

Deloitte Edison

UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9401918-01R PROJECT NAME Millcreek Condo's Phase III

On April 18, 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:

Antoinette Lombardo, Personal Representative of the Estate of Cosimo M. Lombardo, a/k/a Cosimo Lombardo, Deceased, Macomb County Probate Number 88-105,715,SE; 47200 Van Dyke, Utica, MI 48087

Antoinette Lombardo, survivor of herself and her deceased husband Cosimo Lombardo; 47200 Van Dyke, Utica, MI 48087
Lombardo Enterprises, Inc., a Michigan corporation, 47200 Van Dyke, Utica, MI 48087

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

Ameritech Corporation, a Michigan corporation, 444 Michigan Avenue, Detroit, MI 48226

Comcast Cablevision, a Delaware corporation, 6095 Wall Street, Sterling Heights, Michigan 48077-1860

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

SEE LEGAL DESCRIPTION ON BACK

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

A ten (10) foot easement as shown on the attached sketch 93A74247.

- 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)

Antoinette Lombardo, Personal Representative of the Estate of
Cosimo M. Lombardo, a/k/a Cosimo Lombardo, Deceased,
Macomb County Probate Number 88-105,715,SE

Dawn A. Valentie
Dawn A. Valentie

Antoinette Lombardo
Antoinette Lombardo

Antoinette Lombardo, survivor of herself and her deceased
husband Cosimo Lombardo

Dawn A. Valentie
Dawn A. Valentie

94 JUN 13 AM 11:20
CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

Antoinette Lombardo
Antoinette Lombardo

Lombardo Enterprises, Inc., a Michigan corporation

Dawn A. Valentie
Dawn A. Valentie
Victoria H. Sivec
Victoria H. Sivec

Antoinette Lombardo
Antoinette Lombardo, President

RECORDED RIGHT OF WAY NO. 45-961

gr

Acknowledged before me in Macomb County, Michigan, on April 18, 1994 by Antoinette Lombardo, Personal Representative of the Estate of Cosimo M. Lombardo, a/k/a Cosimo Lombardo, Deceased, Macomb County Probate Number 88-105715, SE SIVEC

Notary's Stamp VICTORIA H. SIVEC Notary's Signature Victoria H. Sivec
Notary Public, Macomb County, MI
My Commission Expires May 16, 1995
(Notary's name, county, and date commission expires)

Acknowledged before me in Macomb County, Michigan, on April 18, 1994 by Antoinette Lombardo, survivor of herself and her deceased husband Cosimo Lombardo

Notary's Stamp VICTORIA H. SIVEC Notary's Signature Victoria H. Sivec
Notary Public, Macomb County, MI
My Commission Expires May 16, 1995
(Notary's name, county, and date commission expires)

Acknowledged before me in Macomb County, Michigan, on April 18, 1994 by ANTOINETTE LOMBARDO the President of Lombardo Enterprises, Inc., a Michigan corporation.

Notary's Stamp VICTORIA H. SIVEC Notary's Signature Victoria H. Sivec
Notary Public, Macomb County, MI
My Commission Expires May 16, 1995
(Notary's name, county, and date commission expires)

LEGAL DESCRIPTION

T3N, R12E, Section 25; Commencing from the North 1/4 corner of Section 25; North 89 degrees 56 minutes 50 seconds East 1325.81 feet along the north line of Section 25; thence South 01 degrees 32 minutes 26 seconds West 1300.61 feet to the point of beginning; thence continuing South 89 degrees 56 minutes 50 seconds West 363.33 feet; thence North 0 degrees 3 minutes 10 seconds West 305 feet; thence South 89 degrees 56 minutes 50 seconds West 249 feet; thence North 0 degrees 3 minutes 10 seconds West 295 feet; thence South 89 degrees 56 minutes 50 seconds West 689.66 feet; thence South 01 degrees 32 minutes 52 seconds West 104.75 feet; thence South 46 degrees 32 minutes 52 seconds West 141.42 feet; thence South 01 degrees 32 minutes 52 seconds West 730.21 feet; thence North 89 degrees 56 minutes 22 seconds East 1425.62 feet; thence North 01 degrees 32 minutes 26 seconds East 331.74 feet to the point of beginning.

