

LIBER 059480659

B915761

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-A-74996JBP-1
PROJECT NAME BAYBERRY PLACE SUBDIVISION NO. 3

7-1, 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:

Elro Corporation, 201 West Big Beaver Road, Suite 720, Troy, Michigan 48084
D & N Bank, F.S.B., 3331 W. Big Beaver Road, Suite 306, Troy, Michigan 48084

"Grantee" is:

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 Macomb 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

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

Easements are as shown on attached plat.

RECORDED RIGHT OF WAY NO. 44808

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.

05948PC660

- 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 *Joanne B. Jennings*
 JOANNE B. JENNINGS

x *Richard A. Schoenherr*
 Richard A. Schoenherr

ELRO CORPORATION
 a Michigan Corporation

Graham A. Orley
 Graham A. Orley,
 President

Harry F. Terbruggen
 Harry F. Terbruggen
 Executive Vice President

RECORDED RIGHT OF WAY NO. 44808

Acknowledged before me in Oakland County, Michigan, on 7-1, 1993 by Graham A. Orley
Harry F. Terbruggen PRESIDENT & EXECUTIVE VICE PRESIDENT
 OF ELRO CORPORATION, A MICHIGAN CORPORATION, FOR THE CORPORATION

Notary's Stamp JOANNE B. JENNINGS Notary Public, Oakland County, MI
 Notary's Signature *Joanne B. Jennings*
 Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd, Clinton Twp, MI 48036
 My Commission Expires Jan. 9, 1995

APPROVED AS TO FORM _____ DATE _____
 LEGAL DEPARTMENT _____

Witnesses: (type or print name below signature)

Grantor: (type or print name below signature)

D & N BANK, F.S.B.
a United States Corporation

x Joanne B. Jennings
JOANNE B. JENNINGS

Alan R. Giever
Alan R. Giever
Executive Vice President

x Harry F. Tenbradeggen
HARRY F. TENBRADEGGEN

RECORDED RIGHT OF FAX NO. 44808

Acknowledged before me in Dublin County, Michigan, on 7-1, 1993 by Alan R. Giever
EXECUTIVE VICE PRESIDENT FOR D & N, F.S.B., A UNITED STATES CORPORATION.
FOR THE CORPORATION

JOANNE B. JENNINGS
Notary Public, Oakland County, MI
My Commission Expires Jan. 9, 1995

Notary's Stamp _____ Notary's Signature Joanne B. Jennings

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

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

APPENDIX "A"

Part of the Southwest 1/4 and the Southeast 1/4 of Section 7, T.3N., R.13E., Macomb Township, Macomb County, Michigan. Beginning at a point S88°46'38" E 990.48 ft, along the East and West 1/4 line of Section 7 from the West 1/4 corner of Section 7, T.3N., R.13E., thence S88°46'38" E 987.12 ft. along the East and West 1/4 line of said Section 7, to the Center Post of Section 7, T.3N., R.13E., thence S88°44'11" E 20.04 ft. along the East and West 1/4 line of Section 7; thence S01°15'49" W 206.00 ft.; thence N88°44'11" W 15.13 ft; thence S00°06'08" E 723.45 ft. along the North and South 1/4 line of said Section 7; thence, along the boundary of "Bayberry Place Sub, No. 2" (Liber 94, Pages 48, 49 and 50, M.C.R.), S89°53'52" W 206.00 ft. and S00°06'08" E 41.98 ft. and N88°46'38" W 481.90 ft. and N00°02'55" W 350.09 ft. and N88°46'38" W 120.00 ft. and N00°55' W 0.86 ft. and S89°57'05" W 180.00 ft.; thence N00°02'55" W 629.28 ft. to the point of beginning. Containing 19.594 acres and comprising 64 lots, numbered 110 through 173, both inclusive.

RECORDED RIGHT OF WAY NO.

44808

Date: August 12, 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 Bayberry Place
Sub No. 3. , located in part of the Southwest 1/4 and the
Southeast 1/4 of Section 7, Town 3 North, Range 13 East,
Macomb Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated July 1, 1993, for the above named project.

Easement for this project was requested by Jerald Pollard, 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 Elro Corp., Harry F. Terbruggen, Executive V.P., the developer of Bayberry Place Sub No. 3.

