

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9303282-1R -  
PROJECT NAME VINEYARD VILLAGE CONDOMINIUMS, PH II**

On 6-1, 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 Ryan Partners, 1400 Woodward Avenue, Bloomfield Hills, Michigan 48304

**"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 JUN 28 AM 9:46

CARMELLA SABAUGH  
REGISTER OF DEEDS  
MACOMB COUNTY, MI

RECORDS RIGHT OF WAY NO.

14742

**The "Right of Way Area" is a part of Grantor's Land described as:**

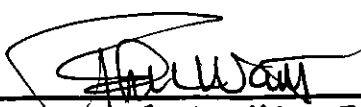
The exact location of underground equipment must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said Right of Way.

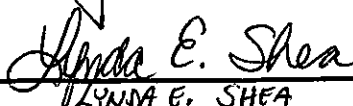
- Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- Access:** Grantee has the right of access to and from 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.

- 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)

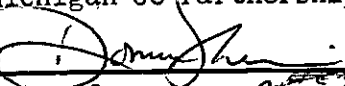
x   
 \_\_\_\_\_  
 JOHN L. WARREN III

x   
 \_\_\_\_\_  
 LYNDA E. SHEA

\_\_\_\_\_

\_\_\_\_\_

STERLING RYAN PARTNERS  
 a Michigan Co-Partnership

BY:   
 \_\_\_\_\_  
 RYAN-19 PROPERTIES INC  
 DOMINIC MOCERI, PRESIDENT

\_\_\_\_\_

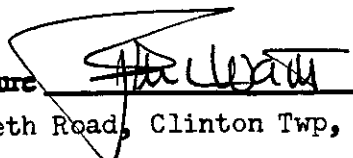
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RECORDED RIGHT OF WAY NO. 147970

Acknowledged before me in Genesee County, Michigan, on 6/1, 1993 by DOMINIC MOCERI, PRESIDENT OF  
RYAN-19 PROPERTIES INC, FOR STERLING RYAN PARTNERS, a Michigan Co-Partnership

John L. Warren III, Notary Public  
Macomb County, Michigan  
Acting in Genesee County, MI  
My Commission Expires 11-22-95

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 the Southwest 1/4 of Section 5, Town 2 North, Range 12 East, City of Sterling Heights, Macomb County, Michigan, being more particularly described as follows: Beginning at a point which is North 02 degrees 02 minutes 57 seconds East 60.02 feet along the west line of Section 5 and South 89 degrees 21 minutes 30 seconds East 60.02 feet from the Southwest corner of Section 5, Town 2 North, Range 12 East; thence along a line parallel with and 60 feet East of the West line of Section 5, North 02 degrees 02 minutes 57 seconds East 1231.95 feet; thence South 87 degrees 57 minutes 03 seconds East 215.00 feet; thence Easterly 360.36 feet along the arc of curve to the right (radius of 960.00 feet, central angle of 21 degrees 30 minutes 28 seconds, long chord bears South 77 degrees 11 minutes 49 seconds East 358.25 feet); thence South 05 degrees 43 minutes 08 seconds West 157.12 feet; thence South 11 degrees 23 minutes 35 seconds East 112.62 feet; thence South 17 degrees 20 minutes 55 seconds East 293.41 feet; thence North 59 degrees 12 minutes 48 seconds East 131.53 feet; thence Southeasterly 37.57 feet along the arc of a curve to the left (Radius of 180.00 feet, central angle of 11 degrees 57 minutes 36 seconds, long chord bears South 36 degrees 45 minutes 59 seconds East 37.51 feet); thence South 47 degrees 15 minutes 13 seconds West 125.14 feet; thence North 81 degrees 34 minutes 56 seconds West 81.97 feet; thence South 08 degrees 25 minutes 04 seconds West 83.73 feet; thence South 51 degrees 49 minutes 31 seconds West 122.20 feet; thence North 87 degrees 57 minutes 03 seconds West 153.65 feet; thence South 02 degrees 02 minutes 57 seconds West 182.76 feet; thence South 40 degrees 35 minutes 06 seconds West 76.73 feet; thence South 00 degrees 38 minutes 30 seconds West 95.05 feet; thence along a line parallel with 60 feet North of the South line of Section 5, North 89 degrees 21 minutes 30 seconds West 280.36 feet to the point of beginning.

RECORDED RIGHT OF WAY NO.

44740



Mt. Clemens Service Center  
43230 Elizabeth Road  
Clinton Twp., Michigan 48036-1101

Date: July 14, 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 Vineyard Village Condominiums, Phase  
II, located in part of the Southwest 1/4 of Section  
5, 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 June 1, 1993 for the above named project.

Easement for this project was requested by William Ronne,  
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 Ryan Partners,  
Dominic Mocerri, President, the developer of Vineyard Village  
Condominiums, Phase II.

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

MJM

Attachment

RECORDED RIGHT OF WAY NO. 447740