

**Detroit Edison**

**Joint Underground Residential Distribution Right of Way Agreement**

B433356

June 16, 1989

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan and Comcast Cable Television a Delaware

corporation of 6065 Wall Street, Sterling Heights, MI 48077 hereinafter referred to collectively as "GRANTEE", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories required in, under, upon, over and across the property located in the Township of Shelby, County of Macomb

State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the GRANTEE of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be 10 feet in width unless otherwise indicated and the route is described as follows:

The exact location of said easements will be as shown on a drawing to be recorded within 90 days.

RECORDED IN MACOMB COUNTY RECORDS AT: 12:44 P.M.

JAN 29 1990

*Edna Hill*

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

RECORDED IN MACOMB COUNTY RECORDS AT: 1:22 P.M.

JUN 30 1989

*Edna Hill*

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

In order to provide for the proper maintenance and protection of GRANTEE, the undersigned covenant and agree that:

1. The right of way will be graded to within four inches of final grade before the GRANTEE'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around GRANTEE'S above ground equipment.
2. No buildings or structures other than GRANTEE'S equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of GRANTEE.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. GRANTEE shall not be responsible to owners for damages to or removal of trees or plant life planted in front of said door or within the right of way causing an interference with GRANTEE'S maintenance of their equipment.
4. If the lines or facilities of GRANTEE are damaged by the acts of owners, their agents, employes or contractors, repairs shall be made by the granting company so damaged at the cost and expense of owners. Owners are defined as those persons owning the property at the time the damage occurred.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

Witnesses:

Grantors:

LOMBARDO ENTERPRISES, INC. a Michigan Corporation

BY: *Antoinette Lombardo*  
Antoinette Lombardo  
President

X *Dawn A. Conway*  
Dawn A. Conway

X *Victoria H. Sivec*  
Victoria H. Sivec

Prepared by: & return to:  
Michael J. McCabe  
15600 - 19 Mile Road  
Mt. Clemens, MI 48044

Address:  
47200 Van Dyke  
Utica, MI 48087

Copy Re-recorded to include Appendix B

RECORDED RIGHT OF WAY NO. 44738

13

(LIBER 04676PG056)

LIBER 04806PG817

APPENDIX "A"

HERITAGE PLACE NORTH CONDOMINIUMS, PHASE VI", Part of the Southwest 1/4 of Section 24, T3N, R12E, Shelby Township, Macomb County, Michigan, more particularly described as beginning at the South 1/4 corner of said Section 24; thence S 89°29'48" West 303.77 feet along the South line of Section 24; thence N 01°21'48" East 174.24 feet; thence S 89°29'48" West 450.00 feet; thence S 01°21'48" West 174.24 feet; thence S 89°29'48" West 466.00 feet along the South line of Section 24; thence N 00°30'12" West 200.00 feet; thence S 89°29'48" West 200.0 feet; thence S 00°30'12" East 200.0 feet; thence S 89°29'48" West 277.70 feet along the South line of Section 24; thence N 01°34'03" East 1330.18 feet; thence N 89°04'00" East 374.46 feet along Lancaster Estates Subdivision (Liber 76, Pages 4 & 5, M.C.R.) and Lancaster Estates Subdivision No. 2 (Liber 78, Pages 37 & 38, M.C.R.); thence N 01°25'30" East 435.34 feet along the East line of said Lancaster Estates Subdivision No. 2; thence N 89°29'31" East 1318.47 feet; thence S 01°22'54" West 1768.28 feet along the North and South 1/4 line of Section 24 to the point of beginning.

RECORDED RIGHT OF WAY NO. 44738

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

**Acknowledgement-Individual**

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

**Acknowledgement-Corporation**

STATE OF MICHIGAN

County of Macomb )SS

On this 16th day of June, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Antoinette Lombardo  
whose title(s) is /are President  
of Lombardo Enterprises, Inc., a Michigan corporation, on behalf of the corporation.

*Victoria H. Sivec*  
\_\_\_\_\_  
Victoria H. Sivec  
Notary Public, Macomb County, Michigan

My commission expires June 26, 1991

**Acknowledgement-Partnership**

STATE OF MICHIGAN

County of \_\_\_\_\_ )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the foregoing instrument was acknowledged before me, a notary public in and for said county, by \_\_\_\_\_

(a) general/managing partner(s), on behalf of \_\_\_\_\_ a partnership.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