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

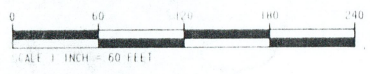
MJM/rlg

Attachment

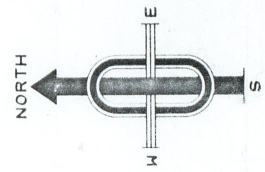
RECORDED RIGHT OF WAY NO. 44808

"BAYBERRY PLACE SUB. NO. 3"

PART OF THE SOUTHWEST 1/4 AND PART OF THE SOUTHEAST 1/4 OF SECTION 7,
T.3N., R.13E., MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN.

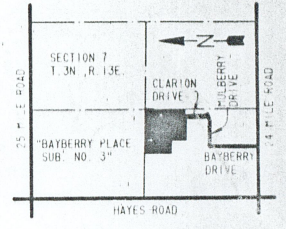


PLAT LEGEND
ALL DIMENSIONS ARE IN FEET
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC
(R = RADIUS, LN R = LENGTH NOT RADIAL)
THE SYMBOL "Ø" INDICATES A MONUMENT WHICH IS A 1 1/2" DIAMETER
"FEET BAR 36" LONG, ENCASED IN 4" DIAMETER CONCRETE
ALL LOT MARKERS ARE 1 1/2" IRON PIPES AND ARE 18" LONG "NO I.D. CAPS"
ALL BEARINGS ARE IN RELATION TO THE BEARING OF THE NORTH LINE OF
"BAYBERRY PLACE SUB. NO. 3" AS DEFINED IN LIBER 94, PAGES 48, 49,
AND 50, M.C.R.



CURVE DATA

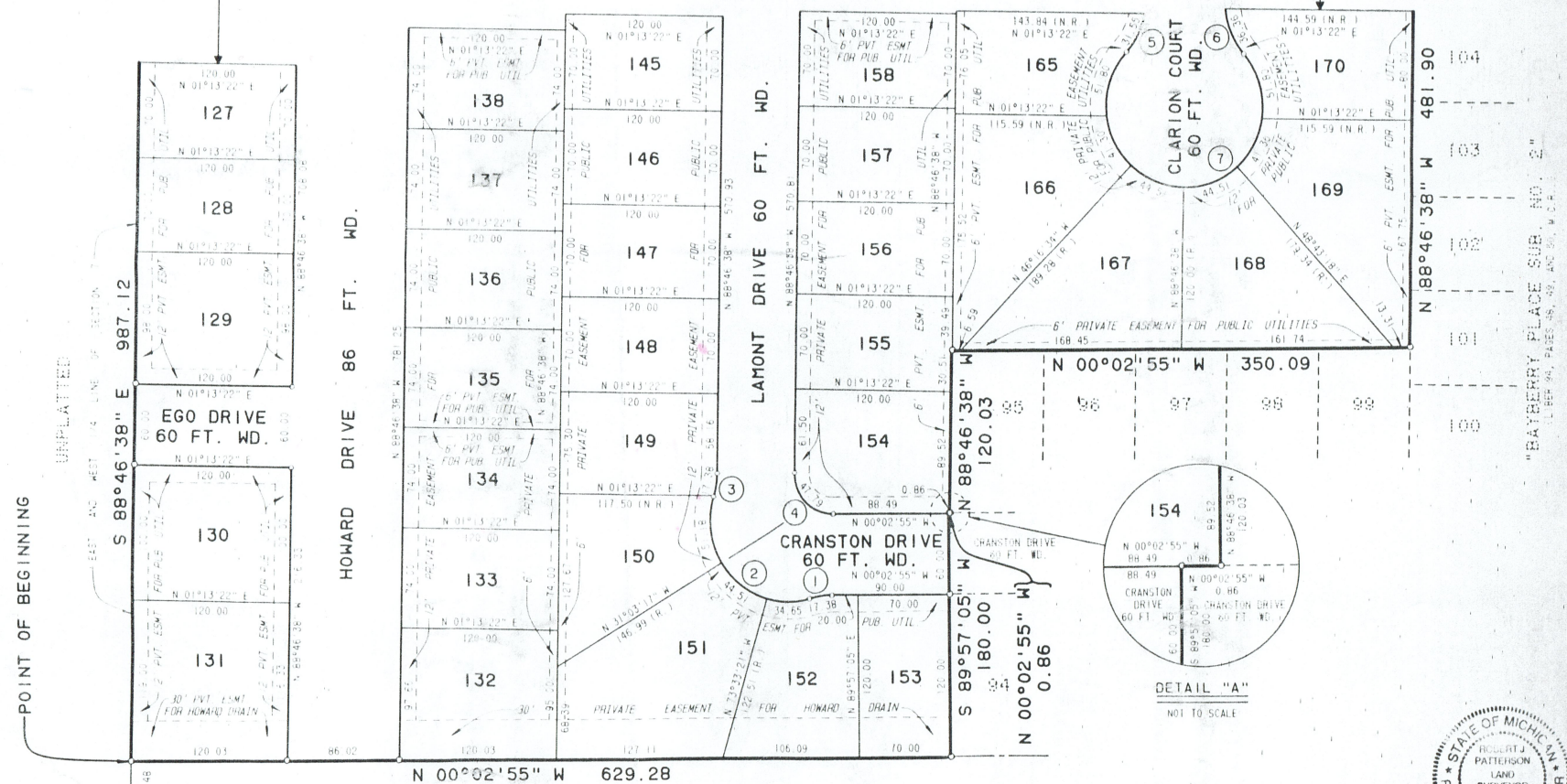
NO.	RADIUS	ARC	DELTA	CHORD	CHORD BEARING
1	60.00	17.38	16°35'52"	17.32	N 08°20'52" W
2	60.00	130.34	124°28'01"	106.48	N 45°35'13" E
3	60.00	17.38	16°35'52"	17.32	N 80°28'42" W
4	30.00	47.79	91°16'17"	42.89	N 45°35'13" E
5	60.00	43.36	41°24'35"	42.43	N 68°04'20" W
6	60.00	43.36	41°24'35"	42.43	N 70°31'05" E
7	60.00	275.22	262°49'10"	90.00	N 01°13'22" E



