

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9201075-01R
PROJECT NAME PHEASANT RIDGE CONDOMINIUMS

9-7, 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:

Daniel and Audrey Dyle, 901 Huron Ave, Suite 4, Port Huron, Michigan 48061

"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 Macomb Township, Macomb County, Michigan described as:

A parcel of land in the Southeast 1/4 of Section 31, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan, more fully described as: Commencing at the Center Post of said Section 31; thence South 0 degrees 03 minutes 30 seconds East 391.00 feet along the North-South 1/4 line to the point of beginning; thence North 89 degrees 56 minutes 30 seconds East 354.05 feet; thence South 17 degrees 17 minutes 00 seconds East 414.41 feet along the centerline of Lewis drain; thence South 89 degrees 54 minutes 30 seconds West 337.19 feet; thence North 0 degrees 03 minutes 30 seconds West 100.00 feet; thence South 89 degrees 56 minutes 30 seconds West 139 feet; thence North 0 degrees 03 minutes West 306.00 feet along the North-South 1/4 line to the point of beginning.

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.

93 SEP 21 AM 9:57
CARMELLA CABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

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.

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RECORDED RIGHT OF WAY NO. 45003

- L. 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.
- I. 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.
- 5. 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)

[Signature]
 MICHAEL J. VALENTINE

[Signature]
 PAUL G. VALENTINE

[Signature]
 Daniel Dyle

[Signature]
 Audrey Dyle, wife

Acknowledged before me in St. Clair County, Michigan, on 9-7, 1993 by DANIEL DYLE AND AUDREY DYLE, HIS WIFE

Notary's Stamp Nov 17, 1996 St. Clair County Notary's Signature *[Signature]*
 Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd, Clinton Twp, MI 48036
 MICHAEL J. VALENTINE

RECORDED HIGH OF WAY NO. 45003

Date: October 25, 1993

To: Record Center

From: Michael J. McCabe *MJM*
Sr. Real Estate and Right of Way Representative
Mt Clemens Service Center

Subject: Right of Way Agreement

Re: **Underground Residential Distribution for Pheasant Ridge
Condominiums, located in part of the Southeast 1/4 of Section 31,
Town 3 North, Range 13 East, Macomb Township, Macomb County,
Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated September 7, 1993, for the above named project.

Easement for this project was requested by Jerald Pollard, Service Planning, Mt. Clemens Service Center, Macomb Division. The Agreement was negotiated by Michael J. McCabe, Representative, Real Estate and Right of Way, Mt Clemens Service Center, Macomb Division.

Detroit Edison Company, Michigan Bell Telephone Company and Comcast Cablevision made this agreement with Daniel and Audrey Dyle, the developers of Pheasant Ridge Condominiums.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 45003