

Detroit Edison

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R9307686-01R

C032089

PROJECT NAME Diamond Pointe Cluster Homes

On Dec. 29, 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:

John Zettner Jr. and Helen E. Zettner, wife, 8900 houghton Street, Sterling Heights, Michigan 48314
LDM Corporation, 27440 Hoover Road, Warren, Michigan 48093

"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, Michigan 48312

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

A parcel of land located in Section 30, T2N, R13E, more particularly described as follows: Commencing at the intersection of the North and South 1/4 line of Section 30 and the centerline of Moravian Drive; thence N 89°27' E 130.92 feet to the point of beginning; thence N 665.45 feet; thence S 89°27' W 130.92 feet thence N 665.20 feet; thence N 89°19' E 261.85 feet; thence S 1331.26 feet; thence S 89°27' W 130.91 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 A74637 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 Karen J. Dennis
KAREN J. DENNIS

94 MAR -1 PM 3: 51

LDM CORPORATION
a Michigan Corporation

BY: John Cavaliere
JOHN CAVALIERE PRESIDENT

X Eva M. Henry
EVA M. HENRY

CARMELA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

Acknowledged before me in Macomb County, Michigan, on Dec. 29, 1993 by

John Cavaliere PRESIDENT

LDM CORPORATION, a Michigan Corporation

Notary's Stamp
KAREN J. KALTZ
Notary Public, Macomb County, MI
My Commission expires: March 5, 1994
(Notary's name, county, and date commission expires)

Notary's Signature Karen J. Kaltz

RECORDED IN THE REGISTER OF DEEDS

45549

1572

10/10/2011

10/10/2011

10/10/2011

10/10/2011

10/10/2011

APPROVED AS TO FORM _____ DATE _____
LEGAL DEPARTMENT _____

**Detroit
Edison**

* Karen J. Dennis
KAREN J. DENNIS
x Eva M. Henry
EVA M. HENRY

John Zettner, Jr.
John Zettner, Jr.
Helen E. Zettner
Helen E. Zettner, wife

Acknowledged before me in Macomb County, Michigan, on Dec. 29, 1993 by

John Zettner, Jr. and Helen E. Zettner, wife.

KAREN J. KALTZ

Notary Public, Macomb County, MI
My Commission expires: March 5, 1994

Notary's Stamp _____ Notary's Signature Karen J. Kaltz
(Notary's name, county, and date commission expires)

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

RECORDED RIGHT OF WAY NO. 455-49

APPROVED AS TO FORM 2/7/94 DATE
LEGAL DEPARTMENT GM

Date: March 24, 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 Diamond
Pointe Cluster Homes located in part of the Northeast 1/4
of Section 30, Town 2 North, Range 13 East, Clinton
Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated December 29, 1993, for the above named project.

Easement for this project was requested by Larry R. 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, Ameritech and Comcast Cablevision made this agreement with LDM Corporation, John Cavaliere, President and John Zettner, Jr. and Helen E. Zettner, his wife, the developers of Diamond Pointe Cluster Homes.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 45879

REVISION	D	DATE	BY	DESCRIPTION
REVISION	C	DATE	BY	DESCRIPTION
REVISION	B	DATE	BY	DESCRIPTION
REVISION	A	DATE	BY	DESCRIPTION

DATE	11/16/93	BY	R. PETER
DATE	11/18/93	BY	L. STUBBS
DATE	11/18/93	BY	R. PAGES

PROJECT	DIAMOND POINT CLUSTER HOMES
CLIENT	MACOMB CO.
ADDRESS	8496 BENSNS
SCALE	1"=50'
DRAWING NO.	367B19J156

PERMITS REQUIRED	DECO	MDT	CATV	GAS	CO
CITY/TOWNSHIP	X	X	X	X	X
COUNTY DRAIN	X	X	X	X	X
COUNTY ROAD	X	X	X	X	X
SOIL EROSION	X	X	X	X	X

NOTE: PORTING METHOD TO BE DIRECTIONAL

GENERAL NOTES: TRENCHING TO BE DONE BY D.C. CO. TRENCH AND CABLE LENGTHS ARE APPROXIMATE. SEE PAGE 3-2-11 S.I.M. DETAIL " " FOR ENHANCE POINT DETAILS (LAPS, ONLY). SEE SECTION 56 OF LINE CONSTRUCTION STANDARDS FOR TRAYS, WLT. DETAILS. SEE SECTION 43 OF LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES. TRANSFORMERS AND PERMITS LISTED ON ONLY. D.C. SERVICE PLANNING NUMBER: 828-4121. GAS: D.C. PLAN: 986-1053. GAS: D.C. PLAN: 986-1053. COMPACT: H. POST: 918-3530. OTHERS: CONTACT "MISS DIG" 1-800-482-7171 BEFORE DOING ANY EXCAVATION.

