

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9302704-1M

On September 27, 1993 for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

LakePointe A Limited Partnership, 3000 Country Club Drive, St. Clair Shores, MI 48082

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in St. Clair Shores, Macomb

County, Michigan described as:

See Appendix "A" attached hereto.

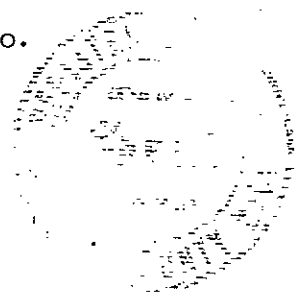
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CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

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

A Six (6) foot wide easement

See Appendix "B" attached hereto.



RECORDED RIGHT OF WAY NO. 45079

1. Purpose: The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground 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 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. Restoration: If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.

7. 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 under signature)

Grantor:(type or print name under signature)
LakePointe A Limited Partnership

x *Bernard R. Leahy*
BERNARD R. LEAHY

James Phelan

x *Dennis Nowak*
DENNIS NOWAK

BY: *Vice President, Dart Properties*
General Partner

James Phelan, Dart Properties, Inc. General Partner

Acknowledged before me in Macomb County, Michigan, on 9-27, 1993 BY JAMES PHELAN, VICE PRESIDENT OF DART PROPERTIES, GENERAL PARTNER OF LAKEPOINTE, A LIMITED PARTNERSHIP

Notary's Stamp NOTARY PUBLIC - MACOMB CTY. MI
MY COMMISSION EXPIRES 1-6-98 Notary's Signature

Stacey Ann Fraser
Stacey Ann Fraser

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

RECORDED RIGHT OF WAY NO. 46079

APPENDIX "A"

Land in the City of St. Clair Shores, Macomb County, Michigan, described as: A parcel of land being a part of the Northeast 1/4 of Section 3, T1N, R13E, City of St. Clair Shores, Macomb County, Michigan, and being a part of Carl T. Storms Golf Club Subdivision, according to the plat thereof recorded in Liber 6, Page 30, of Plats, Macomb County Records, and part of Lot 1 of Assessor's Plat No. 40, according to the plat thereof recorded in Liber 15, Page 31, of Plats, Macomb County Records, described as follows: Beginning at a point distant North 89 degrees 27 minutes 58 seconds East 1944.38 feet along the East and West 1/4 line of said Section 3 and North 0 degrees 32 minutes 02 seconds West 182.27 feet and on a curve to the right having a radius of 87.85 feet; arc 105.28 feet, central angle 68 degrees 39 minutes 58 seconds chord bearing and distant North 33 degrees 47 minutes 50 seconds East 99.10 feet and North 68 degrees 07 minutes 42 seconds East 163.08 feet and North 89 degrees 30 minutes 45 seconds East 658.92 feet and North 44 degrees 30 minutes 45 seconds East 239.08 feet and North 0 degrees 29 minutes 15 seconds West 31.11 feet and North 0 degrees 29 minutes 15 seconds West 107.00 feet and North 89 degrees 30 minutes 45 seconds East 140.00 feet; and North 0 degrees 29 minutes 15 seconds West 50.00 feet from the West 1/4 corner of said Section 3; proceeding thence South 89 degrees 30 minutes 45 seconds West 125.00 feet; thence on a curve to the right having a radius of 119.85 feet, arc 94.13 feet, central angle 45 degrees 00 minutes 00 seconds, chord bearing and distant North 22 degrees 00 minutes 45 seconds East 91.73 feet; thence on a curve to the left having a radius of 474.34 feet arc 257.40 feet, central angle 31 degrees 05 minutes 31 seconds chord bearing and distant North 28 degrees 57 minutes 59 seconds East 254.25 feet; thence on a curve to the right having a radius of 510.18 feet arc 197.68 feet, central angle 22 degrees 12 minutes 01 seconds, chord bearing and distant North 24 degrees 31 minutes 14 seconds East 196.45 feet; thence North 35 degrees 37 minutes 15 seconds East 250.33; thence on a curve to the right having a radius of 137.27 feet, arc 348.95 feet, central angle 145 degrees 38 minutes 53 seconds, chord bearing and distant South 71 degrees 33 minutes 18 seconds East 262.30 feet; thence South 1 degree 16 minutes 08 seconds West 227.62 feet; thence on a curve to the right having a radius of 267.14 feet, arc 201.62 feet, central angle 43 degrees 14 minutes 37 seconds chord bearing and distant South 22 degrees 53 minutes 27 seconds West 196.87 feet; thence South 44 degrees 30 minutes 45 seconds West 37.44 feet; thence on a curve to the right having a radius of 568.85 feet, arc 446.77 feet, central angle 45 degrees 00 minutes 00 seconds, chord bearing and distant South 67 degrees 00 minutes 45 seconds West 435.38 feet to the point of beginning.

