

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9110197-1M  
PROJECT NAME HIDDEN BROOK FARMS, PHASE I**

On 12-9, 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:**

Hidden Brook Farms, Inc., 42850 Schoenherr Road, Sterling Heights, Michigan 48313  
Aldo and Pompea Marrocco, husband and wife, 38241 Saddle Lane, Mt. Clemens, MI

**"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  
Consumers Power Company, a Michigan Corporation, 1955 West Parnall Rd, Jackson, MI 49201

**"Grantor's Land" is in Clinton Township, Macomb County, Michigan described as:**

See Appendix "A" attached hereto.

94 JAN -7 AM 10:56  
CARMILLA SABAUGH  
REGISTER OF DEEDS  
MACOMB COUNTY, MI

RECORDED RIGHT OF WAY NO. 46381

**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~~

A Ten (10) foot wide easement as shown on drawing 93A74404 attached hereto. DEC - 3 1993

- 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.

M

- 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 *Josephine Jones*  
 \_\_\_\_\_  
 JOSEPHINE JONES

x *Michelle J. Ligrotis*  
 \_\_\_\_\_  
 MICHELLE J. LIGROTIS

\_\_\_\_\_

\_\_\_\_\_

HIDDEN BROOK FARMS, INC.  
 a Michigan Corporation

BY: *Gregory Cueter*  
 \_\_\_\_\_  
 GREGORY CUETER, PRESIDENT

\_\_\_\_\_

\_\_\_\_\_

RECORDED RIGHT OF WAY NO. 45381

Acknowledged before me in Macomb County, Michigan, on 12/19, 1993 by GREGORY CUETER, PRESIDENT OF HIDDEN BROOK FARMS, INC., A MICHIGAN CORPORATION, FOR THE CORPORATION.

PATRICIA M TORELI  
 Notary Public, Macomb County, MI  
 My Commission Expires Apr. 12, 1997

Notary's Stamp \_\_\_\_\_ Notary's Signature *Patricia M. Toreli*  
 Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd, Clinton Twp, MI 48036

APPROVED AS TO FORM 12/16/93 DATE  
 LEGAL DEPARTMENT SPAA

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

x Nancy J. Harvey  
NANCY J. HARVEY

Aldo Marrocco  
Aldo Marrocco

x Nancy J. Harvey  
Nancy J. Harvey

Pompea Marrocco  
Pompea Marrocco, wife

RECORDED RIGHT OF WAY NO. 45381

Acknowledged before me in Macomb County, Michigan, on 12-9, 1993 by ALDO MARROCCO AND POMPEA MARROCCO, HIS WIFE

NANCY J. HARVEY  
NOTARY PUBLIC STATE OF MICHIGAN  
MACOMB COUNTY  
MY COMMISSION EXPIRES MAR 22, 1994

Notary's Stamp

Notary's Signature

Nancy J. Harvey

Prepared by and Return to:

Michael J. McCabe, 43230 Elizabeth Road, Clinton Twp, MI 48036

APPROVED AS TO FORM 12/16/93 DATE  
LEGAL DEPARTMENT WJH

## APPENDIX "A"

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

A parcel of land located in and being a part of the East 1/2 of Section 8, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan and being more particularly described as follows: Commencing at a point 321.46 feet South 01 degrees 53 minutes 11 seconds East along the East line of said Section 8, and 360.82 feet South 88 degrees 15 minutes 17 seconds West from the East 1/4 Post of said Section 8; thence South 88 degrees 15 minutes 17 seconds West 320.37 feet; thence along a Westerly line and a Northerly line of Chippewa Meadows Subdivision, as recorded in Liber 83, pages 27 through 31, both inclusive, Macomb County Records, the following courses and distances; South 02 degrees 02 minutes 55 seconds East 323.14 feet and South 88 degrees 06 degrees 50 seconds West 680.58 feet; thence North 02 degrees 04 minutes 03 seconds West 187.66 feet; thence along the centerline of Ebert Drain the following courses and distances: North 87 degrees 55 minutes 57 seconds East 20.71 feet; thence North 35 degrees 58 minutes 20 seconds East 551.30 feet; thence North 04 degrees 11 minutes 59 seconds East 176.71 feet; thence North 01 degrees 20 minutes 44 seconds West 361.01 feet; North 08 degrees 51 minutes 27 seconds East 261.63 feet; North 39 degrees 03 minutes 36 seconds East 145.77 feet; North 55 degrees 03 minutes 33 seconds East 251.07 feet; North 27 degrees 33 minutes 43 seconds East 207.29 feet; and North 62 degrees 46 minutes 58 seconds East 184.79 feet, thence leaving said centerline of drain South 01 degrees 44 minutes 05 seconds East 1601.02 feet to the point of beginning.

RECORDED RIGHT OF WAY NO. 45381

Date: February 18, 1994

To: Record Center

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

Subject: Right of Way Agreement

Re: **Underground Residential Distribution for Hidden Brook Farms, Phase I, located in part of East 1/2 of Section 8, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated December 9, 1993, for the above named project.

Easement for this project was requested by James M. Kelly, 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, Comcast Cablevision and Consumers Power Company made this agreement with Hidden Brook Farms, Inc., Gergory Cueter, President, Aldo Marrocco and Pompea Marrocco, his wife, the developers of Hidden Brook Farms, Phase I.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 45-381

