

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9301054-1MR
PROJECT NAME BAYPOINT VILLAGE CONDO'S, PHASE III**

On 12-3, 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:

Baypoint Design Company, a Michigan Corporation, 3720 EDINBOROUGH ROCH HILLS MI
~~7 Sycamore Lane, Grosse Pointe, MI 48236~~ 48306

"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 Clinton Township, Macomb **County, Michigan described as:**

See Appendix "A" attached hereto.

93 DEC 21 PM 2:03

JOHN W. BARBAUGH
REGISTERED DEEDS
MACOMB COUNTY, MI

RECORDED WITH CLERK OF COURT
45379

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.

- . 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.

Date: February 8, 1994

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 Baypoint Village Condominiums, Phase III, located in part of the Northwest 1/4 of Section 1 and part of P.C.s 141 and 626 and part of Fractional Section 2, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated December 3, 1993, for the above named project.

Easement for this project was requested by Larry Simms, Service Planner, 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 Baypoint Design Company, Michael A. Chrenenko, Vice President, the developers of Baypoint Village Condominiums, Phase III.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 415379

- 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 Michael J. McCabe
 MICHAEL J. McCABE

x Larry R. Simms
 LARRY R. SIMMS

BAYPOINT DESIGN COMPANY
a Michigan Corporation

BY: Michael A. Chrenko v.p.
 MICHAEL A. CHRENEUKO

RECORDED RIGHT OF WAY TO 45379

Acknowledged before me in Macomb County, Michigan, on 12-3, 1993 by MICHAEL A. CHRENKO, VICE PRESIDENT OF BAYPOINT DESIGN COMPANY, A MICHIGAN CORPORATION, FOR THE CORPORATION.

MICHAEL J. McCABE
Notary Public, Macomb County, MI
My Commission Expires Feb. 4, 1996

Notary's Stamp _____ Notary's Signature Michael J. McCabe

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

RIDER

APPENDIX A

Situated in the Township of Clinton, Macomb County, Michigan, described as:

LIBER 06160P286

Parcel No. 1:

