

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9209390-1MR**  
**PROJECT NAME EAST RIVER ESTATES SUBDIVISION**

in 630, 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:**

Mr. William R. Eldridge, 2700 Rochester Road, Rochester Hills, MI 48307  
and Elizabeth Eldridge, wf

**"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:**

See Appendix "A" attached hereto.

93 JUL 26 AM 9:34  
CARMELLA SABAUGH  
REGISTER OF DEEDS  
MACOMB COUNTY, MI

RECORDED RIGHT OF WAY NO. 44778

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

Easements as shown on attached plat.

**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 *Charles E. Sarny, Sr.*  
 CHARLES E. SARNEY, SR

*William R. Eldridge*  
 William R. Eldridge

x ~~*Charles E. Sarny, Sr.*~~

*Elizabeth Eldridge*  
 Elizabeth Eldridge, wife

*Michael J. McCabe*  
 MICHAEL J. McCABE

RECORDED RIGHT OF WAY NO. 44778

Acknowledged before me in Oakland County, Michigan, on 6-30, 1993 by William R. Eldridge and Elizabeth Eldridge, his wife.

PATRICIA A. OHLRICH  
 Notary Public, Macomb County, Michigan  
 My Commission Expires June 27, 1995

Notary's Stamp

Notary's Signature *Patricia A. Ohlrich*

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

APPROVED AS TO FORM 7/14/93 DATE  
 LEGAL DEPARTMENT *[Signature]*

## APPENDIX "A"

Part of the S.W. 1/4 of Fractional Section 16, T2N, R13E, Clinton Township, Macomb County, Michigan and being more particularly described as follows:

Beginning at a point 276.80 feet N87°53'42" E. along the East & West 1/4 line of said Fractional Section 16 from the West 1/4 corner of said Fractional Section 16; thence N87°53'42" E. 287.47 feet, along said East and West 1/4 line; thence S01°44'18" E. 988.05 feet along the West line of River Oaks Subdivision as recorded in Liber 71 of Plats, Pages 35-39, inclusive, Macomb County Records; thence N59°05'18" W. 217.98 feet along the centerline of Clinton River Road (120' R.O.W.); thence S79°05'25" W. 7.51 feet along said centerline of Road; thence N01°37'48" W. 426.67 feet; thence S87°53'42" W. 98.16 feet; thence N01°37'48" W. 443.76 feet along the East line of "Frank Subdivision" as recorded in Liber 36 of Plats, Page 20, Macomb County Records to the point of beginning and containing 5.0444 acres of land, and containing 15 Lots Numbered 1 thru 15, inclusive.

RECORDED RIGHT OF WAY NO.

44778  
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Date: August 19, 1993

To: Record Center

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

Subject: Right of Way Agreement

Re: **Underground Residential Distribution for East River Estates Subdivision, located in part of the Southwest 1/4 of Section 16, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated June 30, 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, Comcast Cablevision and Michigan Bell Telephone Company made this agreement with William and Elizabeth Eldridge, the developer of East River Estates Subdivision.

