

OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9207021-1M

On 3-11, 1993 for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Harold Miller and Marie B. Miller, 11374 Glenwood Dr., Washington, Michigan 48094

"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

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

Parcel D1: A parcel of land located in and being a part of the Northwest 1/4 of Section 13, T4N, R12E, Washington Township, Macomb County, Michigan, and being more particularly described as follows: Commencing at the North 1/4 corner of said Section 13; thence S82°19'08" W 1274.42 feet; thence S0°25'35" W 1370.15 feet to the point of beginning; thence extending S0°25'35" W 1405.49 feet to the East and West 1/4 line of said Section 13; thence N81°40'18" E 165.27 feet along said East and West 1/4 line; thence N0°25'35" E 1403.60 feet; thence S82°19'08" W 165.00 feet to the point of beginning.

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

RECORDED RIGHT OF WAY NO.

44538

The "Right of Way Area" is a part of Grantor's Land described as:

In a Northerly and Southerly direction across said land as shown on drawing #R-9207021-1M attached hereto.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, 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.

APPLICATION FOR RIGHT OF WAY

DR 963-0611 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 2-9-93

LOCATION 30 MILE & POWELL

APPLICATION NO. R-9207021

DEPT. ORDER NO. A-67360

CITY OR VILLAGE _____

O. F. W. NO. _____

TOWNSHIP WASHINGTON COUNTY MACOMB

BUDGET ITEM NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED FEB 19, 1993

INQUIRY NO. _____

THIS R/W IS 100 % OF TOTAL PROJECT NO. _____ ACCUM. _____ %.

JOINT RIGHT OF WAY REQUIRED YES NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED 8 FOOT WIDE RECORDED EASEMENT FOR OVERHEAD LINES

PURPOSE OF RIGHT OF WAY ~~NEW~~ NEW BUSINESS

SIGNED Anthony Garroty
OFFICE Eng + Plng DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 44538

PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE 1 GRANTOR 1

NO. OF PERMITS 1 NO. OF STRUCTURES _____ NO. OF MILES _____ PERMITS TO MBT 1

DATE 3/3/93 SIGNED Michael J. McCall

- 4. Trees, Bushes, Branches or Roots: Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.
- 5. Restoration: If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
- 6. 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 under signature)

Grantor:(type or print name under signature)

~~Harold Miller~~

 Stanley F. Borowy
 STANLEY F. BOROWY

x Jeffrey Borowy

 JEFFREY BOROWY

Harold Miller

 Harold Miller

Marie B. Miller

 Marie B. Miller, wife

RECORDED RIGHT OF WAY NO. 44538

Acknowledged before me in MACOMB County, Michigan, on 3-11, 1993 by HAROLD MILLER & MARIE B. MILLER, HIS WIFE

STANLEY F. BOROWY
 NOTARY PUBLIC STATE OF MICHIGAN
 MACOMB COUNTY
 MY COMMISSION EXP. JULY 15, 1995

Notary's Stamp

Notary's Signature

Stanley F. Borowy

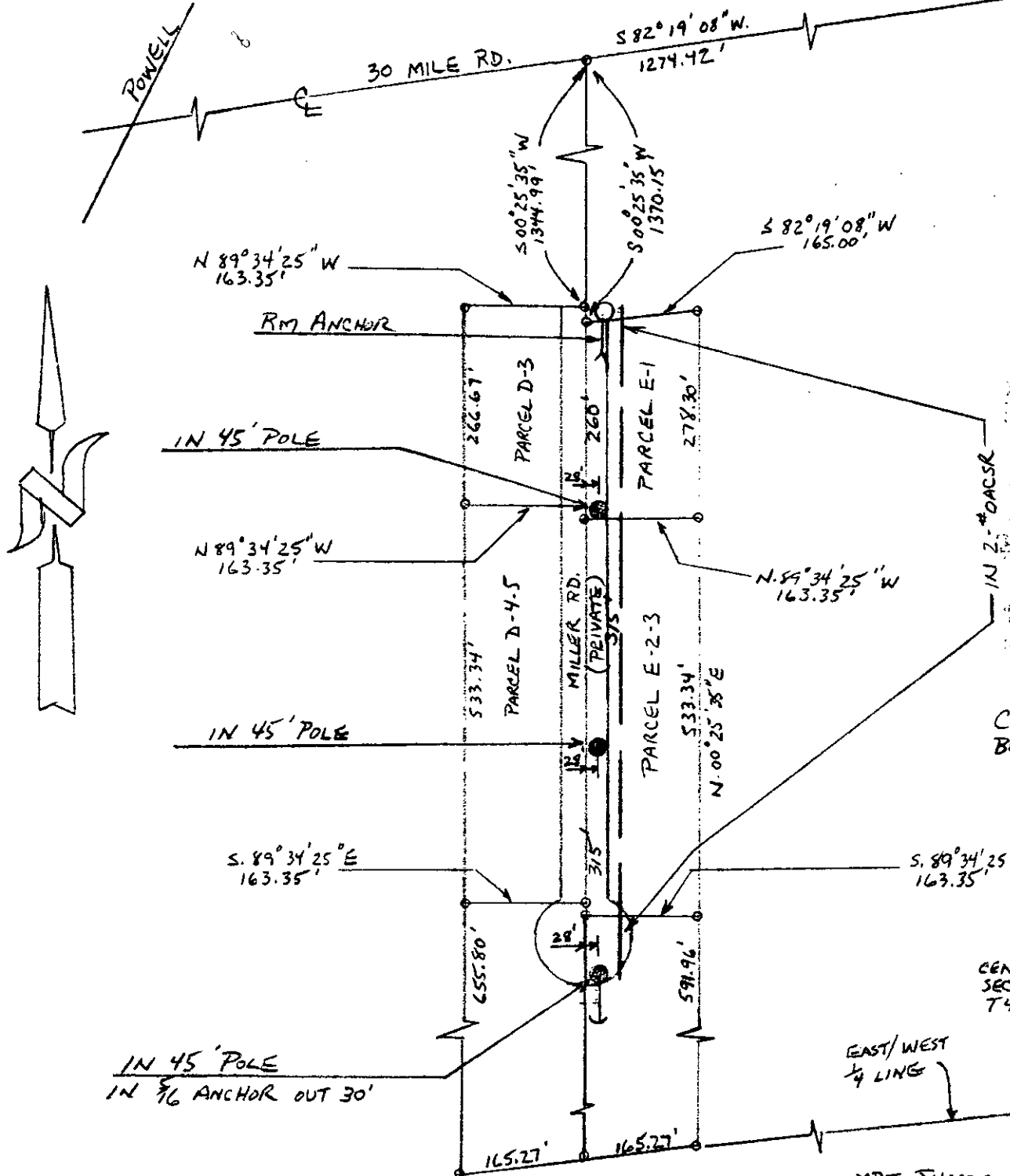
Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd, Clinton Township, MI 48036

