

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9210630-1MR
PROJECT NAME REGENCY HILLS CONDOMINIUMS, PH II

On APRIL 21, 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:

Michael J. Chirco Development Company, Inc., 48645 Van Dyke, Utica, MI 48087
Roy B. Church and Violet M. Church, his wife, 48645 Van Dyke, Utica, MI 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 Hgts, MI 48077

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

Part of the Northwest 1/4 of Section 7, T3N, R12E, Shelby Township, Macomb County, Michigan, and being more particularly described as follows:

Commencing from the Northwest corner of said Section 7, S89°39'11" East 1142.94 feet along the North line of Section 7, also being the centerline of 25 Mile Road to the point of beginning; thence continuing along said centerline of 25 Mile Road, S89°39'11" East 585.42 feet; thence S00°04'04" East 250.00 feet; thence S47°26'05" West 259.66 feet; thence S28°34'51" East 155.00 feet; thence S61°25'09" West 168.93 feet; thence N26°22'00" West 721.14 feet to the point of beginning.

93 MAY 13 PM 2:44

CARMEI LA 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.

- 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.

RECORDED RIGHT OF WAY NO. 44695

- 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 Mary Simpson
MARY SIMPSON

x Michael Chirco
Michael J. Chirco, President

x Jeanene A. Henry
JEANEANE A. HENRY

Roy B Church
Roy B. Church

x Jeanene A. Henry
JEANEANE A. HENRY

Violet M. Church
Violet M. Church, wife

x Michael J. McCabe
MICHAEL J. McCABE

RECORDED RIGHT OF WAY NO.

44635

Acknowledged before me in Macomb County, Michigan, on 4-21, 1993 by ROY B CHURCH AND VIOLET M. CHURCH HIS WIFE

JEANEANE A. HENRY
Notary Public, Macomb County, MI
My Commission Expires June 13, 1994

Notary's Stamp _____ Notary's Signature Jeanene A. Henry

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

Acknowledged before me in Macomb County, Michigan, on 4-21, 1993 by Michael J. Chirco, President of Michael J. Chirco Development Company, Inc, a Michigan Corporation.

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

Notary's Stamp _____ Notary's Signature Michael J. McCabe

**Detroit
Edison**

Date: June 18, 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 Regency Hills Condominiums, Phase
II, located in part of the Northwest 1/4 of Section
7, Town 2 North, Range 12 East, Shelby Township,
Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated April 21, 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 Michael J. Chirco
Development Company, Michael J. Chirco, President, the developer
of Regency Hills Condominiums, Phase II.

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

MJM

Attachment

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