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

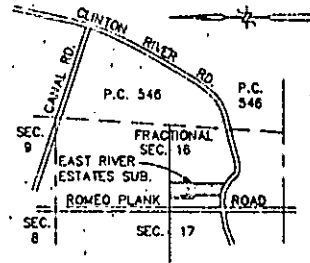
MJM/rlg

attachment

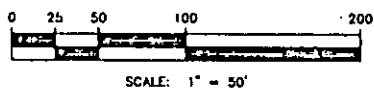
# EAST RIVER ESTATES SUBDIVISION

PART OF THE S.W. 1/4 OF FRACTIONAL SECTION 16, T.2N., R.13E.,  
CLINTON TOWNSHIP, MACOMB COUNTY, MICHIGAN

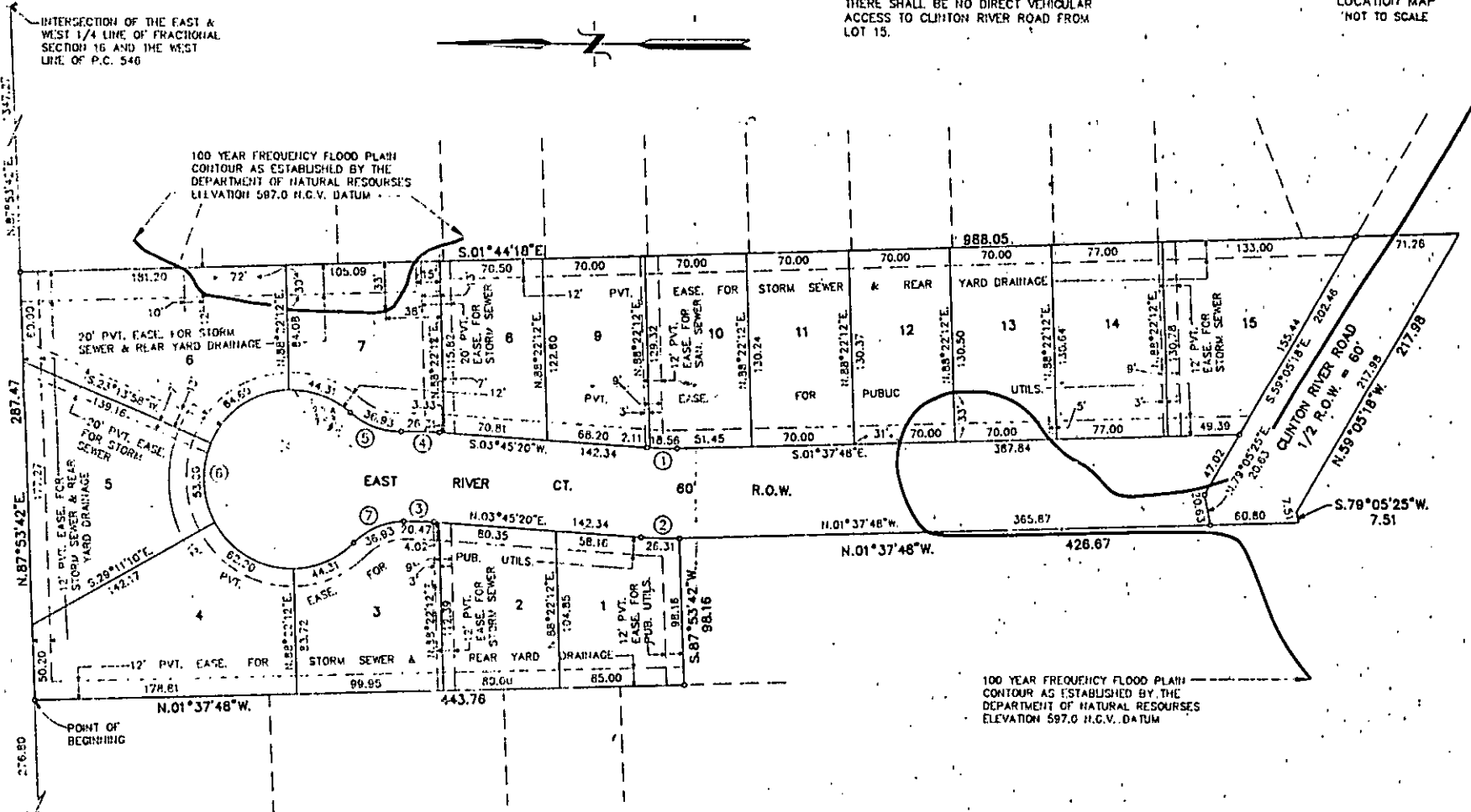
LEGEND  
 ALL DIMENSIONS ARE SHOWN IN FEET.  
 ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE CHORD.  
 THE SYMBOL "O" INDICATES A 4" DIAMETER 36" LONG W/1/2" STEEL ROD CENTER CONCRETE MONUMENT.  
 ALL LOT MARKERS ARE 1/2" STEEL RODS AND ARE 18" LONG. (NO I.D. CAPS)  
 (R) INDICATES RADIAL LOT LINES.  
 (NR) INDICATES NOT RADIAL LOT LINES.  
 BEARINGS BASED ON THE WESTERLY LINE OF RIVER OAKS SUB. NO. 2 AS RECORDED IN LIBER 71, PAGES 35-39, INCL., MACOMB COUNTY RECORDS.  
 THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO CLINTON RIVER ROAD FROM LOT 15.



EAST 1/4 CORNER  
 FRAC. SECTION 16,  
 T.2N., R.13E.  
 L.C.R.C.  
 1.04911, P.897-



118P05948P0645



CURVE #	RADIUS	ARC	LONG. CHORD	CHORD	DELTA
1	220.00	20.68	S.01°03'46"W.	20.67	05°23'08"
2	280.00	26.32	N.01°03'46"E.	26.31	05°23'08"
3	220.00	20.68	S.01°03'46"W.	20.67	05°23'08"
4	280.00	26.32	N.01°03'46"E.	26.31	05°23'08"
5	50.00	37.82	S.20°02'27"W.	36.93	43°20'30"
6	60.00	279.27	N.88°22'12"E.	87.27	266°41'01"
7	50.00	37.82	N.23°18'03"W.	36.93	43°20'30"

THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 289 OF 1967 AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND/OR THE MICHIGAN DEPARTMENT OF HEALTH WHICH ARE RECORDED IN LIBER PAGES OF RECORDS IN THIS COUNTY.

ROBERT L. SMITH