

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9100550-1MR
PROJECT NAME WOODLAND MEADOWS APARTMENTS

On 4-22-93, 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:

Suite 200
Dart Properties, Inc, a Michigan Corporation, 36250 Dequindre Road, Sterling Heights, MI 48310

"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 Clinton Township, Macomb County, Michigan described as:

See Appendix "A" attached

93 MAY 13 PM 2: 44

CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

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.

RECORDED RIGHT OF WAY NO. 445716

- 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)

DART PROPERTIES, INC.
a Michigan Corporation

x Dennis Noust; Dennis Noust BY: James Phelan, Vice President
CLARK i CLARK KRAMER
JAMES PHELAN

RECORDED RIGHT OF WAY NO.

44576

Acknowledged before me in Macomb County, Michigan, on 4/22, 1992 by JAMES PHELAN, VICE PRESIDENT
DART PROPERTIES, A MICHIGAN CORPORATION, FOR THE CORPORATION

SANDRA P. KAPLAN
NOTARY PUBLIC - OAKLAND COUNTY, MICH.
MY COMMISSION EXPIRES 6-26-94

Notary's Stamp

Notary's Signature

Sandra P. Kaplan

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

APPENDIX "A"

Land in the Township of Clinton, Macomb County, Michigan, more particularly described as:

A parcel of land located in and being a part of the Southwest 1/4 of Section 30, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan, and being more particularly described as follows: Commencing at a point 484.20 feet North 01 degrees 20 minutes 22 seconds West from the Southwest corner of said Section 30, and thence extending North 01 degrees 20 minutes 22 seconds West 1221.21 feet along the West line of Section 30, also the centerline of Hayes Road (66 feet wide); thence North 58 degrees 00 minutes East 145.90 feet and North 60 degrees 11 minutes 12 seconds East 585.92 feet along the centerline of Moravian Drive (66 feet wide); thence South 26 degrees 20 minutes 22 seconds East 708.67 feet along the centerline of the Bousson Drain; thence South 05 degrees 28 minutes 47 seconds West 902.22 feet; thence South 81 degrees 45 minutes West 296.36 feet; thence South 88 degrees 32 minutes East 538.71 feet to the point of beginning. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

Date: June 21, 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 Woodland Meadows Apartments, located
in part of the Southwest 1/4 of Section 20, Town 2
North, Range 13 East, Clinton Township, Macomb County,
Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated April 22, 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 Dart Properties, Inc,
James Phelan, Vice President, the developer of Woodland Meadows
Apartments.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 44574