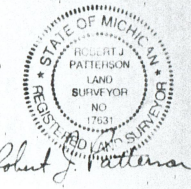
LOCATION MAP
NOT TO SCALE

MATCH LINE ON SHEET 2 OF 4

116R05948P0662



"BAYBERRY PLACE SUB. NO. 3"
LIBER 94, PAGES 48, 49, AND 50, M.C.R.



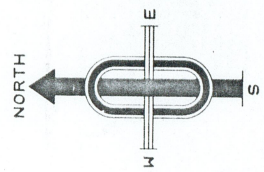
WEST 1/4 CORNER OF
OF SECTION 7, T.3N., R.13E.
LIBER 4608, PAGE 36, M.C.R.

"BAYBERRY PLACE SUB. NO. 3"

PART OF THE SOUTHWEST 1/4 AND PART OF THE SOUTHEAST 1/4 OF SECTION 7,
T.3N., R.13E., MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN.

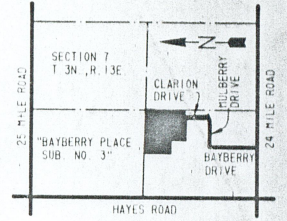


PLAT LEGEND
ALL DIMENSIONS ARE IN FEET
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC
"R" DENOTES RADIAL, "N.R." DENOTES NOT RADIAL