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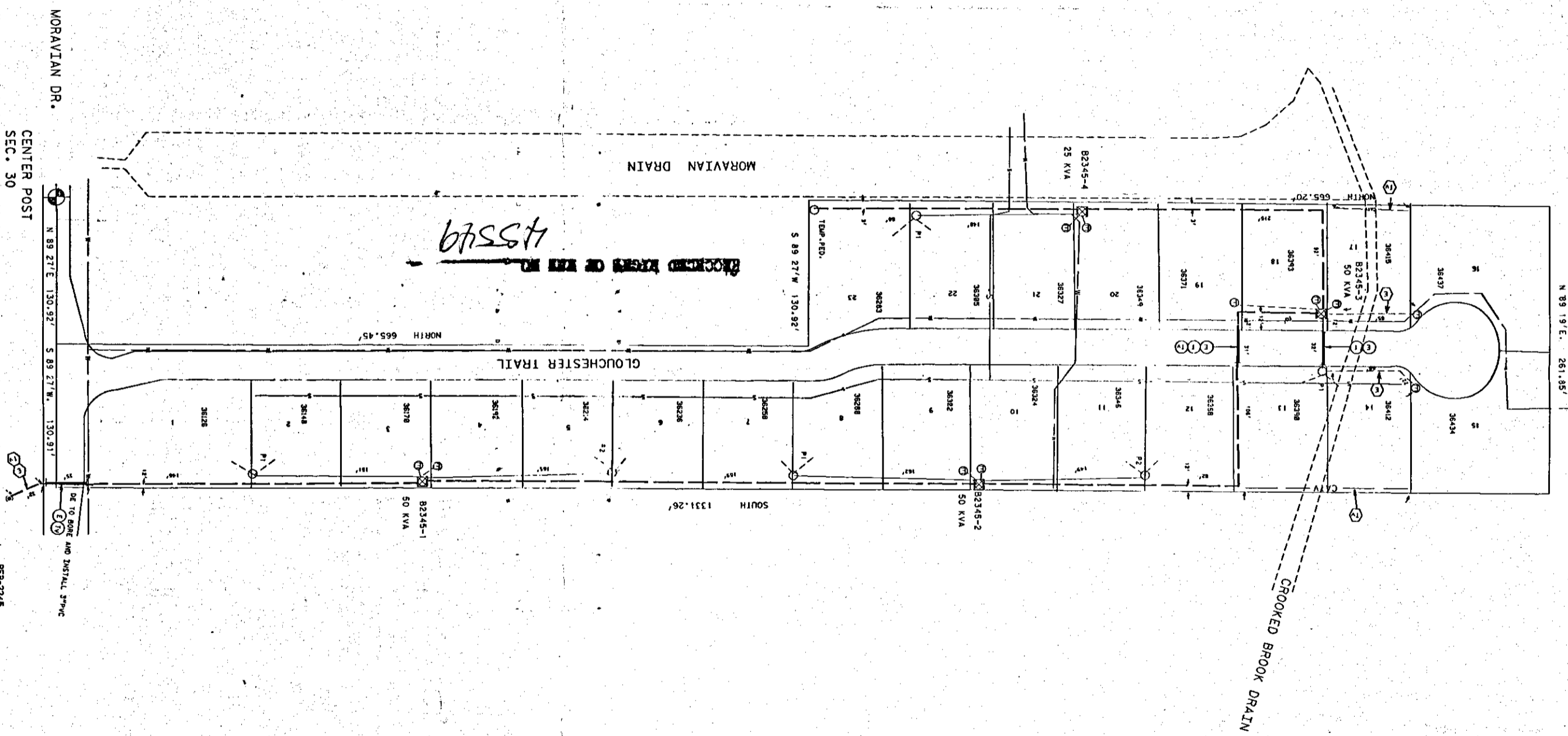
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TRANSFORMER DATA

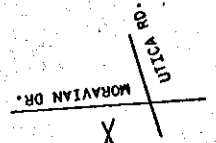
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B2345-3	50	661-1152
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LIB# 062444P358

LIB# 062444P357

LIB# 062444P356

LOCATION SKETCH



RECORDED RIGHT OF WAY NO. 45549