

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9206984-1MR
PROJECT NAME KNOLLWOOD POINTE CONDOMINIUMS

On 5-4, 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:

Dominic Mocerri and Frances Mocerri, Michael A. Chirco and Mary G. Chirco, 46401 Romeo Plank Road, Suite One, Mt. Clemens, Michigan 48043

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan Corporation, 444 Michigan Avenue, 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:

Part of the Southeast Quarter of Section 5, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan, being described as;

Beginning at the South Quarter Post of Section 5; thence North 00 degrees 19 minutes 00 seconds West 1318.00 feet along the North and South Quarter line of Section 5; thence North 46 degrees 33 minutes 09 seconds East 20.60 feet; thence North 89 degrees 15 minutes 29 seconds East 774.86 feet; thence South 00 degrees 32 minutes 11 seconds East 1334.80 feet to the South line of Section 5; thence South 89 degrees 27 minutes 49 seconds West 795.00 feet along the South line of Section 5 to the point of beginning.

93 MAY 28 AM 8:30
CARMEL A. 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.

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- 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.
- Access:** Grantee has the right of access to and from the Right of Way Area.
- 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.

REGISTERED FILED BY FAX NO. 44669

- 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 Katherine Hamlin
Katherine Hamlin

x Katherine Hamlin
Katherine Hamlin

x Kristine Galli
Kristine Galli

x Kristine Galli
Kristine Galli

Dominic Mocerì
Dominic Mocerì

Frances Mocerì
Frances Mocerì, wife

Michael A. Chirco
Michael A. Chirco

Mary G. Chirco
Mary G. Chirco, wife

RECORDED RIGHT OF WAY NO. 144669

Acknowledged before me in Macomb County, Michigan, on 5/4, 1993 by DOMINIC MOCERI AND FRANCES MOCERI, HIS WIFE AND MICHAEL A CHIRCO AND MARY G. CHIRCO, HIS WIFE

Notary's Stamp BARBARA A. KLONKE
Notary Public, Macomb County, MI
My Commission Expires Jan. 28, 1995

Notary's Signature Barbara A. Klonke

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

Date: July 2, 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 Knollwood Pointe Condominiums,
located in part of the Southeast 1/4 of Section 5,
Town 2 North, Range 13 East, Clinton Township, Macomb
County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated May 5, 1993 for the above named project.

Easement for this project was requested by James Kelly,
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 Dominic & Frances
Moceri, Michael A. & Mary G. Chirco, the developers of Knollwood
Pointe Condominiums.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 441669