

**CORPORATE REAL ESTATE ADMINISTRATION**

**Project No. TMA0402804**

**Property Name: R/W No. R-45936**

Date: August 5, 2004

To: LaTonya Causey  
Records Center

From: Diane Francisco  
Real Estate Associate

Subject: Partial Release of Right of Way, property in the SW1/4 of Sec. 17,  
Chesterfield Twp., Macomb County, MI

Attached are papers related to the Partial Release of right of way for property in Chesterfield Twp., Macomb County, MI.

There was no processing fee involved with this request.

Please incorporate these papers into Right of Way file No. R-45936.

4 5 9 3 6  
RECORDED R/W FILE NO.

PARTIAL RELEASE OF RIGHT OF WAY

On April 7, 2004, for one dollar and other valuable consideration, Edison releases all the rights that Edison has in a certain Right of Way.

"Edison" is:

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

The "Right of Way":

- a) Was granted to Edison by Chesterfield Development Company, L.L.C., 1898 Larchwood on July 11, 1994.
- b) Is recorded in Liber 6406 Page 928 thru 933 of Macomb County Records.
- c) Concerns land in the S1/2 of Section 17 in Chesterfield Township, Macomb County, Michigan, further described on Attachment "A".

Owners Land is:

See Attachment "B".

Rights Released by Edison:

Edison releases the Right of Way as it pertains to Owner's Land **ONLY** (See Attachment "B")

The Detroit Edison Company

John C. Erb  
 John C. Erb, Manager  
 Corporate Real Estate Administration

45936  
 RECORDED R/W FILE NO.

Acknowledged before me in Wayne County, Michigan, on April 7, 2004 by John C. Erb the Manager of Corporate Real Estate Administration of The Detroit Edison Company, a Michigan corporation, for the corporation.

Notary's Stamp: **DIANE LYNN FRANCISCO**  
**NOTARY PUBLIC MACOMB CO, MI**  
**MY COMMISSION EXPIRES Feb 17, 2006**  
 (Notary's name, county and date Commission expires)

Notary's Signature: Diane Lynn Francisco

Prepared by and return to: D. Francisco, Detroit Edison, 2000 Second Avenue, 2086 WCB, Detroit, MI 48226

ATTACHMENT "A"

Harron Cablevision, a Delaware Corporation, 55800 New Haven Rd., Chesterfield MI 48051

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

T3N, R14E, Section 17, being more particularly described as commencing at the intersection of the center line of Gratiot Ave and the South line of said Section 17, thence N 30°49'50" E 399.93 feet along the center line of Gratiot Ave to the Point of Beginning, thence continuing N 30°49'50" E 332.58 feet along said center line of Gratiot Ave, thence leaving said center line S 59°21'45" E 60.0 feet to a point on the southeasterly right of way line of Gratiot Ave, thence N 30°49'50" E 716.07 feet along the southeasterly right of way line of Gratiot Ave to the intersection of the South line of "Sup. Plat No. 18" (L. 18 P.45), thence S 89°26'39" E 612.63 feet along said plat's South line, thence S 89°14'03" E 179.44 feet, thence S 01°03'54" W 572.54 feet, thence S 89°09'44" E 30.44 feet, thence S 01°05'58" W 389.69 feet; thence N 88°54'02" W 60.0 feet, thence S 01°01'09" W 260.87 feet to a point on the North right of way line of 23 Mile Road, thence along a curve concave to the North radius = 14866.73 feet and L/CH bears N 87°18'58" W 60.46 feet along North right of way of 23 Mile Road, thence N 59°05'53" W 527.63 feet; thence S 03°53'56" W 239.68 feet to a point on the North right of way of 23 Mile Road, thence N 86°06'04" W 225.97 feet along the North right of way of 23 Mile Road, thence N 44°08'04" W 134.00 feet, thence N 60°17'48" W 146.75 feet, thence N 59°08'50" W 368.05 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 B0206501 of ...

45936

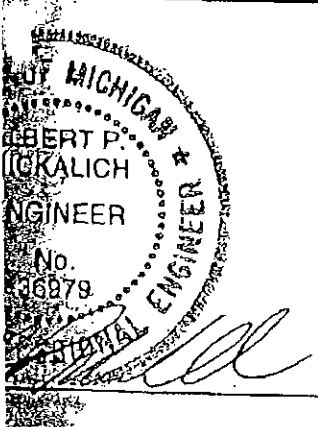
RECORDED R/W FILE NO.

