

Date: November 16, 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 Windemere Woods Subdivision No. 2, located in part of the Northeast 1/4 of Section 33, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated September 20, 1993, for the above named project.

Easement for this project was requested by Jerald B. 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 GTR Builders, Inc., Gaetano T. Rizzo, President and Huntington Bank of Michigan, Tom P. Bernasconi, Senior Vice President, the developers of Windemere Woods Subdivision No. 2.

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

MJM/caw

Attachment

LIBER 060650058

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B961267

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9306691-01R
PROJECT NAME WINDEMERE WOODS SUBDIVISION NO. 2

on Sept. 20, 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:

GTR Builders, Inc., a Michigan Corporation, 44899 Centre Court, Mt. Clemens, MI 48044
Huntington Bank of Michigan, a Michigan Banking Corporation, 27248 Van Dyke, Warren, MI 48093

"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

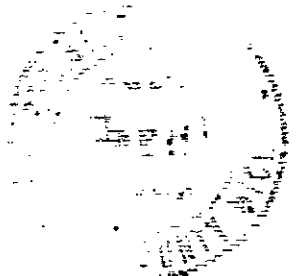
County, Michigan described as:

See Appendix "A" attached hereto.

93 OCT 21 PM 1:33
CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

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

Easements as shown on attached plat.



RECORDED RIGHT OF WAY NO. 45287

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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- 1. 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.
- 2. 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.
- 3. 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.
- 4. Damages: If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
- 5. 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 Loraine Malloy
Loraine Malloy

x Cindy Siebert
CINDY SIEBERT

GTR BUILDERS, INC.
a Michigan Corporation

BY: Gaetano T. Rizzo
Gaetano T. Rizzo, President

RECORDED RIGHT OF WAY NO 43087

Acknowledged before me in Macomb County, Michigan, on Sept 20th, 1993 by GAETANO T. RIZZO PRESIDENT OF GTR BUILDERS, INC. A MICHIGAN CORPORATION, FOR THE CORPORATION

Notary's Stamp CINDY SIEBERT
Notary Public, Macomb County, MI
My Commission Expires Aug. 22, 1994

Notary's Signature Cindy Siebert
CINDY SIEBERT

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

APPROVED AS TO FORM 9/27/93 DATE
LEGAL DEPARTMENT [Signature]

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

x Loraine Malloy
Loraine Malloy

x Cindy Siebert
CINDY SIEBERT

HUNTINGTON BANK OF MICHIGAN
a Michigan Banking Corporation

BY: Tom P. Bernasconi
Tom P. Bernasconi,
Senior Vice President

RECORDED RIGHT OF WAY NO.

45-089

Acknowledged before me in Macomb County, Michigan, on Sept 20TH, 1993 by TOM P. BERNASCONI SENIOR
VICE PRESIDENT OF HUNTINGTON BANK OF MICHIGAN, A MICHIGAN BANKING
CORPORATION FOR THE CORPORATION

CINDY SIEBERT

Notary Public, Macomb County, MI
My Commission Expires Aug. 22, 1994

Notary's Stamp

Notary's Signature

Cindy Siebert
CINDY SIEBERT

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

APPROVED AS TO FORM 9/27/93 DATE
LEGAL DEPARTMENT 9/27/93

APPENDIX "A"

LIBER 06065 PG 061

Commencing at the East Quarter Post of Section 33; thence North 00 degrees 08 minutes 28 seconds West 1273.17 feet along the East line of Section 33; thence North 89 degrees 55 minutes 54 seconds West 349.81 feet; thence South 03 degrees 14 minutes 43 seconds East 50.00 feet to the point of beginning; thence South 76 degrees 04 minutes 22 seconds West 195.46 feet; thence North 13 degrees 55 minutes 38 seconds West 34.20 feet; thence South 73 degrees 17 minutes 17 seconds West 523.00 feet; thence South 80 degrees 01 minutes 51 seconds West 545.21 feet; thence South 35 degrees 57 minutes 27 seconds West 369.98 feet; thence South 74 degrees 25 minutes 26 seconds East 157.71 feet; thence Northerly along a nontangent curve concave to the Southeast having a central angle of 00 degrees 32 minutes 12 seconds, a radius of 330.00 feet, an arc length of 3.09 feet, and whose chord has a bearing of North 15 degrees 50 minutes 40 seconds East 3.09 feet; thence South 89 degrees 59 minutes 38 seconds East 185.83 feet; thence North 74 degrees 52 minutes 30 seconds East 114.93 feet; thence South 89 degrees 59 minutes 38 seconds East 264.53 feet; thence North 65 degrees 57 minutes 11 seconds East 594.22 feet; thence North 76 degrees 15 minutes 43 seconds East 67.02 feet; thence North 13 degrees 42 minutes 59 seconds West 182.55 feet; thence Easterly along a nontangent curve concave to the South having a central angle of 10 degrees 28 minutes 14 seconds, a radius of 1000.00 feet, an arc length of 182.75 feet, and whose chord has a bearing of North 81 degrees 31 minutes 10 seconds East 182.49 feet; thence North 03 degrees 14 minutes 43 seconds West 105.40 feet to the point of ending. Containing lots numbered 100 thru 133 inclusive and 10.03 acres more or less.

