

LIBER 06338PG289

C071746

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**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9205393-1M**  
**PROJECT NAME THE PINES OF MORAVIAN**

On 3/23/94, 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:**  
MONTELEONE  
M&S Land Development Company, Inc., 42822 Garfield, Suite 104, Mt Clemens, MI 48043

**"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

**"Grantor's Land" is in Sterling Heights, Macomb County, Michigan described as:**

Town 2 North, Range 12 East, Section 25, described as: Commencing at the South 1/4 Post of Section 25; thence North 87 degrees 10 minutes 30 seconds East 118.0 feet along the South Section line, or the centerline of 15 Mile Road; thence North 55 degrees 06 minutes 30 seconds East 608.8 feet along the centerline of Moravian Drive to the point of beginning; thence South 0 degrees 46 minutes East 335.5 feet; thence East 345.59 feet along the centerline of 15 Mile Road; thence North 0 degrees 46 minutes West 608.14 feet; thence Southwesterly along the centerline of Moravian Drive to the point of beginning.

94 MAY 23 PM 1:50  
CARMELLA SABAUGH  
REGISTER OF DEEDS -  
MACOMB COUNTY, MI

RECORDED RIGHT OF WAY NO.

45747

**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.

**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.

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As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in

Right of Way Area.  
Bushes, Branches, Roots, Structures and Fences: Grantee may trim, cut down, remove or otherwise control any 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 [Signature]  
x [Signature]  
R. P. [Signature]

MONTEREY  
M&S LAND DEVELOPMENT COMPANY, INC.  
a Michigan Corporation  
BY: [Signature]  
JOHN OLD, President.

RECORDED RIGHT OF WAY NO. 48767

Acknowledged before me in MACOMB County, Michigan, on 23, 1994 by John Old  
the President of M&S Land Development Company, Inc  
a MI corp. Monterey

Notary's Stamp \_\_\_\_\_ Notary's Signature Audrey J. Sundstrom  
Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd, Clinton Twp, MI 48036  
Susan Parrycus, 6301-23 Mile Rd, Shelby Twp, MI 48316

APPROVED AS TO FORM 7/5/94 DATE  
LEGAL DEPARTMENT [Signature]



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

June 7, 1994

Monterey Development Co., Inc.  
42822 Garfield  
Suite 104  
Mt. Clemens, MI 48043

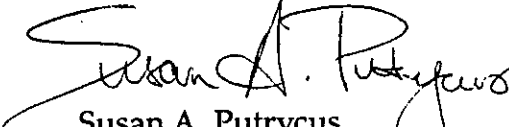
Attn: Ron Bishop

Re: The Pines of Moravian  
City of Sterling Heights, Macomb County, Michigan

Dear Mr. Bishop:

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. \_\_\_\_\_

45969

To (Supervisor, RE & R/W) <b>MIKE McCABE</b>	For RE & R/W Dept. Use	Date Received <b>ME-0530</b>	DE/Beur/C.P. No.
Division <b>MACOMB</b>	Date <b>6-8-93</b>	Application No. <b>9205393-1R</b>	

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).

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

10-12-92 job is built - per Bill H. he won't energize the bldgs.

3/17/94 per Bill H. - he notified cust that no add'l buildings would be energized until R/W's returned.

3/28/94 per Vince - he will fax me copy of deed.

**Information**

1. Project Name <b>THE PINES OF MORAVIAN</b>		County <b>MACOMB</b>
City/Township/Village <b>STERLING HEIGHTS</b>		Section No. <b>.25</b>
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Apartment Complex <input checked="" type="checkbox"/> Condominium <input type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other		
2. Name of Owner <b>MONTEREY DEVELOPMENT CO, INC.</b>		Phone No. <b>re: don't receive deed</b>
Address <b>42822 GARFIELD, SUITE 104, MT. CLEMENS, MI. 48043</b>		
Owner's Representative <b>RON BISHOP</b>		Phone No. <b>228-2330</b>
Date Service is Wanted <b>8-4-93</b>		

4. Entire Project will be developed at one time .....  Yes     No

5. Joint easements required — Michigan Bell Telephone .....  Yes     No  
 — Consumers Power .....  Yes     No

3. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power  
**COMCAST CATV - STERLING HTS**

b. Other Utility Engineer Names  
**JIM STITZEL**      Phone Numbers **978-3536**

Addresses  
**6065 WALL ST, STERLING HTS, MI. 48312**

6. Additional Information or Comments

Note: Trenching letter  attached     will be submitted later

Service Planner  
**BILL HERTZ**      Signed (Service Planning Supervisor) **CSP**

Phone No. **228-4114**      Address **138 MDHQ**

RECORDED RIGHT OF WAY NO. 45764


Detroit  
Edison

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Date: June 7, 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 The Pines of  
Moravian, being part of the Southeast  
1/4 of Section 25, T2N, R12E, City of Sterling Heights,  
Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement dated March 23, 1994, and other pertinent papers for the above named project.

Easement for this project was requested by Bill Hertz, 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, Michigan Bell Telephone Company and Comcast Cablevision made this Agreement with John Old, President of Monterey Development Company, Inc.

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

SP/ms

Attachments

RECORDED RIGHT OF WAY NO. 45-967