APPROVED AS TO FORM 3/16/93 DATE
 LEGAL DEPARTMENT [Signature]

OWNER: MR HAROLD MILLER
 113' GLENWOOD DR.
 WASHINGTON MICH. 48094-3065
 PHONE: 781-2354

LIBER 05801 PG 773

N 1/4 CORNER
 SECT. 13
 T4N R12E



PERMITS TO:	RECORD CENTER	R/W FILES	MBT	ORIGINATOR	TOTAL
RIGHTS-OF-WAY REPORT R/W SECURED AS INDICATED ON THIS SKETCH.					
BY	DATE	DATE WANTED	SENIOR REPRESENTATIVE		
		3-8-93			

CONSTRUCTION TO BE X-ARM.

RECORDED RIGHT OF WAY NO. 44588

MBT J.U. MEMO # J-9207021-1M

LEGEND	
	FOREIGN POLE
	EXIST D.E. CO. POLE
	PROPOSED POLE
	EXIST ANCHOR
	PROPOSED ANCHOR
	TREE
	120/240 VOLT LINE
	4800 VOLT LINE
	13,200 VOLT LINE
	40,000 VOLT LINE

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
CITY OR TOWNSHIP WASHINGTON	COUNTY MACOMB	QTR. & TWP. SECT. NO.	DEPT. ORDER NO. A-67360
MAP SECT. 2-358-464	TOWN MACOMB	RANGE	R/W NO. R-9207021-01
PROJECT NAME	TEL ENGR & DIST. S. KUNERT - MTC	JOINT R/W REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	PROJ. OR PART NO.
CIRCUIT ADAMS 8438 ISO DOWN			OF.W. S.O. OR P.E. NO.
REASON NEW SERVICE - 6 PARCELS - MILLER RD.			BUDGET ITEM NO. 2MBOA-MAB
PLANNER A. GARNATZ	SCALE 1"=200'	DATE 2-9-93	

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-92i0223-1MR
PROJECT NAME COPPER CREEK CONDOMINIUMS, PH II

On March 9, 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:

COPPER CREEK DEVELOPMENT COMPANY, 21570 Hall Road, Mt. Clemens, MI 48046

"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
Harron Cablevision, a Delaware Corporation, 55800 New Haven Road, New Haven, MI 48048

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

Part of the South 1/2 of Section 33, T.4N., R.12E., Washington Township, Macomb County, Michigan, being more particularly described as follows: Beginning at a point which is N89°19'40" West 1500.56 ft. along the centerline of 26 Mile Road (South line of Section 33) and N00°38'21" East 96.87 ft. from the Southeast corner of Section 33, thence along the the North R.O.W. line of 26 Mile Road, N84°00'10" West 723.34 ft. and N89°18'32" West 567.29 ft.; thence N00°34'38" East 1145.47 ft.; thence S89°24'14" East 1288.71 ft.; thence S00°38'21" West 1214.50 ft. to the point of beginning.

CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

93 APR -6 PM 2:38

RECORDED RIGHT OF WAY NO.

44539

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)

COPPER CREEK DEVELOPMENT COMPANY
a Michigan Co-Partnership

x Judith Merrill
JUDITH MERRILL

BY: Paul Aragona
PAUL ARAGONA, Managing Partner

x Frank Aragona
Frank Aragona

RECORDED RIGHT OF WAY NO. 44539

Acknowledged before me in Macomb County, Michigan, on 3-9, 1993 by PAUL ARAGONA, MANAGING PARTNER OF COPPER CREEK DEVELOPMENT COMPANY, a MICHIGAN CO-PARTNERSHIP

ANNETTE ARAGONA MORAN
NOTARY PUBLIC STATE OF MICHIGAN
OAKLAND COUNTY
MY COMMISSION EXP. DEC. 6, 1993

Notary's Stamp Macomb Notary's Signature Annette A. Moran

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

Date: May 5, 1993

To: Record Center

From: Michael J. McCabe *MSM*
Sr. Real Estate & Right of Way Rep
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Copper Creek Condominiums, Phase II,
located in part of the South 1/2 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 March 9, 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, Harron Cablevision and Michigan Bell
Telephone Company made this agreement with Copper Creek Develop-
ment Company, Paul Aragona, Managing Partner, the developer of
Copper Creek Condominiums, Phase II.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 44539