I, Part
II, located in part of the Northeast 1/4 of Section 25,
Town 3 North, Range 12 East, Shelby Township, Macomb
County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated February 26, 1993 for the above named project.

Easement for this project was requested by Anthony Garnatz,
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 Lombardo Enterprises, Inc,
Anthony Lombardo, Vice President, the developer of Millcreek Con-
dominiums, Phase I, Part II.

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

MJM

Attachment