

Detroit Edison

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R9202406-01R

PROJECT NAME Stonehenge Estates Subdivision

On 4-14, 1994, 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:

Stonehenge Development Company, a Michigan Corporation, P.O. Box 907, New Baltimore MI 48047

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Ameritech, a Michigan Corporation, 444 Michigan Ave., Detroit MI 48226
Harron Cablevision, a Delaware Corporation, 55800 New Haven Road, New Haven MI 48048

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

Part of the Southeast 1/4 of Fractional Section 20, T3N, R14E, Chesterfield Township, Macomb County, Michigan, and being more particularly described as follows: Commencing at a point 467.50 feet S 01°47'37" E along the East line of said Fractional Section 20 and 535.15 feet N 87°11'56" W from the East 1/4 corner of said Fractional Section 20; thence S 00°42'44" E 200.00 feet; thence N 87°11'56" W 408.39 feet along the North line of Stonehenge Sub. No. 1, as recorded in Liber 93 of Plats, Pages 10 thru 13, inclusive, Macomb County Records, and Stonehenge Sub. No. 2, as recorded in Liber 97 of Plats, Pages 34 thru 36, inclusive, Macomb County Records; thence N 00°42'44" W 200.0 feet; thence S 87°11'56" E 408.39 feet along the Southerly line of Winchester Sub. No. 1, as recorded in Liber 76 of Plats, pages 49 thru 51, inclusive, Macomb County Records, to the point of beginning and containing 6 lots numbered 1 thru 6, inclusive.

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

Easements as shown on attached plat

- 1. 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.
- 2. Access:** Grantee has the right of access to and from the Right of Way Area.
- 3. 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.
- 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 *Keith Pionk* 94 MAY 12 PM 3:46
 X *Linda Hoover* CARMELLA SABAUGH
 LINDA HOOPER REGISTER OF DEEDS
 MACOMB COUNTY, MI

STONEHENGE DEVELOPMENT COMPANY
 a Michigan Corporation
 BY: *Craig R. Pitters*
 CRAIG R. PITTERS
 PRESIDENT

RECORDED IN DEPT OF WAY NO. 45735

Acknowledged before me in Macomb County, Michigan, on April 14, 1994 by

CRAIG R. PITTERS PRESIDENT OF STONEHENGE DEVELOPMENT COMPANY,
KEITH PIONK a MICHIGAN CORPORATION

Notary's Stamp Notary Public, Macomb County, MI Notary's Signature *Keith Pionk*
 My Commission Expires 2-20-95
 (Notary's name, county, and date commission expires)

Date: June 2, 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 Stonehenge Estates Subdivision, located in part of the Southeast Fractional 1/4 of Section 20, Town 3 North, Range 14 East, Chesterfield Township, Macomb County, Michigan.**

Attached for Record Center is the executed Right of Way Agreement dated April 14, 1994, for the above named project.

Easement for this project was requested by Charles W. Maddix, 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 Harron Cablevision made this agreement with Stonehenge Development Company, Craig R. Pitters, President, the developers of Stonehenge Estates Subdivision.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO.

45735

