

Date: July 1, 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 Village Green on Lake St. Clair, PH 2,
located in part of Section 25, and 30, Town 2 North,
Range 13 East, Harrison Township, Macomb County, Michigan.

Attached for Record Center is the executed Right of Way
Agreement dated April 26, 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, Harron Cablevision, Consumers Power
Company and Michigan Bell Telephone Company made this Agreement
with Village Green on Lake St. Clair Associates, Jonathon Holtzman,
Vice President, the developer of Village Green on Lake St. Clair
Phase II.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 44691

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9210090-1M
PROJECT NAME VILLAGE GREEN ON LAKE ST. CLAIR
PHASE 2

On April 26, 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:
Village Green on Lake St. Clair Associates Limited Partnership, 30833 Northwestern Highway, Suite 300, Farmington Hills, Michigan 48018

"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
Consumers Power Company, a Michigan Corporation, 1955 West Parnall Road, Jackson, MI 49201

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

See Appendix "A" attached hereto.

93 MAY 28 AM 8:30
CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

RECORDED RIGHT OF WAY NO. 44691

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)

x *Patricia A. Wright*
 Patricia A. Wright

x *Anna Marie Kish*
 Anna Marie Kish

VILLAGE GREEN ON LAKE ST. CLAIR ASSOCIATES
 LIMITED PARTNERSHIP
 a Michigan Limited Partnership

By: Holtzman & Silverman Equities #19
 Limited Partnership, a Michigan limited
 partnership, its general partner

By: Diversified Asset Corp. III,
 a Michigan corporation, its
 general partner

By: *Jonathan Holtzman*
 Its: Vice President

RECORDED RIGHT OF WAY NO. 44691

Acknowledged before me in Oakland County, Michigan, on 4-26, 1993 by Jonathan Holtzman V.P.
 For DIVERSIFIED ASSET CORP. III A MICHIGAN CORPORATION, GENERAL PARTNER OF HOLTZMAN
 & SILVERMAN EQUITIES #19 LIMITED PARTNERSHIP, a MICHIGAN LIMITED PARTNERSHIP

TERESA L. WENSON
 Notary Public, Oakland County, MI
 My Commission Expires Oct. 8, 1994

Notary's Stamp

Notary's Signature

Teresa L. Wenson

Prepared by and Return to:

Michael J. McCabe, 43230 Elizabeth Rd, Clinton Twp, MI-48036

LIBER 05869 PC 921

Land in Harrison Township, Macomb County, Michigan, described as: Part of Lots 1 and 2, "Archange Connor's Subdivision", of part of Section 25, T. 2 N., R. 13 E., and Section 30, T. 2 N., R. 14 E., Harrison Township, according to the plat thereof as recorded in Liber 1, Page 31, of plats, Macomb County Records, being more particularly described as: Commencing at the S.E. corner of said Lot 2 of "Archange Connor's Subdivision" and proceeding N. 54°51'00" W. 634.01 W. 634.01 feet along the Southerly line of said "Archange Connor's Sub", also being the Northerly line of "Supervisor's Plat No. 6", as recorded in Liber 16, Page 35 of plats, Macomb County Records; thence from said point of beginning, continuing along said line N. 54°51'00" W. 195.00 feet; thence N. 35°09'00" E. 530.00 feet; thence S. 54°51'00" E. 195.00 feet along the Northerly line of said "Archange Connor's Subdivision", also being the Southerly line of "Supervisor's Plat No. 7", as recorded in Liber 16, Page 36 of plats, Macomb County Records; thence S. 35°09'00" W. 530.00 feet to the point of beginning.

RECORDED RIGHT OF MAY NO. 441691