

Date: June 17, 1993

To: Record Center

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

Subject: Right of Way Agreement for Underground Residential
Distribution for Pondview Estates Subdivision, located
in part of the Southwest 1/4 of Section 7, Town 2 North,
Range 12 East, City of Sterling Heights, Macomb County
Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated April 19, 1993 for the above named project.

Easement for this project was requested by Michael Ricci,
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 Sterling Center, Inc,
Jerzy K. Czerwinski, President, the developer of Pondview Estates
Subdivision.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO.

4464

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9209485-1MR
PROJECT NAME PONDVIEW ESTATES SUBDIVISION

On APRIL 20, 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:

Sterling Center, Inc, a Michigan Corporation, 4101 John R., Troy, Michigan 48098
Jan K. Binkowski and Wanda W. Binkowski, husband & wife, 39055 Lake Shore, Harrison Twp, MI 48045

"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 City of Sterling Hgts, Macomb County, Michigan described as:

See Appendix "A" attached hereto.

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:

Easements as shown on attached plat.


RECORDED RIGHT OF WAY NO. 44641

- 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.

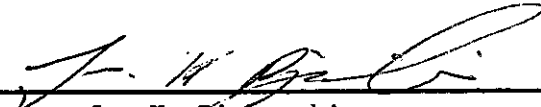
- 4. **Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
- 5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and 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)

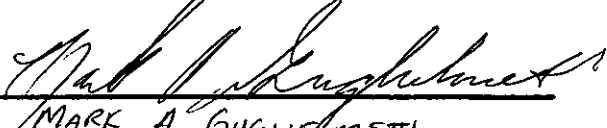
Grantor:(type or print name below signature)

x 

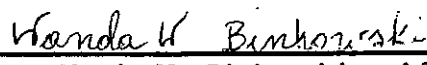
 ALBERTO VENNETILLI



 Jan K. Binkowski

x 

 MARK A. GUGLIOMETTI

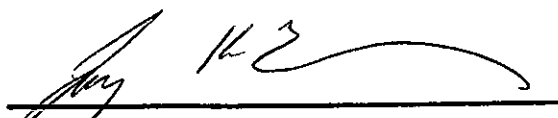


 Wanda W. Binkowski, wife

RECORDED RIGHT OF WAY NO. 44641

Acknowledged before me in Oakland County, Michigan, on 9/19/93, 1993 by JAN K. BINKOWSKI
AND WANDA W. BINKOWSKI, HIS WIFE

JERZY K. CZERWINSKI
 Notary Public, Oakland County, MI
 My Commission Expires Nov. 4, 1996

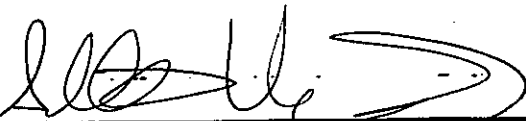
Notary's Stamp _____ Notary's Signature 

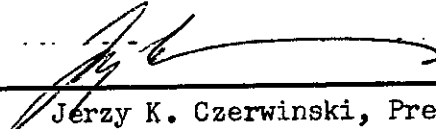
Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd, Clinton Twp, MI 48036

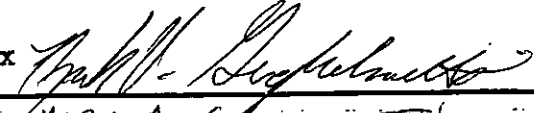
Witnesses:(type or print name below signature)


Grantor:(type or print name below signature)

STERLING CENTER, INC.
a Michigan Corporation

x 
ALBERTO VENNETTILLI


Jerzy K. Czerwinski, President

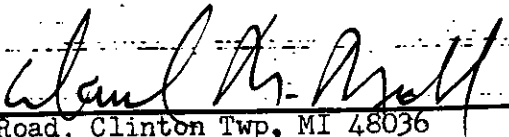
x 
MARK A. GUGLIELMETTI


Sofia S. Ladak, Secretary

RECORDED
RIGHT OF
WAY NO.
44641

Acknowledged before me in MACOMB County, Michigan, on 4/19/ 1993 by JERZY K. CZERWINSKI + SOFIA S. LADAK PRESIDENT + SECRETARY OF STERLING CENTER, INC; a MICHIGAN CORPORATION FOR THE CORPORATION.

