

**UNDERGROUND DISTRIBUTION EASEMENT
(RIGHT OF WAY) NO. R9205476-1AR
PROJECT NAME WHISPERING PINES NO. 3**

On July 12, 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:

Michigan Land-Tech, Incorporated, a Michigan Corporation, 7200 Brighton Road, Brighton, Michigan 48116

"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, Michigan 48226
Consumers Power Company, a Michigan corporation, 212 West Michigan Avenue, Jackson, Michigan 49201
Multi-Cablevision Company of Livingston/Washtenaw, a Michigan corporation, 8505 E. M-36, P.O. Box 660, Hamburg, Michigan 48139

"Grantor's Land" is in Hamburg Township, Livingston County, described as:

Part of the Southwest ¼ of Section 19 and part of the Northwest ¼ of Section 30, T1N-R5E, Hamburg Township, Livingston County, Michigan, described as commencing at the center of said Section 19; thence South 88°05'15" West along the East and West ¼ line of said Section and centerline of M-36 Highway, 1331.70 feet to the centerline of McGregor Road; thence South 00°31'45" East along said line, 1443.00 feet to the point of beginning; thence North 89°28'15" East 456.31 feet; thence South 08°30'00" East 42.00 feet; thence North 89°28'15" East 50.00 feet; thence South 08°30'00" East 325.00 feet; thence South 00°31'45" East 1015.00 feet; thence South 24°27'22" West 326.50 feet; thence along a curve to the left, radius of 187.00 feet, chord bearing South 79°53'04 East 89.17 feet, an arc distance of 90.59 feet; thence along a curve to the right, radius of 273.00 feet, chord bearing South 87°23'10" East 60.64 feet, an arc distance of 60.77 feet; thence North 24°27'22" East 258.92 feet; thence South 56°30'00" East 175.00 feet; thence South 43°39'49" East 210.00 feet; thence South 08°54'45" East 218.85 feet; thence South 29°14'51" East 336.88 feet; thence South 00°57'54" East 195.37 feet; thence South 88°06'57" West 1173.00 feet; thence North 00°91'24" West along the centerline of McGregor Road, 1293.85 feet; thence North 00°31'45" West along said centerline, 1152.03 feet to the point of beginning, containing 40.32 acres.

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

All in accordance with proposed plat which is attached hereto and made a part hereof (Appendix "B"). The width of right of way is twelve (12) feet.

1. **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.
2. **Access:** Grantee has the right of access to and from the Right of Way Area.
3. **Buildings or other Permanent Structures:** No buldings 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.

LIBER 1738 PAGE 0658

RECORDED RIGHT OF WAY NO.

45073

Witnesses: (type or print name below signature)

Yusef Calabro
LISA S. CALABRO
Betsy R Smith
BETSY R SMITH

Grantor: (type or print name below signature)

Donald A. Moon, President
OF MICHIGAN LAND TECH, INC
Jeffrey S. Burton

Acknowledged before me in LIVINGSTON County, Michigan, on July 12, 1993 by Donald A. Moon, for Michigan Land-Tech, Inc., a Michigan Corporation.
PRESIDENT

~~Acknowledged before me in LIVINGSTON County, Michigan, on July 12, 1993 by Jeffrey S. Burton, for Michigan Land-Tech, Inc., a Michigan Corporation.~~

Notary's Stamp LISA S. CALABRO
Notary Public, Livingston County, MI
My Commission Expires Aug. 14, 1995 Notary's Signature Yusef Calabro
(Notary's name, county, and date commission expires)

APPROVED AS TO FORM 9/20/93 DATE
LEGAL DEPARTMENT 9/19/93

Detroit
Edison

DATE: Nov. 8, 1993
TO: Corporate Real Estate Services
2310 W.C.B.
FROM: Doreen Gay
Real Estate & Rights-of-Way
Howell Office
Ann Arbor Division
SUBJECT: Agreement/Easement/Restrictions for underground
residential distribution for R/W # R 9205476-1A
WHISPERING PINES No 3.
Located In: HAMBURG TWP.
County: LIVINGSTON

Attached is the executed Agreement dated JULY 12, 1993
for the above named project.

Easements for this project were requested by Phil CAPLING
HOWELL S.C.
Service Planning Department, Ann Arbor Division.

The Agreement was negotiated by Doreen Gay of the Real
Estate and Rights-of-Way Department, Ann Arbor Division.

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

Additional Information: _____

DG

Attachment(s)

RECORDED RIGHT OF WAY NO. 45073

To (Supervisor, RE & R/W)	For RE & R/W Dept. Use	Date Received	DE/Bell/C.P. No.
DOLORES GALANTE			
Division	Date	Application No.	
ANN ARBOR (HULL STR. CTR.)		R-9205476-1A	

We have included the following necessary material and information:

Material:

A. Proposed Subdivision

- 1. copy of complete final proposed plat - All pages

or

B. Other than proposed subdivision (condo., apts. mobile home park - other)

- 1. Property description.
- 2. Site plan.
- 3. title information (deed, title commitment, contract with title commitment, or title search).