Exhibit "B"

LEGAL DESCRIPTION

Part of the Southwest 1/4 of Section 17, T3N., R14E., Chesterfield Township, Macomb County, Michigan, described as beginning at a point located distant N 86°40'56" W, along the South line of said Section 17, 1501.93 feet to the intersection of the South line of Section 17 & centerline of Gratiot Avenue & N 31°12'00" E, along said centerline, 412.67 feet & S 58°48'00" E, 308.28 feet from the South 1/4 corner of said Section 17 to the point of beginning; thence N 30°46'53" E, 10.97 feet; thence S 89°05'11" E, 245.12 feet; thence S 00°54'49" W, 118.16 feet; thence S 43°48'25" E, 56.10 feet; thence; thence N 86°28'22" W, 185.60 feet; thence S 03°26'02" W, 20.00 feet; thence N 86°34'00" W, 126.76 feet; thence N 31°12'00" E, 144.85 feet; thence N 58°48'00" W, 58.09 feet to the point of beginning. Parcel contains 0.88 acres of land.

©2003



**MICKALICH and ASSOCIATES, INC.**

CIVIL ENGINEERING SURVEYING PLANNING

2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI. 48309

INTERNET: WWW.MICKALICH.COM

PHONE: (248) 852-1900

FAX: (248) 852-1070

PROJECT: CHESTERFIELD - SOUTH

DRAWN BY: DSK

DATE: 7-31-03

CHECKED BY: RHH

PROJECT No.

APPROVED BY: APM

TITLE: STRINGER PLAN

01102A

4 0936

RECORDED R/W FILE NO.