DAVID M. MECKE
NOTARY PUBLIC - MACOMB COUNTY, MICH.
MY COMMISSION EXPIRES 11-08-98

Notary's Stamp _____ Notary's Signature 
Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Road, Clinton Twp, MI 48036

APPENDIX "A"

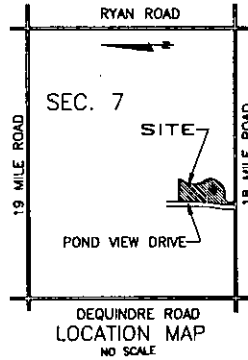
Part of Southwest 1/4 of Section 7, Town 2 North, Range 12 East, City of Sterling Heights, Macomb County, Michigan and being more particularly described as commencing at the South 1/4 corner of said Section 7; thence N88°43'57" W 642.65 feet; thence N01°16'03" E, 60.00 feet to the point of beginning; thence N88°43'57" W, 84.37 feet to a point on the East Right of Way line of Pond View Drive; thence N01°55'41" E, 225.00 feet along said Right of Way line; thence Northeasterly 46.42 feet along the arc of a curve to the Right (Radius of 365.00 feet, central angle of 7°17'13", long chord bears N5°34'17" E, 46.39 feet) along said right of way line; thence N9°12'54" E, 225.00 feet along said Right of Way line; thence Northwesterly 55.32 feet along the arc of a curve to the left (Radius of 435.00 feet, central angle of 7°17'13", long chord bears N5°34'18" E, 55.29 feet) along said Right of Way line; thence N1°55'41" E, 573.61 feet along said right of way line; thence S88°59'56" E, 436.48 feet along the North of line of Lot 1 of said Pinebrook North Sub, No. 1; thence Southerly 84.28 feet along the arc of a curve to the right (Radius of 100.00 feet, central angle of 48°17'25", long chord bears S12°28'04" W, 81.81 feet); thence Southerly 471.27 feet along the arc of a curve to the left (Radius of 375.00 feet, central angle of 72°00'15", long chord bears S0°36'39" W, 440.86 feet); thence Southerly 236.00 feet along the arc of a curve to the right (Radius of 200.00 feet, central angle of 67°36'32", long chord bears S1°35'13" E 222.54 feet); thence S32°13'03" W 70.00 feet; thence Westerly 257.65 feet along the arc of a curve to the right (Radius of 250.00 feet, central angle of 59°03'00", long chord bears S61°44'33" W 246.40 feet); thence N88°43'57" W 80.00 feet; thence Southwesterly 157.08 feet along the arc of a curve to the left (Radius of 100.00 feet, central angle of 90°00'00", long chord bears S46°16'03" W 141.42 feet); thence S01°16'03" W 40.00 feet; thence S25°22'26" E 67.13 feet to the point of beginning, containing 8.991 Acres and Lots numbered 1 through 23 inclusive, and 1 outlet

RECORDED RIGHT OF WAY NO.

44641

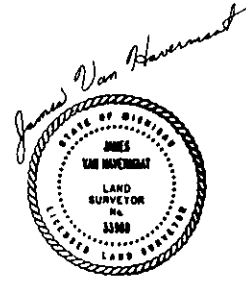
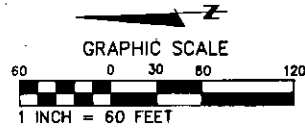
"POND VIEW ESTATES SUBDIVISION"

PART OF S.W. 1/4 SECTION 7 T2N, R12E,
CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN



PLAT LEGEND:

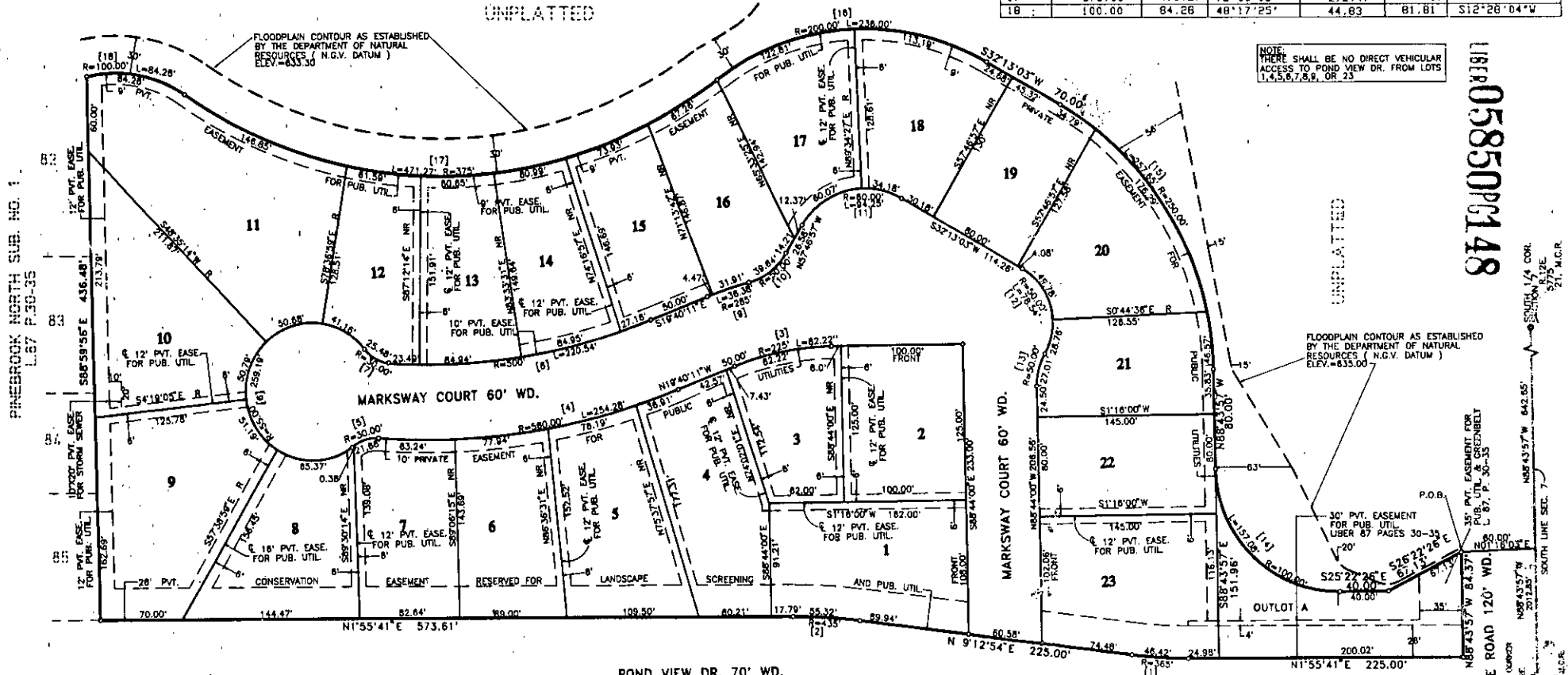
ALL DIMENSIONS ARE GIVEN IN FEET
ALL CURVILINEAR DIMENSIONS ARE GIVEN ALONG THE ARC
THE SYMBOL 'o' REPRESENTS THE LOCATION POINTS OF PERMANENT CONCRETE MONUMENTS.
MONUMENTS ARE 36" LONG - 1/2" DIAMETER STEEL RODS ENCASED IN 4" CONCRETE CYLINDERS.
LOT MARKERS ARE 1/2" IRON RODS AND ARE 18" LONG.
ALL BEARINGS ARE IN RELATION TO THE SOUTH LINE OF SECTION 7 AS RECORDED IN PINE BROOK NORTH SUB. NO. 1 REC'D L.87, P.30-35
R. DENOTES RADIAL
N.R. DENOTES NON-RADIAL



CURVE DATA CHART

NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD-BEARING
1	365.00	46.42	7°17'13"	23.24	46.39	N5°34'17"E
2	435.00	55.29	7°17'13"	27.70	55.29	N5°34'18"E
3	225.00	82.22	20°56'11"	41.57	81.76	S9°12'05"E
4	360.00	254.28	26°00'58"	129.37	252.10	N06°39'43"W
5	30.00	22.04	42°05'45"	11.54	21.55	S14°42'06"E
6	55.00	259.19	27°00'46"	54.99	77.77	S80°44'36"E
7	30.00	25.48	48°39'40"	13.56	24.72	S29°55'58"W
8	500.00	220.54	25°16'19"	112.09	218.76	S07°02'02"E
9	285.00	36.38	7°18'49"	18.21	36.35	S16°00'47"E
10	50.00	39.64	45°25'34"	20.93	38.61	S35°04'10"E
11	60.00	94.25	90°00'00"	60.00	84.85	S12°46'57"E
12	50.00	78.54	90°00'00"	50.00	70.71	N77°13'03"E
13	50.00	27.01	30°57'03"	13.84	26.68	N73°15'29"W
14	100.00	157.08	90°00'00"	100.00	141.42	S46°16'03"W
15	250.00	257.65	59°03'00"	141.59	246.40	S61°44'33"W
16	200.00	236.00	67°36'32"	133.91	222.54	S1°35'13"E
17	375.00	471.27	72°00'15"	272.47	440.86	S00°36'39"W
18	100.00	84.28	48°17'25"	44.83	81.81	S12°28'04"W

UNPLATTED



PINEBROOK NORTH SUB. NO. 1
L.87 P.30-35

LIBER 05850PG148

RECORDED RIGHT OF WAY NO. 44671