Note: Do not submit application for URD easements until all above material has been acquired.

Customer Tracking Number 9205476

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH	PERMITS TO:
BY <u>D.E. GAY</u>	RECORD <u>1</u>
DATE <u>11/8/93</u>	CENTER <u>1</u>
DATE _____	R/W FILES <u>1</u>
WANTED _____	MBT <u>1</u>
DISTRICT _____	ORIGINATOR <u>1</u>
FIELDMAN _____	TOTAL <u>1</u>

Information

1. Project Name	County
WHISPERING PINES No. 3	LIVINGSTON

City/Township/Village	Section No.
HAMBURG TOWNSHIP	19-30

Type of Development

<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex	<input type="checkbox"/> Condominium
<input checked="" type="checkbox"/> Subdivision <u>CONDOMINIUM</u>	<input type="checkbox"/> Mobile Home Park	<input type="checkbox"/> Other

2. Name of Owner	Phone No.
WHISPERING PINES DEVELOPMENT CO.	(313) 229-6369

Address
7200 BRIGHTON RD., BRIGHTON, MICHIGAN 48116

Owner's Representative	Phone No.
DONALD A. MOON	(313) 229-6369

Date Service is Wanted
4-15-93 ±

4. Entire Project will be developed at one time Yes No

5. Joint easements required — Michigan Bell Telephone F.J.U. MEMO # J-9205476-2A Yes No
 — Consumers Power F.J.U. MEMO # J-9205476-3A Yes No
 — MULTI-CABLEVISION F.J.U. MEMO J-9205476-1A Yes No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power

b. Other Utility Engineer Names	Phone Numbers
LARRY J. BURT - MBT - Ph. 996-5338 (313)	
DENNIS CARTER - CONSUMERS POWER - Ph. (313) 433-5929	
MARK DOTKIEWICZ - MULTICABLEVISION (313) 231-1872	

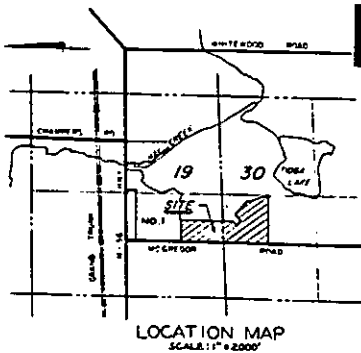
6. Additional Information or Comments
 MAIN LINE TRENCH IS TO BE IN THE ROAD R/W. TRANSFORMERS ARE TO BE INSTALLED IN 12' WIDE EASEMENTS ABOUT IN THE ROAD R/W - PLEASE SECURE EASEMENT RIGHTS FOR ALL ROADS PLUS 12' TRANSFORMER EASEMENTS - STOP LOT 96 & LOT 97 FOR ADDITIONAL TRANSFORMER. ALSO LOT #80.

Note: Trenching letter attached will be submitted later

Service Planner	Signed (Service Planning Supervisor)
PHIL CAPLING	Dolores Galante

Phone No.	Address
(517) 548-6447	HOWELL SERVICE CENTER.

RECEIVED 9/1/93 DE 1145 10. 45273



LOCATION MAP
SCALE: 1" = 200'



PROPOSED "WHISPERING PINES NO. 3"

SITE PLAN

PART OF THE S.W. 1/4 OF SECTION 19 AND PART OF THE N.W. 1/4 OF SECTION 30, T.19N., R.5E., HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN



