

Detroit Edison

LIBER 06244 PG 3

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C032092

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R9309573-01R

PROJECT NAME Westcreek Condominiums, phase II

On FEB 2 1994, 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:

Westcreek Estates, Inc. 51311 Schoenherr, Shelby Twp, MI 48315

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Ameritech, a Michigan Corporation, 444 Michigan Avenue, Detroit, Michigan 48226
Comcast Cablevision, a Delaware Corporation, 6065 Wall Street, Sterling Heights MI 48315

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

Land in the Township of Macomb, Macomb County, Michigan, described as: Section 18; the East 100 acres of the Northeast 1/4 of Section 18, except the East 60.0 feet; also except beginning at the Northwest corner of said East 100 acres; thence East 217.0 feet along the North Section line; thence South 201.0 feet; thence Northwesterly to a point on the West line of said East 100 acres 121.0 feet, South of point of beginning; thence North 121.0 feet to the point of beginning.

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

A ten (10) foot wide easement as shown on drawing 93A-74642 attached hereto.

- 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.
- 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.
- 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.
- 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.
- Damages:** If Grantor, its agents, employees or contractors damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
- 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 Lori A. Milbocker
Lori A. Milbocker

WESTCREEK ESTATES, INC.
a Michigan Corporation
BY: Paul A. Henderson
Paul A. Henderson, President

X Michael J. McCabe
MICHAEL J. MCCABE

94 MAR -1 PM 3: 52

Acknowledged before me in Macomb County, Michigan, on February 2, 1993 by

CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

Paul A. Henderson, President WESTCREEK ESTATES, INC., a Michigan Corporation

RECORDED RIGHT OF WAY NO. 45520

Notary's Stamp
LORI A. MILBOCKER
Notary Public, Macomb County, MI
My Commission Expires Dec. 17, 1996
(Notary's name, county, and date commission expires)

Notary's Signature Lori A. Milbocker

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

APPROVED AS TO FORM 2/17/94 DATE
LEGAL DEPARTMENT [Signature]

Date: March 15, 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 Westcreek
Condominiums Phase II, located in part of Northeast 1/4
of Section 18, Town 3 North, Range 13 East, Macomb
Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated February 7, 1994, for the above named project.

Easement for this project was requested by Jerald B. Pollard, 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, Ameritech and Comcast Cablevision made this agreement with Westcreek Estates, Inc., Paul Henderson, President, the developers of Westcreek Condominiums, Phase II.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 45520

STATE OF CALIFORNIA

RECORDED RIGHT OF WAY NO. 45520