004/007

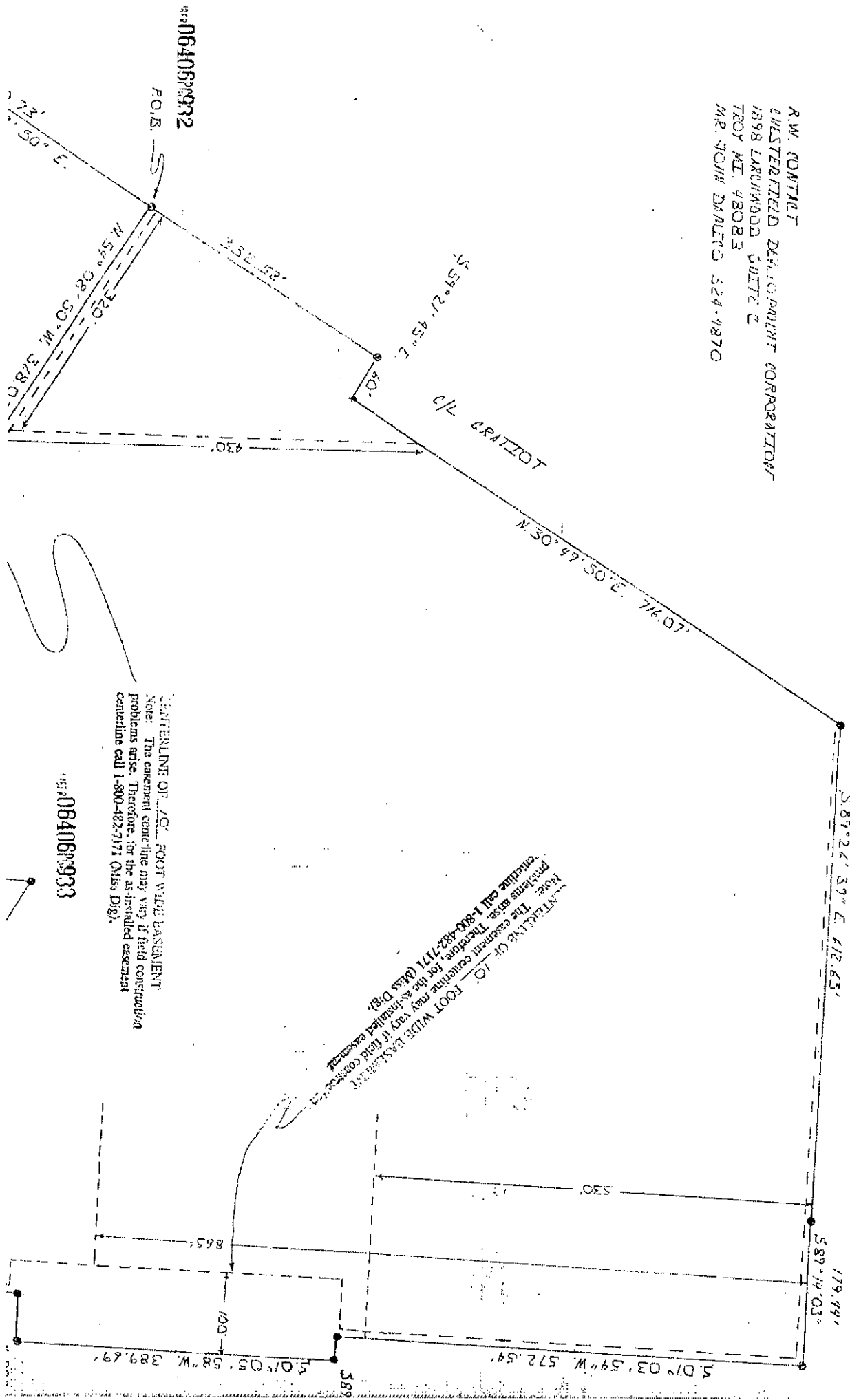
FIVE STAR STORAGE

03/31/2004 12:55 FAX 586 725 5699

06406P029

R.W. CONTINGENT  
UNREGISTERED DEVELOPMENT CORPORATION  
1898 LARCHWOOD SUITE 2  
TROY MI. 48063  
MR. JOHN DIMITRO 524-4870

RECORDED R/W FILE NO. 58654



06406P032

06406P033

CENTERLINE OF 10' FOOT WIDE EASEMENT  
Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).

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DTE Energy Company  
2000 2nd Ave., Detroit, MI 48206-1279  
Tel: 313.235.4000

**DTE Energy**



April 7, 2004

Mr. Tom Hauswirth  
Carls LLC  
35515 23 Mile Road  
New Baltimore, MI 48047

Re: Partial Release of R/W, Sec 17, Chesterfield Twp., Macomb County, MI

Dear Mr. Hauswirth,

Enclosed is a fully executed partial release that you requested. I am also returning to you your check \$350.00.

If there are any questions, please call me at (313) 235-8313.

Sincerely,

*Diane Francisco*

Diane Francisco  
Real Estate Associate

Enclosures

45936

RECORDED R/W FILE NO.

CARLS LLC 35515 - 23 MILE RD. NEW BALTIMORE, MI 48047		74-7155/2724 508711199	1006
DATE <i>March 24, 04</i>			
PAY TO THE ORDER OF <i>Detroit Edison</i>	\$ <i>350.00</i>		
<i>Three hundred fifty + 00/100</i>		DOLLARS	
MEMO <i>Vacate easement.</i>		<i>Thomas Hauswirth</i> MP	
MAIN OFFICE <b>CitizensFirst</b> SAVINGS BANK PORT HURON, MICHIGAN 48060			
⑆ 272471551⑆ 508711199⑈ 1006			

March 24, 2004

Carls LLC  
35515 23 Mile Rd.  
New Baltimore, Mi 48047  
586-725-7827 office  
586-419-2468 cell  
586-725-5699 FAX

Ms Diane Francisco  
Detroit Edison  
Room 2086  
2000 2nd Ave  
Detroit, Mi 48226

RMA0402794

Dear Ms Francisco,

Enclosed is a check for \$350 to vacate the Detroit Edison easement in Libor (6406 page 928-934 and Libor (7036 page 829) Macomb County.

OK to Release

I purchased .3 <sup>Keep</sup> acres from Chesterfield Development along side my property so I can construct a building on the site.

I spoke with Chuck Maddox from Detroit Edison planning and he indicated this easement was used years ago to supply power to a gas station east of this property. That gas station has since been demolished and rebuilt with service from a different route.

Could I get a letter stating you are processing this request so I may go forward with Chesterfield Township.

Thank You

Sincerely,

*Thomas C. Hauswirth*  
Thomas C. Hauswirth  
Carls LLC

4 5936

RECORDED R/W FILE NO.

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 8
To	Chuck Maddox	From Diane Francisco
Co.		Co. DTE - RE
Dept.	Planning	Phone # 235 8313
Fax #	586 783 2001	Fax # 235 6390

APPLICATION FOR RIGHT OF WAY

DE 963-0811 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 5-25-94

LOCATION SECTION 17

APPLICATION NO. R-9306591-01R

CITY OR VILLAGE \_\_\_\_\_

DEPT. ORDER NO. \_\_\_\_\_

TOWNSHIP CHESTERFIELD COUNTY MALCOMB

O. F. W. NO. \_\_\_\_\_

BUDGET ITEM NO. \_\_\_\_\_

DATE BY WHICH RIGHT OF WAY IS WANTED \_\_\_\_\_

INQUIRY NO. \_\_\_\_\_

THIS R/W IS 100 % OF TOTAL PROJECT NO. \_\_\_\_\_ ACCUM. \_\_\_\_\_ %

JOINT RIGHT OF WAY REQUIRED YES  NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED UNDERGROUND CONDUITS AND CONDUCTORS, ABOVE GROUND TRANSFORMERS AND CABINETS