RECORDED RIGHT OF WAY NO. 45073

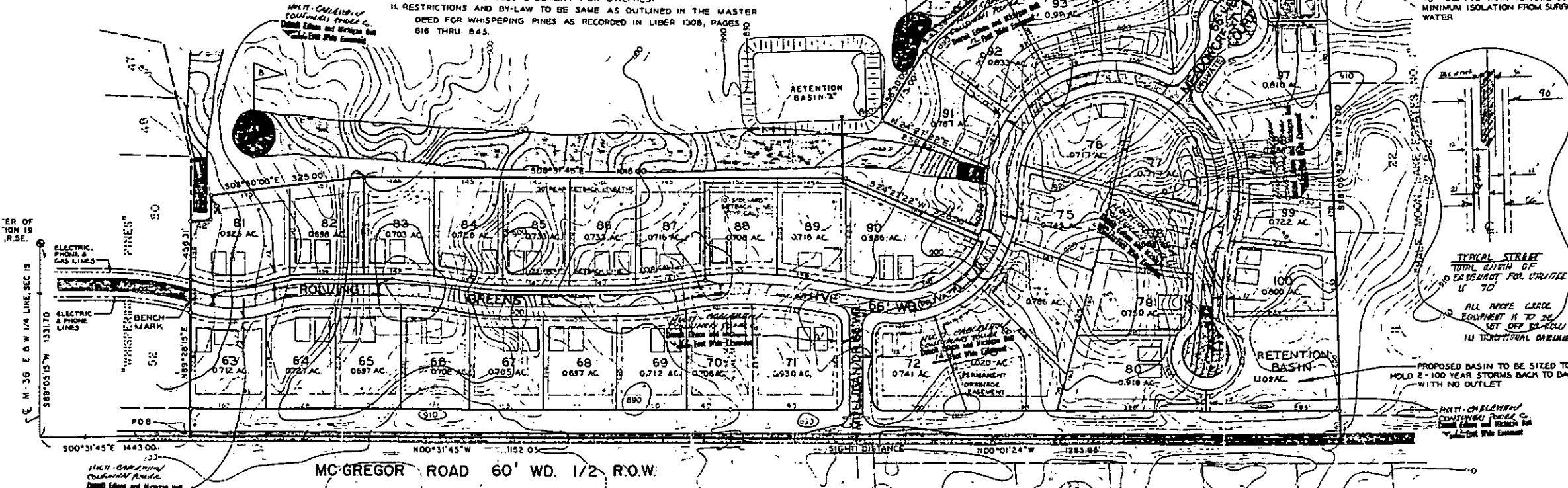
PLANNED IMPROVEMENTS

1. ASPHALT ROADS WITH CONCRETE CURBS & GUTTERS (30 FT WD BACK TO BACK).
2. UNDERGROUND STORM DRAINAGE SYSTEM.
3. UNDERGROUND UTILITIES - ELECTRIC, TELEPHONE, AND GAS.
4. INDIVIDUAL SEPTIC SYSTEMS AND INDIVIDUAL WATER WELLS.

GENERAL NOTES

1. ALL ELEVATIONS ARE BASED UPON U.S.G.S. DATUM.
2. EXISTING AND PROPOSED ZONING OF SUBJECT SITE IS R.A.
3. PROPOSED WHISPERING PINES NO. 3 SITE CONDOMINIUM TO CONTAIN 38 UNITS NUMBERED 63 THRU 100 INCLUSIVE.
4. ALL UNITS TO CONTAIN 30,000 SQ. FT. MINIMUM, 125 FT. MINIMUM FRONTAGE, 25 FT FRONT SETBACK, 30 FT REAR SETBACK, AND A 10 FT. SIDE SETBACK.
5. PRIOR TO WORKING WITHIN THE MCGREGOR ROAD RIGHT-OF-WAY AN APPROVED APPROACH PERMIT SHALL BE ACQUIRED FROM THE LIVINGSTON COUNTY ROAD COMMISSION.
6. PRIOR TO ANY EARTH DISRUPTION, AN APPROVED SOIL EROSION AND SEDIMENT CONTROL PERMIT SHALL BE ACQUIRED FROM THE LIVINGSTON COUNTY DRAIN COMMISSIONERS OFFICE.
7. ALL CONSTRUCTION PLANS TO BE SUBMITTED AFTER PARTIAL PRELIMINARY SITE PLAN APPROVAL HAS BEEN ACQUIRED.
8. NO VEHICULAR ACCESS DIRECTLY TO MCGREGOR RD. FOR LOTS 63-73 & 80.
9. LOTS 63-79 & LOTS 88-100 ARE WOODED.
10. ALL UNDERGROUND UTILITIES TO BE LOCATED WITHIN ROAD ROW. NO EXIST. OR PROPOSED BASEMENT FOR UTILITIES.
11. RESTRICTIONS AND BY-LAW TO BE SAME AS OUTLINED IN THE MASTER DEED FOR WHISPERING PINES AS RECORDED IN LIBER 1308, PAGES 816 THRU 845.
12. NO HOUSES WITHIN 100' OF SUBJECT SITE.
13. ALL NECESSARY COUNTY APPROVALS TO BE ACQUIRED.

[Faint, illegible text, likely a surveyor's note or title block information.]



1/4 SECTION 19 N. 5E.
E. M-36 E & W 1/4 LINE, SEC 19
388°05'15\"/>

NOTE ALL MAINTENANCE OF ROADS AND DRAINAGE FACILITIES TO BE ACCOMPLISHED BY CONDOMINIUM ASSOCIATION AS OUTLINED IN...

LANDSCAPE NOTE
ALL LOTS TO HAVE 2 TREES AT ALONG THE ROAD

PROPRIETOR
ARROWHEAD DEVELOPMENT CO., INC.