RECORDED RIGHT OF WAY NO. 45-087

To (Supervisor: RE & R/W) RICHARD LONGWISH	For RE & R/W Dept. Use	Date Received	DE/Bell/C.P. No.
Division ANN ARBOR	Date 8/18/93	Application No. R-9201067-1A	

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 **9201067**

RECORD CENTER RECEIVED AS
INDICATION OF THIS CHECK

BY K.A. Vaughn
DATE 9-23-93

WANTED
DISTRICT
FIELDMAN Richard Longwish

RECORD CENTER	1
R/W FILES	0
MBT	0
ORIGINATOR	1
TOTAL	1

Information

1. Project Name SINGLETON DENTAL OFFICE	County WASHTENAW
City/Township/Village CITY OF SALINE	Section No. 36

Type of Development

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

2. Name of Owner MICHAEL S. SINGLETON	Phone No.
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Address
113 N. ANN ARBOR ST., SALINE MI. 48176

Owner's Representative SAME	Phone No. 429-7415
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Date Service is Wanted

4. Entire Project will be developed at one time Yes No
5. Joint easements required — Michigan Bell Telephone Yes No
— Consumers Power Yes No

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

b. Other Utility Engineer Names	Phone Numbers
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Addresses

6 Additional Information or Comments

Note: Trenching letter attached will be submitted later

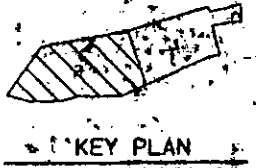
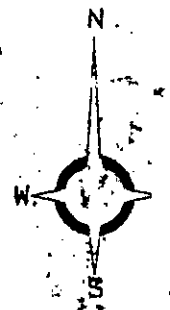
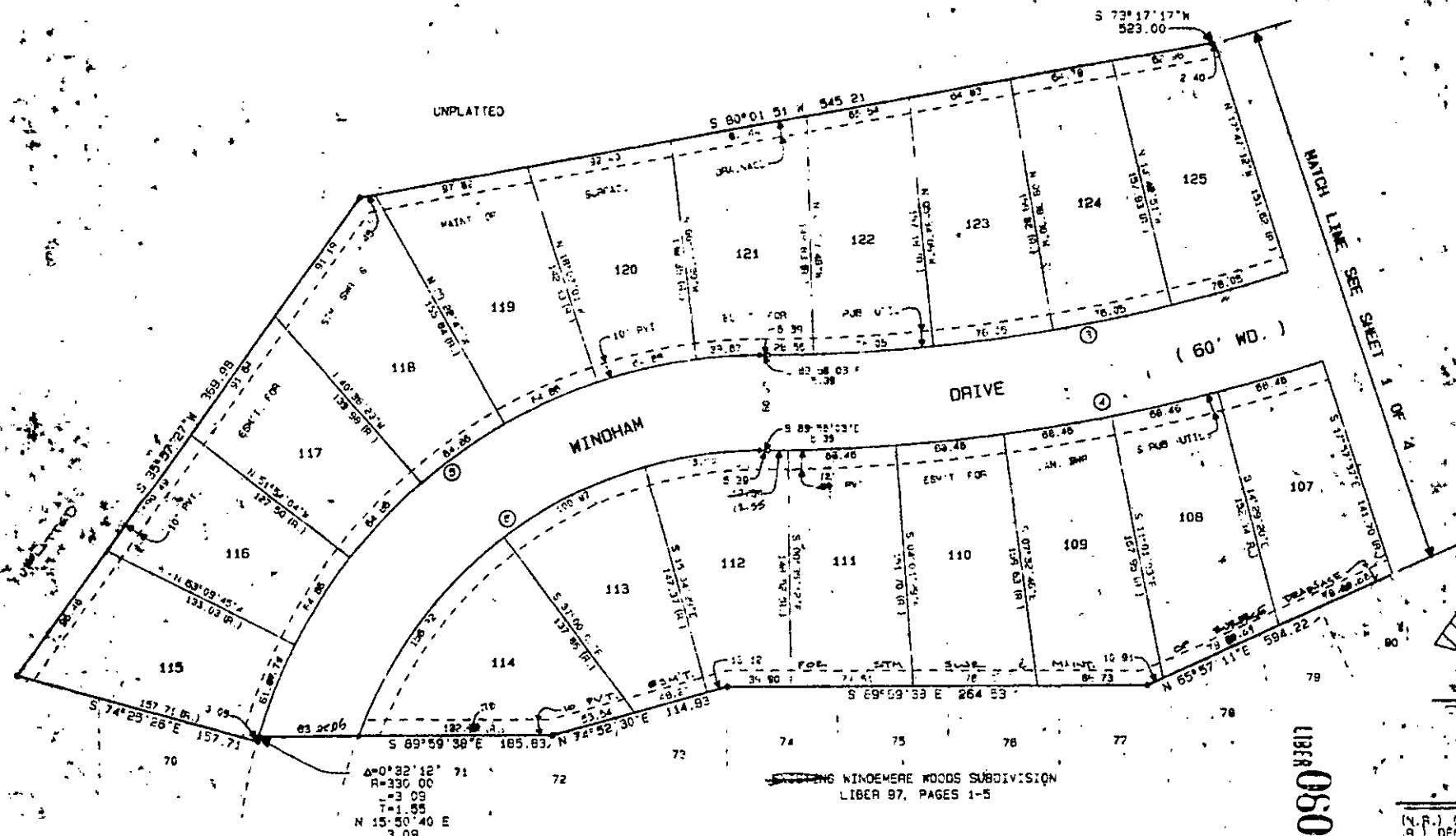
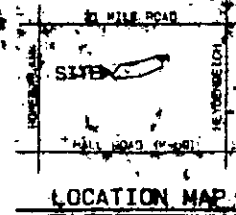
Service Planner BOB HALL	Signed (Service Planning Supervisor) <u>Robert C. Hall</u>
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Phone No. 761-4053	Address
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RECORDED RIGHT OF WAY NO. 45086