APPENDIX "B"

UTILITY EASEMENT

DESCRIPTION OF A SIX (6) FOOT WIDE EASEMENT ACROSS A PARCEL OF LAND IN THE CITY OF ST. CLAIR SHORES, MACOMB COUNTY, MICHIGAN, DESCRIBED AS: PART OF THE NORTHEAST 1/4 OF SECTION 3, T. 1 N., R. 13 E., CITY OF ST. CLAIR SHORES, MACOMB COUNTY, MICHIGAN, AND BEING A PART OF CARL T. STORMS GOLF CLUB SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 6, PAGE 30 OF PLATS, MACOMB COUNTY RECORDS, AND PART OF LOT 1 OF ASSESSOR'S PLAT NO. 40, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 15, PAGE 31 OF PLATS, MACOMB COUNTY RECORDS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT DISTANT N. 89°27'58" E., 1,944.38 FEET ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION 3 AND N. 00°32'02" W., 182.27 FEET AND ON A CURVE TO THE RIGHT HAVING A RADIUS OF 87.85 FEET, ARC OF 105.28 FEET, CENTRAL ANGLE OF 68°39'58", CHORD BEARING AND DISTANT OF N. 33°47'50" E., 99.10 FEET AND N. 68°07'42" E., 163.08 FEET AND N. 89°30'45" E., 658.92 FEET AND N. 44°30'45" E., 239.08 FEET AND N. 00°29'15" W., 31.11 FEET AND N. 00°29'15" W., 107.00 FEET AND N. 89°30'45" E., 140.00 FEET AND N. 00°29'15" W., 50.00 FEET AND ON A CURVE TO THE LEFT HAVING A RADIUS OF 568.85 FEET, ARC OF 350.59 FEET, CENTRAL ANGLE OF 35°18'44", CHORD BEARING AND DISTANT N. 71°51'23" E., 345.07 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE FROM SAID POINT OF BEGINNING N. 23°43'52" W., 161.83 FEET; THENCE N. 61°16'08" E., 6.00 FEET; THENCE S. 28°43'52" E., 161.05 FEET; THENCE 6.05 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 568.85 FEET, CENTRAL ANGLE OF 00°36'34", CHORD BEARING AND DISTANCE OF S. 53°53'42" W., 6.05 FEET TO THE POINT OF BEGINNING.

RECORDED RIGHT OF WAY NO. 45274

APPLICATION FOR RIGHT OF WAY

DE 963-0811; 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 5-20-93

LOCATION LAKE POINTE TOWERS CONDO'S

APPLICATION NO. R-9302704-1M

3106 COUNTRY CLUB DR.

DEPT. ORDER NO. _____

CITY OR VILLAGE ST. CLAIR SHORES

O. F. W. NO. _____

TOWNSHIP LAKE COUNTY MACOMB

BUDGET ITEM NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED _____

INQUIRY NO. 9302704

THIS R/W IS _____ % OF TOTAL PROJECT NO. _____ ACCUM. _____ %.

JOINT RIGHT OF WAY REQUIRED YES NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED RECORDED 6 FT EASTMENT FOR UNDERGROUND

PRIMARY CONDUIT

PURPOSE OF RIGHT OF WAY COMPLETE PRIMARY LOOP TO INCREASE RELIABILITY OF SERVICE TO LAKESIDE TOWERS CONDO'S

SIGNED _____

OFFICE _____ DEPARTMENT _____

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 452779

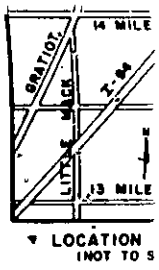
PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE 1 GRANTOR 1

NO. OF PERMITS 1 NO. OF STRUCTURES _____ NO. OF MILES _____ PERMITS TO MBT _____

DATE 11-15-93 SIGNED [Signature]

CR-9302704-119

LIBER 06065 PG 072



SURVEYOR'S CERTIFICATE

I, ROBERT SHAWYDA, REGISTERED LAND SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY:

THAT THE SUBDIVISION PLAN KNOWN AS MACOMB COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 271 AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, AND THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED.