PURPOSE OF RIGHT OF WAY PROVIDE SERVICE PRESENT AND FUTURE

SIGNED Chet M... [Signature]

OFFICE \_\_\_\_\_ DEPARTMENT \_\_\_\_\_

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 45736

PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE 1 GRANTOR 1

NO. OF PERMITS 1 NO. OF STRUCTURES \_\_\_\_\_ NO. OF MILES \_\_\_\_\_ PERMITS TO MBT 1

DATE 8-11-94 SIGNED Michael McCabe CABLE 1



**UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R9306591-01**

On 7-11, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Chesterfield Development Company L.L.C., 1898 Larchwood, Suite C, Troy, MI 48083

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226  
Ameritech, a Michigan Corporation, 444 Michigan Avenue, Detroit MI 48226  
Harron Cablevision, a Delaware Corporation, 55800 New Haven Rd., Chesterfield MI 48051

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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 R9306591-01 attached hereto.

- Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground 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.
- Restoration:** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
- 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)  
CHESTERFIELD DEVELOPMENT COMPANY L.L.C.  
a Michigan Corporation

94 JUL 28 PM 4:01

BY:

X CAROL ANN WALSH  
REGISTRAR OF DEEDS  
MICHIGAN COUNTY, MI  
Donna Damico  
DONNA DAMICO

JOHN DAMICO, PRES  
MANAGING PARTNER

Acknowledged before me in OAKLAND County, Michigan, on July 11, 1994 by

JOHN DAMICO PRESIDENT & MANAGING PARTNER OF CHESTERFIELD DEVELOPMENT COMPANY L.L.C. a Michigan Corp.  
BARBARA J. BRYSON  
Notary's Stamp Notary Public, Oakland County, MI Notary's Signature Barbara J. Bryson  
(Notary's name, county, and date commission expires)

RECORDED RIGHT OF WAY NO. 45936

APPROVED AS TO FORM 7/18/94 DATE  
LEGAL DEPARTMENT SMW/LSH

18FR 06406PC929

18FR 06406PC931

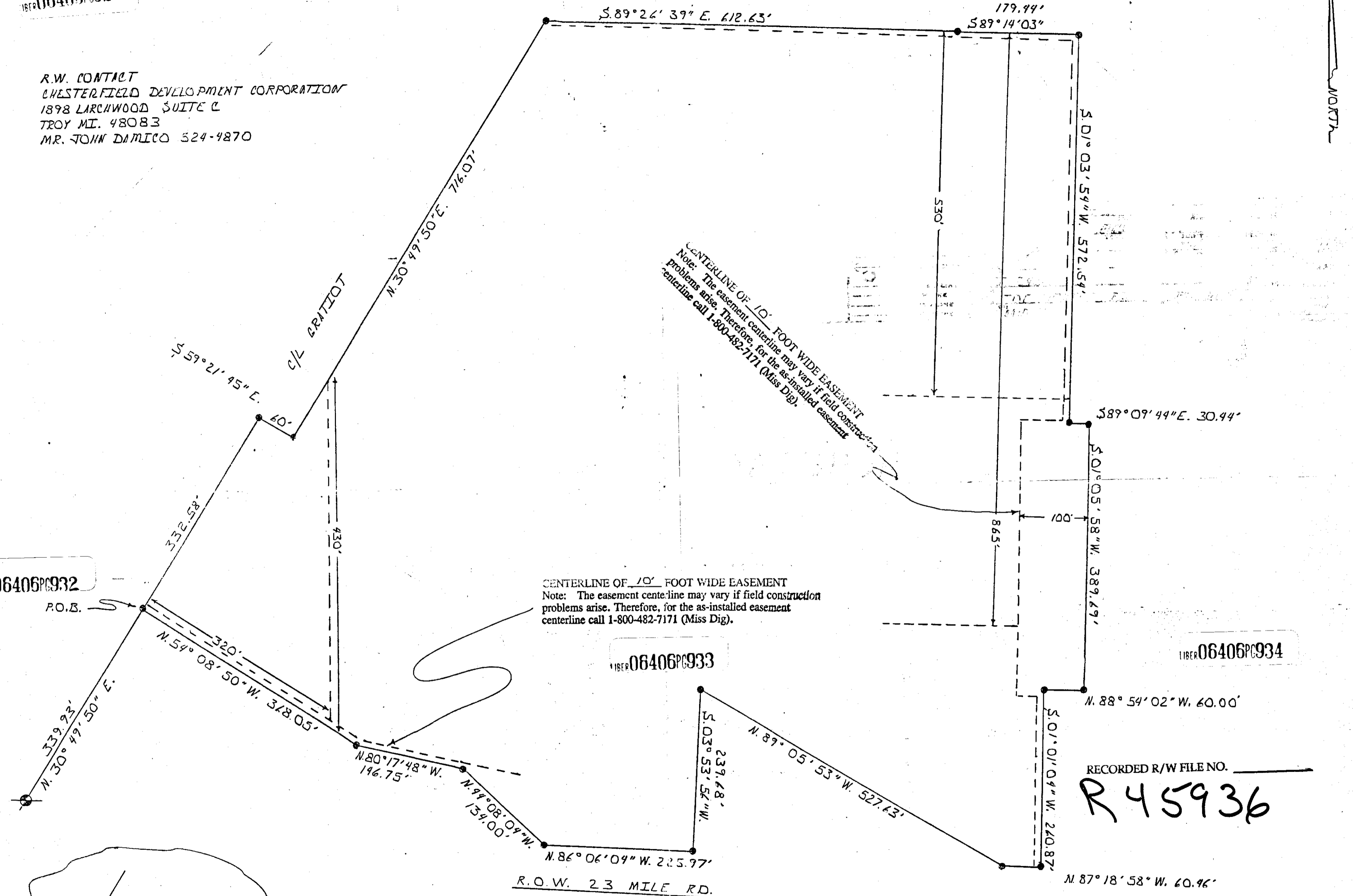
R.W. CONTACT  
CHESTERFIELD DEVELOPMENT CORPORATION  
1898 LARCHWOOD SUITE C  
TROY MI. 48083  
MR. JOHN DAMICO 524-4870