THE SYMBOL "M" INDICATES A MONUMENT WHICH IS A 1 1/2" DIAMETER
STEEL BAR 30" LONG, ENCASED IN 4" DIAMETER CONCRETE
ALL "I.P." MARKERS ARE 1 1/2" IRON PIPES AND ARE 18" LONG "NO I.D. CAPS"
ALL BEARINGS ARE IN RELATION TO THE BEARING OF THE NORTH LINE OF
"BAYBERRY PLACE SUB. NO. 3" AS RECORDED IN LIBER 34, PAGES 48, 49,
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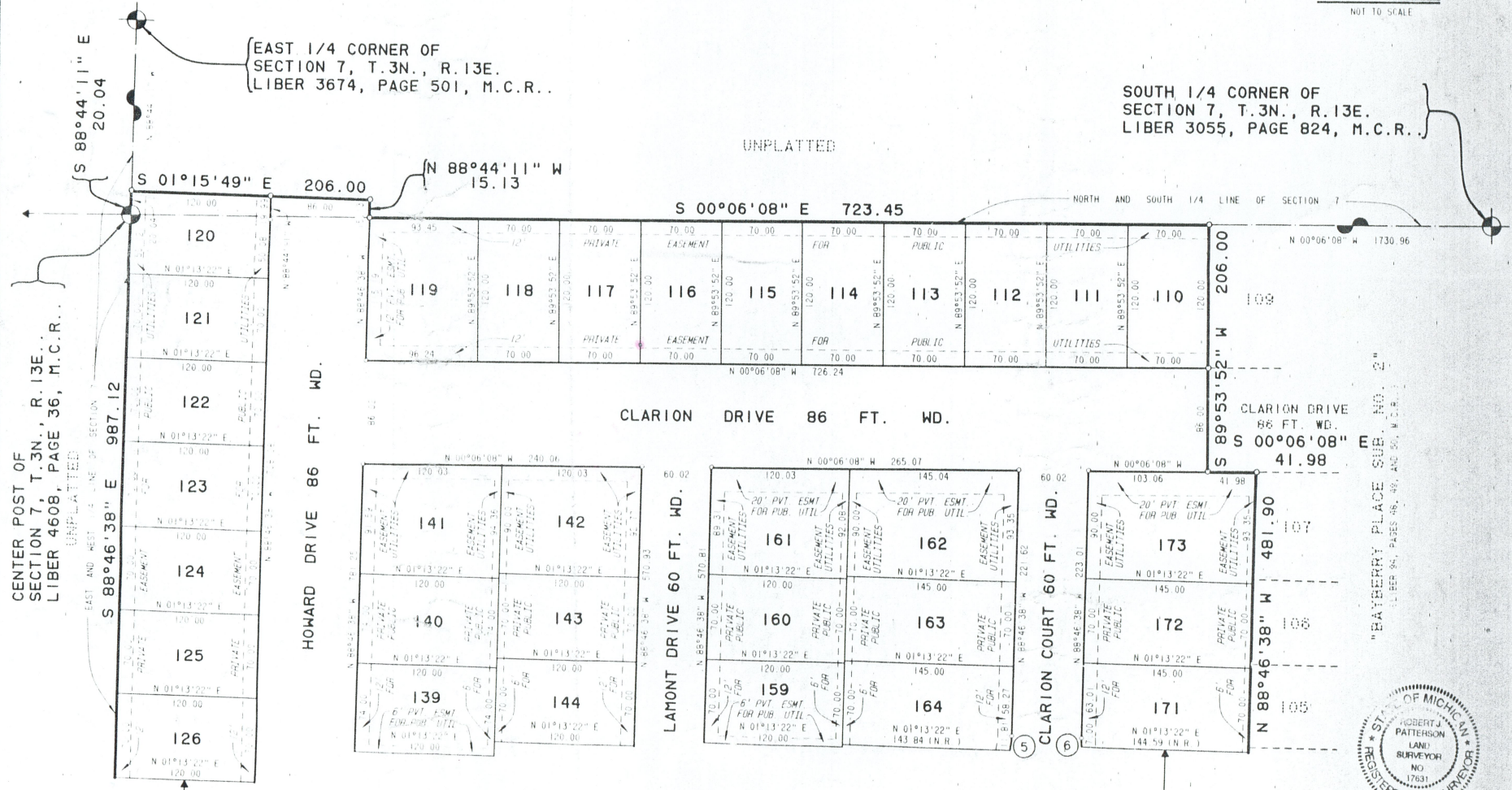
CURVE DATA

NO.	RADIUS	ARC	DELTA	CHORD	CHORD BEARING
5	60.00	43.36	41°24'35"	42.43	N 68°04'20" W
6	60.00	43.36	41°24'35"	42.43	N 70°31'05" E

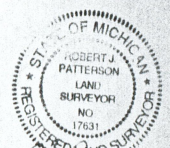


LOCATION MAP
NOT TO SCALE

05948060



MATCH LINE ON SHEET 1 OF 4



Robert J. Patterson