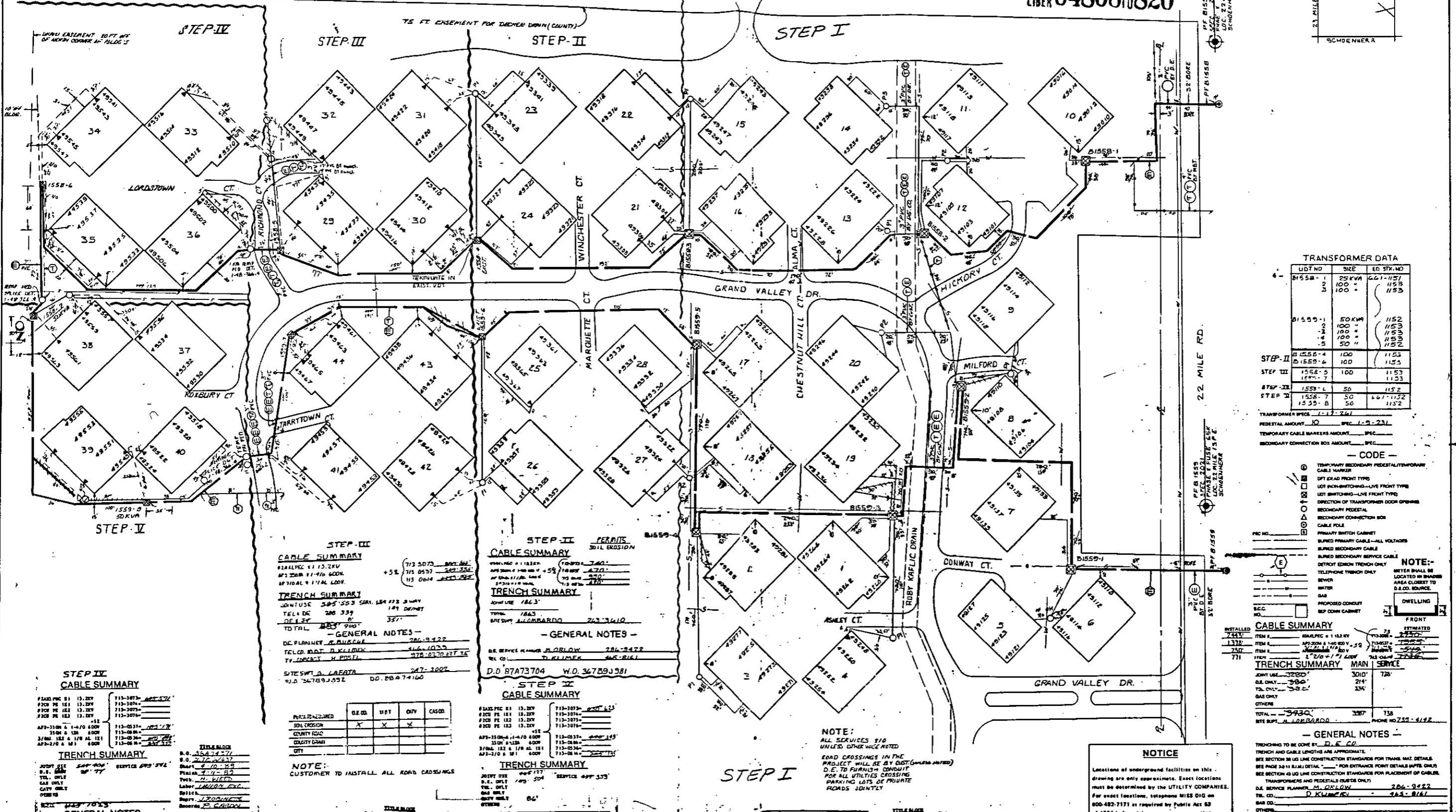
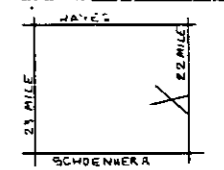
RECORDS RIGHT OF WAY NO. 44738

# APPENDIX B

LIBER 04806PG819

LIBER 04806PG820

LOCATION SKETCH



**TRANSFORMER DATA**

UDT NO	SIZE	EG STR. NO
B1558-1	25 KVA	1153
B1558-2	100 "	1153
B1558-3	100 "	1153
B1558-4	50 KVA	1152
B1558-5	100 "	1153
B1558-6	100 "	1153
B1558-7	50 "	1152
B1558-8	50 "	1152

TRANSFORMER SPEC. 1-17-74  
 PEDESTAL AMOUNT 10 SPEC. 1-9-73  
 TEMPORARY CABLE MARKERS AMOUNT 100  
 SECONDARY CONNECTION BOX AMOUNT 100