WINDEMERE WOODS SUBDIVISION No. 2

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWN 3 NORTH
RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN



CURVE DATA

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
1	$21^\circ 33' 52''$	1870.00	404.48	236.58	$S 78^\circ 12' 11'' W$	432.08
2	$21^\circ 33' 32''$	1130.00	420.18	216.13	$S 78^\circ 12' 11'' W$	424.82
3	$74^\circ 25' 23''$	330.00	488.84	250.74	$S 52^\circ 48' 15'' W$	338.26
4	$70^\circ 12' 21''$	870.00	330.84	185.78	$S 54^\circ 55' 47'' W$	310.83

WINDEMERE WOODS SUBDIVISION
LIBER 97, PAGES 1-5

LIBER 0606510062

PLAT LEGEND

(N. R.) DENOTES NON-RADIAL LINES.
(R.) DENOTES RADIAL LINES.

ALL DIMENSIONS ARE IN FEET.

ALL CURVILINEAR DIMENSIONS ARE SHOWN IN CHORD DISTANCES.

4" DIA. CONCRETE MONUMENTS 35' LONG WITH 1/2" REBAR ARE INDICATED BY 'C'.

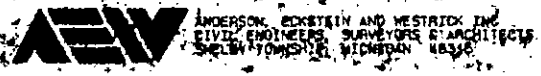
ALL LOT CORNERS HAVE BEEN MARKED BY 1/2" DIA. REBARS, 18" LONG, WITH PLASTIC CAP NO. 30092.

BEARINGS ARE RELATED TO

Same as Sheet 1 of 4

RECORDED RIGHT OF WAY NO.