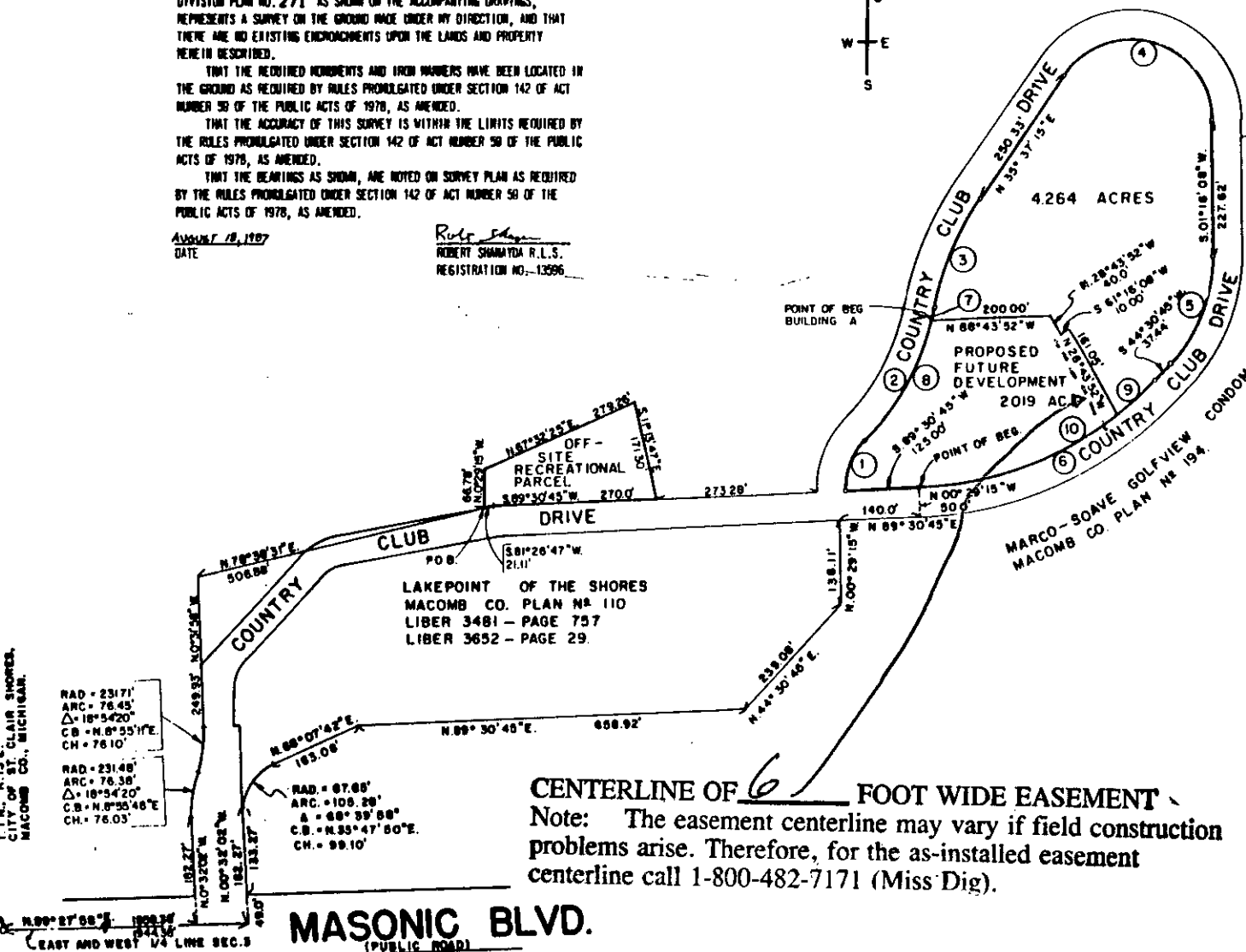
THAT THE REQUIRED MONUMENTS AND IRON PINNACLES HAVE BEEN LOCATED IN THE GROUND AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 50 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 50 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

THAT THE BEARINGS AS SHOWN, ARE NOTED ON SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 50 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

APPROVED 18, 1987
DATE

Robert Shawyda
ROBERT SHAWYDA R.L.S.
REGISTRATION NO. - 13696



NOTE:
THIS CONDOMINIUM PROJECT DOES NOT LIE IN FLOOD HAZZ AS DETERMINED BY NATIONAL FLOOD INSURANCE PROGRAM / OF ST. CLAIR SHORES MAP No. 269127-17715-B. DATED A BEARINGS AS SHOWN ARE RECORDED IN 'AVE GOLF MACOMB COUNTY CONDOMINIUM PLAN No. CORDED L PAGES 429 THROUGH 571.

LIBER 3783
PAGE 529
LIBER 3783
PAGE 549

CURVE DATA.

CURVE NO.	RADIUS	ARC	CENTRAL ANGLE	CHORD BEARING
1	119.85'	94.13'	45°00'00"	N 22°00'45"E
2	474.34'	257.40'	31°05'31"	N 28°57'59"E
3	510.18'	197.66'	22°12'01"	N 24°31'14"E
4	137.27'	348.95'	145°38'53"	S 71°33'18"E
5	267.14'	201.62'	43°14'37"	S 22°17'W
6	568.85'	446.77'	45°00'00"	S 67°00'45"W
7	474.34'	20.00'	02°24'57"	N 14°37'44"E
8	474.34'	237.40'	28°40'34"	N 30°10'58"E
9	568.85'	90.13'	09°04'43"	S 49°03'05"W
10	568.85'	356.64'	35°55'17"	S 71°33'07"W

CENTERLINE OF 6 FOOT WIDE EASEMENT
Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).

MASONIC BLVD.
(PUBLIC ROAD)

RECORDED RIGHT OF WAY NO. 15779

LAKEPOINTE TOWERS

SCALE = 1" = 100'
0' 100' 200' 400'

SURVEY PLAN



Robert Shawyda
PROPOSED AUGUST MUST B
ROBERT SHAWYDA
REGISTERED LAND SURVEYOR
37014 KELLY MT. CLEMENS
48043
PHONE - 488