- CODE**
- TEMPORARY SECONDARY PEDESTAL/TEMPORARY CABLE MARKER
  - OFF DEAD FRONT TYPE
  - LOT FRONT/BACK/LIVE FRONT TYPE
  - LOT SWITCHING - LIVE FRONT TYPE
  - DIRECTION OF TRANSFORMER DOOR OPENING
  - SECONDARY PEDESTAL
  - SECONDARY CONNECTION BOX
  - CABLE POLE
  - PRIMARY SWITCH CABINET
  - SUPPLY SECONDARY CABLE - ALL VOLTAGES
  - SUPPLY SECONDARY CABLE
  - SUPPLY SECONDARY SERVICE CABLE
  - DETROIT EDITION TRENCH ONLY
  - TELEPHONE TRENCH ONLY
  - WATER
  - GAS
  - PROPOSED CONDUIT
  - REP. DOWN CABINET

**CABLE SUMMARY**

ITEM	QUANTITY	ESTIMATED
137A	1132	1132
25D	1132	1132
771	1132	1132

**TRENCH SUMMARY**

ITEM	MAN	SERVICE
JOINT USE	300'	120'
O.E. ONLY	300'	214'
T.O. ONLY	300'	234'
GAS ONLY		
OTHER		
TOTAL	300'	738'

**GENERAL NOTES**

TRENCHING TO BE DONE BY D.E. CO.  
 TRENCH AND CABLE LENGTHS ARE APPROXIMATE.  
 SEE SECTION 30.02 LINE CONSTRUCTION STANDARDS FOR TRENCH AND CABLE DETAILS.  
 SEE SECTION 30.01 LINE CONSTRUCTION STANDARDS FOR TRENCH AND CABLE DETAILS.  
 SEE SECTION 40.02 LINE CONSTRUCTION STANDARDS FOR TRENCH AND CABLE DETAILS.  
 TRANSFORMERS AND PEDESTALS (RUST ONLY)  
 D.E. SERVICE PLANNER: M. KILMER 284-2422  
 BAR CO.: D. KILMER 442-8161  
 PHONE NO. 755-6142

**NOTICE**

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS 010 on 800-482-7171 as required by Public Act 62 of 1974 before doing any power connecting.

**STEP III CABLE SUMMARY**

PERMITS SOIL EROSION

**TRENCH SUMMARY**

JOINT USE 300' 500' 149' DETROIT  
 T.O. ONLY 300' 339'  
 G.E. ONLY 357'  
 TOTAL 997'

**GENERAL NOTES**

DC PLANNER: A. BILSKIE 786-9422  
 TEL. CO. M. KILMER 416-1033  
 TV CONTACT: H. POSTEL 378-0702 EXT. 24  
 SITE SWT: A. LAETA 247-1002  
 P.O. 24789332 DD. 88A74160

**STEP II CABLE SUMMARY**

PERMITS SOIL EROSION

**TRENCH SUMMARY**

JOINT USE 1843'  
 TOTAL 1843'  
 SITE SWT: A. LAETA 247-1002  
 P.O. 24789332

**GENERAL NOTES**

D.E. SERVICE PLANNER: M. KILMER 284-2422  
 TEL. CO.: D. KILMER 442-8161  
 D.D. 87A73704 W.D. 34789338

**STEP IV CABLE SUMMARY**

**TRENCH SUMMARY**

JOINT USE 300' 500' 149' DETROIT  
 T.O. ONLY 300' 339'  
 G.E. ONLY 357'  
 TOTAL 997'

**GENERAL NOTES**

DC PLANNER: A. BILSKIE 786-9422  
 TEL. CO. M. KILMER 416-1033  
 TV CONTACT: H. POSTEL 378-0702 EXT. 24  
 SITE SWT: A. LAETA 247-1002  
 P.O. 24789332 DD. 88A74160

NO.	DATE	BY	REVISION
1	7-18-89	D. ADAMS	SHOWN AS INSTALLED IN FIELD, STEP III
2	8-13-89	D. ADAMS	REVISED TO SHOW STEP II
3	12-15-88	D. ADAMS	REVISED TO SHOW STEP II
4	1-12-89	D. ADAMS	SHOWN AS INSTALLED IN FIELD - STEP III
5	1-12-89	D. ADAMS	REVISED TO SHOW STEP III
6	2-2-89	D. ADAMS	REVISED TO SHOW CHANGES TO BLDGS. 25 & 28
7	2-10-89	D. ADAMS	SHOWN AS INSTALLED IN FIELD
8	2-10-89	D. ADAMS	REVISED TO SHOW STEP II

**START DATE**

URD 8BY12

HERITAGE PLACE NORTH PHASE 2  
 PART OF THE S.W. 1/4 OF SEC. 24 T35N. R. 12E.

TWP OF SHELBY COUNTY OF MACOMB

DATE: 7-18-89

BY: D. ADAMS

SCALE: 1" = 50'

PROJECT NO.: 88A74160

DATE: 7-18-89

BY: D. ADAMS

RECORDED RIGHT OF WAY NO. 44738