48097



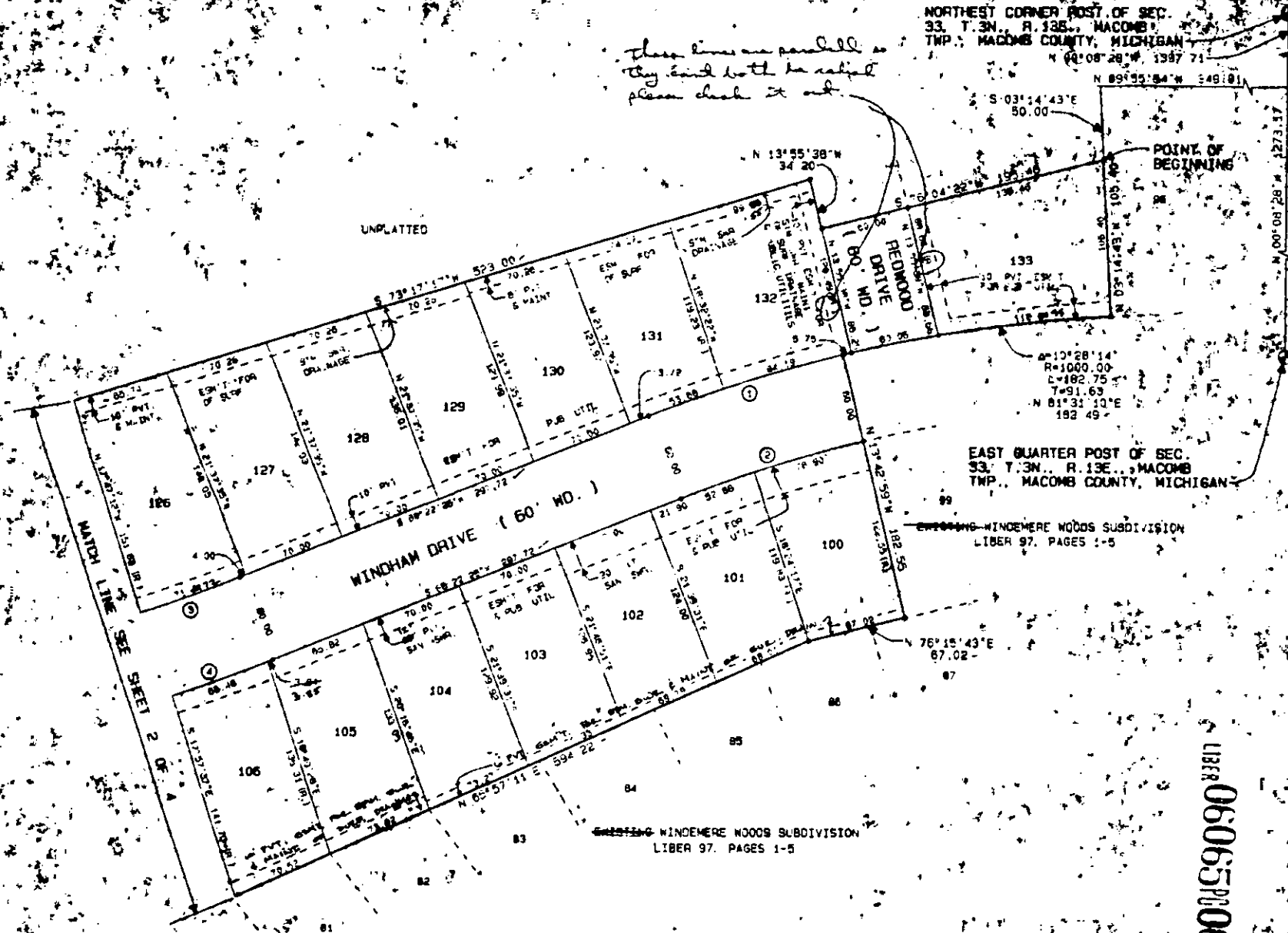
WINDEMERE WOODS SUBDIVISION No. 2

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWN 3 NORTH
RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN

NORTHEAST CORNER POST OF SEC.
33, T. 3N., R. 13E., MACOMB
TWP., MACOMB COUNTY, MICHIGAN
N 02°08'28"W 1387.71

These lines are parallel as they could both be subject please check it out.

LOCATION MAP



EAST QUARTER POST OF SEC.
33, T. 3N., R. 13E., MACOMB
TWP., MACOMB COUNTY, MICHIGAN



KEY PLAN

PLAT LEGEND

- (N.R.) DENOTES NON-RADIAL LINES.
- (R.) DENOTES RADIAL LINES.
- ALL DIMENSIONS ARE IN FEET.
- ALL CURVILINEAR DIMENSIONS ARE SHOWN IN CHORD DISTANCES.
- 4" DIA. CONCRETE MONUMENTS 36" LONG WITH 1/2" REBAR ARE INDICATED BY (C).
- ALL LOT CORNERS HAVE BEEN MARKED BY 1/2" DIA. BRASS 18" LONG WITH PLASTIC CAP NO. 30092.
- BEARINGS AND DISTANCES TO CORNERS ARE SHOWN IN RED.

LIBER 060651063

CURVE DATA

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
1	77°54'30"	1000.00	180.07	80.4	S 73°19'44" W	137.96
2	124°38'	1000.00	129.78	34.69	S 72°15'44" W	125.08
3	81°39'30"	1000.00	424.48	204.89	S 79°12'11" W	412.28
4	81°38'30"	1000.00	427.18	210.16	S 79°18'11" W	424.62

RECORDED RIGHT OF WAY NO.

45087