Prepared by and Return to: Susan Putrycus, 6301 23 Mile Road, Shelby Township, MI 48316

APPROVED AS TO FORM 5/23/94 DATE
LEGAL DEPARTMENT [Signature]

To (Supervisor, RE & R/W) S. PUTRYCVS	For RE & R/W Dept. Use	Date Received 3/25/94	OE/Bus/C.P. No.
Division MACOMB	Date 3-24-94	Application No. R-9401918-01R	

We have included the following necessary material and information:

- Material:**
- A. Proposed Subdivision
1. copy of complete final proposed plat - All pages
- or
- B. Other than proposed subdivision (condo., apts. mobile home park - other)
1. Property description.
 2. Site plan.
 3. title information (deed, title commitment, contract with title commitment, or title search).

3/25/94 Construction Drawing to be submitted (water)
3/25/94 left message for planner - need a better sketch to compare legal's to.
title insurance
5-4-94 called Anna Lisa for title policy.

Note: Do not submit application for URD easements until all above material has been acquired.

Information

1. Project Name MILLCREEK CONDO'S PHASE III	County MACOMB	RECORDED RISE OF WAY NO. 45761
City/Township/Village SHELBY	Section No. 25	
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Subdivision <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Mobile Home Park <input checked="" type="checkbox"/> Condominium <input type="checkbox"/> Other		
2. Name of Owner LOMBARDO ENTERPRISES, INC	Phone No. 739-4142	
Address 47200 VAN DYKE UTICA, MICH. 48087		
Owner's Representative ANTONETTE LOMBARDO - GEORGE LAFATA	Phone No. 247-3000	
Date Service is Wanted MAY 2ND, 1994		
4. Entire Project will be developed at one time		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Joint easements required — Michigan Bell Telephone		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
— Consumers Power		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power COMCAST CABLEVISION		
b. Other Utility Engineer Names T. FRANK	Phone Numbers 978-3532	
Addresses 6065 WALL ST.		
STERLING HGTS, MICH. 48077-1860		
6. Additional Information or Comments		

Note: Trenching letter attached will be submitted later

Service Planner A. GARNATZ	Signed (Service Planning Supervisor) <i>[Signature]</i> 3/24/94
Phone No. 228-4096	Address SHELBY S.C.

policy of title insurance — 739-4142
Vickie

title insurance has only 144 units —

Ph. 3. —
Building #10



Macomb Division
Shelby Service Center
6301 - 23 Mile Road
Shelby Twp., MI 48316
(313) 228-4104
(313) 228-4286 (FAX)

June 21, 1994

Lombardo Enterprises, Inc.
47200 Van Dyke
Utica, MI 48087

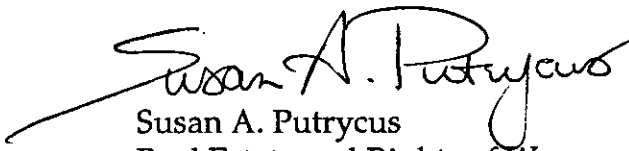
Attention: A. Lombardo

Re: Millcreek Condo's Ph. III
Township of Shelby, Macomb County, Michigan

Dear Ms. Lombardo:

Enclosed is a fully executed copy of your Joint Underground Residential Distribution Right of Way Agreement. For exact location of underground equipment, telephone Miss Dig at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said right of way.

Sincerely,


Susan A. Putrycus
Real Estate and Rights of Way
Shelby Service Center


SP/ms
Enclosure

RECORDED RIGHT OF WAY NO. 45761

**Detroit
Edison**

Date: June 21, 1994

To: Record Center
2310 WCB

From: Susan Putrycus 
Real Estate and Rights of Way Representative
Shelby Service Center - Macomb Division

Subject: Right of Way Agreement for Underground
Residential Distribution for Millcreek Condo's
Ph. III, being part of the Northeast
1/4 of Section 25, T2N, R12E, Township of Shelby,
Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement dated April 18, 1994, and other pertinent papers for the above named project.

Easement for this project was requested by Anthony Garnatz, Service Planner, Shelby Service Center, Macomb Division. The Agreement was negotiated by Susan A. Putrycus, Representative of Real Estate and Rights of Way, Macomb Division.

Detroit Edison Company, Ameritech Corporation, and Comcast Cablevision made this Agreement with Antoinette Lombardo, Personal Representative of the Estate of Cosimo M. Lombardo, a/k/a Cosimo Lombardo, Deceased, Macomb County Probate Number 88-105,715,SE; Antoinette Lombardo, survivor of herself and her deceased husband Cosimo Lombardo; and Lombardo Enterprises, Inc., a Michigan corporation.

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

SP/ms

Attachments

RECORDED RIGHT OF WAY NO.

45761