NORTH

18FR 06406PC932

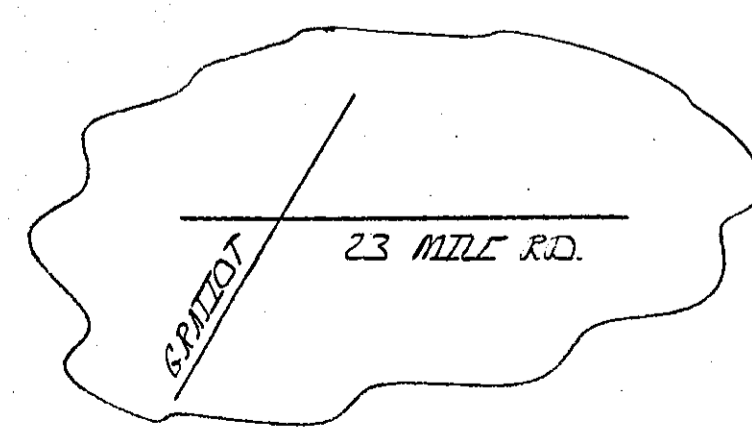
18FR 06406PC933

18FR 06406PC934



CENTERLINE OF 10' FOOT WIDE EASEMENT  
Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).

RECORDED R/W FILE NO.  
**R 45936**



THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT			
<b>LEGEND</b>	<b>CITY OR TWP.</b>	<b>COUNTY</b>	<b>QTR. &amp; TWP. SECT. NO.</b>
○ FOREIGN POLE	CHESTERFIELD	MACOMB	
○ EXIST. D.E. CO. POLE			
○ PROPOSED POLE	MAP SECT.	TOWN	RANGE
○ EXIST. ANCHOR	1-403-432		
○ PROPOSED ANCHOR	PROJECT NAME	JOINT R/W REQUIRED	
○ TREE	TARGET	YES <input type="checkbox"/>	NO <input type="checkbox"/>
○ 120/240 V LINE	CIRCUIT	TEL. ENG'R. & DIST.	
○ 4800 V LINE	CHEST 8430		
○ 13,200 V LINE	REASON	B.F.W. I.S. OR P.E. NO.	
○ 40,000 V LINE	PROVIDE SERVICE PRESENT AND FUTURE		
	PLANNER	BUDGET ITEM NO.	
	C. WADDAIX	DATE	
		5-25-99	
		SCALE 1"=100'	

R 45936

RECORDED RIGHT OF WAY NO. 45936