Lots 138 through 180, both inclusive, Cornell Avenue, (60.00 feet wide) now vacated, and Lochmoor Avenue, 60.00 feet wide, now vacated, PALISADESMANOR SUBDIVISION, of part of the northwest one-quarter of section 1 and part of Private Claims 141 and 626, town 2 north, range 13 east, Clinton Township, Macomb County, Michigan, according to the plat thereof as recorded in liber 14, page 35 of plats, Macomb County Records, and that part of Private Claim 626, town 2 north, range 13 east, Clinton Township, Macomb County, Michigan, being more particularly described as commencing at the southeast corner of fractional described as commencing at the southeast corner of fractional section 2, town 2 north, range 13 east, thence south 85 degrees 12 minutes 26 seconds east 364.38 feet to the northeast corner of Supervisor's Plat of Oberliesen Subdivision, according to the plat thereof as recorded in liber 23, page 30, of plats, Macomb County, thence south 05 degrees 42 minutes 04 seconds west 42.00 feet along the east line of said Supervisor's Plat of Oberliesen Subdivision, to the northwest corner of Lot 153 and the point of beginning; thence south 85 degrees 38 minutes 26 seconds east 1362.44 feet along the south Right-of-Way line of Lindberg Drive, (96.00 feet wide), to the northeast corner of Lot 138, thence south 22 degrees 49 minutes 20 seconds west 342.94 feet along the easterly line of Lots 138 and 168 to the southeast corner of said lot 168 and the north line of said Lochmoor Avenue; thence south 85 degrees 21 minutes 26 seconds east 9.87 feet along said north line of Lochmoor Avenue; thence north 22 degrees 47 minutes 25 seconds east 142.96 feet; thence south 73 degrees 33 minutes 52 seconds east 78.80 feet; thence south 04 degrees 20 minutes 03 seconds west 119.74 feet to the north line of said Lochmoor Avenue; thence along said north line, south 85 degrees 21 minutes 26 seconds east 197.57 feet to the old centerline Old Gratiot Avenue, (66.00 feet wide); thence south 22 degrees 44 minutes 00 seconds west 63.12 feet along the centerline of Old Gratiot Avenue; thence north 85 degrees 21 minutes 26 seconds west 281.83 feet along the south Right-of-Way Line of said Lochmoor Avenue, to the northeast corner of Lot 169; thence south 22 degrees 44 minutes 00 seconds west 147.41 feet along the easterly line of said Lot 169 to the most southerly line of said Palisades Manor Subdivision; thence along said southerly line, north 85 degrees 21 minutes 26 seconds west 1246.60 feet to the southwest corner of said Lot 157; thence along the west line of Lots 153 through 157, north 05 degrees 42 minutes 04 seconds east 519.30 feet on said line, being common with the east line of said Supervisor's Plat of Oberliesen Subdivision to the northwest corner of Lot 153 and the point of beginning, excepting therefrom that part of Private Claims 141 and 626, town 2 north, range 13 east, Clinton Township, Macomb County, Michigan, described as commencing at the southeast corner of Fractional Section 2, town 2 north, range 13 east; thence extending south 85 degrees 12 minutes 26 seconds east 364.38 feet to the northeast corner of said Supervisor's Plat of Oberliesen Subdivision; thence south 05 degrees 42 minutes 04 seconds west 561.30 feet; thence south 85 degrees 21 minutes 26 seconds east 996.00 feet to the point of beginning; thence north 04 degrees 38 minutes 34 seconds east 254.25 feet; thence south 85 degrees 38 minutes 26 seconds east 58.93 feet; thence south 67 degrees 16 minutes 00 seconds east 175.26 feet; thence south 85 degrees 21 minutes 26 seconds east 372.28 feet; thence south 22 degrees 44 minutes 00 seconds west 63.12 feet; thence north 85 degrees 21 minutes 26 seconds west 281.83 feet; thence south 22 degrees 44 minutes 00 seconds west 147.41 feet; thence north 85 degrees 21 minutes 26 seconds west 250.60 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 45379

116 111 118 27 13 11 - 026

RECORDED IN MACOMB COUNTY
 RECORDS AT: 12:00 P M.
 APR 28 1989
 Ed. na. M. M.
 CLERK - REGISTER OF DEEDS
 MACOMB COUNTY, MICHIGAN

LIBER 06160 PG 287

Parcel 1

Part of Fractional Section 2, town 2 north, range 13 east, Clinton Township, Macomb County, Michigan, being more particularly described as commencing at the southeast corner of Fractional Section 2; thence south 85 degrees 12 minutes 26 seconds east 364.38 feet to the northeast corner of Supervisor's Plat of Oberliessen Subdivision, according to the plat thereof as recorded in liber 23, page 30 of plats, Macomb County Records; thence south 05 degrees 42 minutes 04 seconds west 42.00 feet along the east line of said Supervisor's Plat of Oberliessen Subdivision, to the northwest corner of Lot 153; thence south 85 degrees 38 minutes 26 seconds east 1362.44 feet along the south Right-of-Way line of Lindberg Drive, (86.00 feet wide), to the northeast corner of Lot 138; thence south 22 degrees 49 minutes 20 seconds west 342.94 feet along the easterly line of Lots 138 and 168 to the southeast corner of said Lot 168 and the north line of said Lochmoor Avenue; thence south 85 degrees 21 minutes 26 seconds east 8.87 feet along said north line of Lochmoor Avenue, to the point of beginning; thence north 22 degrees 47 minutes 25 seconds east 142.96 feet; thence south 73 degrees 33 minutes 52 seconds east 78.80 feet; thence south 04 degrees 20 minutes 03 seconds west 119.74 feet to the north line of said Lochmoor Avenue; thence along said north line, north 85 degrees 21 minutes 26 seconds west 122.35 feet to the point of beginning.

LIBER 06160 PG 287

RECORDED RIGHT OF WAY NO. 45379