



**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R93033911AR
PROJECT NAME BRANDON CHASE**

On JANUARY 20, 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:

BRANDON CHASE ASSOCIATES, LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP,
BY: NORFOLK DEVELOPMENT CORPORATION, 6360 Jackson Road, Suite F, Ann Arbor, Michigan 48103

"Grantee" is:

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

"Grantor's Land" is in the City of Howell, Livingston County, described as

**** SEE REVERSE SIDE FOR LEGAL DESCRIPTION ****

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

NANCY HAVILANT
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI
48843

FEB 2 2 55 PM '94

RECORDED

Detroit Edison easements as indicated on Detroit Edison Drawing R93033911AR which is attached hereto and made a part hereof. The width of Right of Way is ten (10) feet.

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.

RECORDED RIGHT OF WAY NO. 45953

LIBER 1793 PAGE 0436

Brandon Chase Legal Description

A Parcel of land in the SE 1/4 of Section 26, T3N- R4E, City of Howell, Livingston County, Michigan, more particularly described as follows: Beginning at the South East Corner of Section 26, as a point of beginning; thence N 87°15'06" W, 36.16 feet along the south line of Section 26; thence leaving said south line N 02°58'54" E, 165.00 feet; thence N 87°15'06" W, 264.00 feet; thence S 02°58'54" W, 165.00 feet to the south line of Section 26; thence N 87°15'06" W, 216.69 feet (recorded as 216.64 feet) along said south line; thence leaving said south line N 38°11'13" W, 505.90 feet along the North Easterly Right of Way of the Ann Arbor Railroad; thence N 51°48'47" E, 18.98 feet; thence N 33°09'00" W, 21.35 feet, thence 139.92 feet along a curve to the right having a central angle of 47°09'23" a radius of 170.00 feet and a long chord bearing N 09°34'19" W, 136.00 feet; thence N 14°00'23" E, 101.05 feet; thence 152.88 feet along a curve to the left having a central angle of 25°01'36" a radius of 350.00 feet and a long chord bearing N 01°29'35" E, 151.67 feet; thence N 11°01'13" W, 112.41 feet; thence 267.77 feet along a curve to the right having a central angle of 61°22'03" a radius of 250.00 feet and a long chord bearing N 19°39'48" E, 255.15 feet; thence N 50°20'50" E, 23.88 feet; thence 181.00 feet along a curve to the left having a central angle of 47°31'39" a radius of 218.20 feet and a long chord bearing N 26°35'01" E, 175.85 feet; thence S 87°10'51" E, 237.51 feet; thence S 30°05'08" W, 151.63 feet; thence S 23°35'20" W, 375.57 feet; thence S 09°51'00" E, 66.05 feet; thence S 00°14'30" E, 69.55 feet; thence S 09°54'33" W, 131.03 feet; thence S 41°58'56" E, 46.23 feet; thence S 41°03'12" E, 120.58 feet; thence S 64°16'41" E, 126.34 feet; thence S 76°20'27" E, 12.10 feet; thence S 07°59'02" W, 8.00 feet; thence S 82°01'21" E, 255.87 feet; thence S 01°39'44" W, 13.05 feet; thence 221.72 feet along a curve to the right having a central angle of 68°40'10" a radius of 185.00 feet and a long chord bearing S 58°39'16" E, 208.69 feet; thence S 01°35'32" W, 260.16 feet (recorded as 260.20 feet) to the point of beginning, containing 9.77 acres more or less. Subject to the rights of the public over the existing Right of Way of Riddle Street. Subject also to all easements of record.

LIBER 1793 PAGE 0437

REC S S 22 611 21

Witnesses:(type or print name below signature)

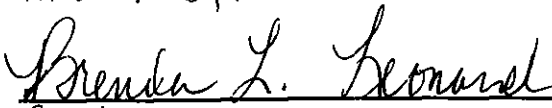
Grantor:(type or print name below signature)

**BRANDON CHASE ASSOCIATES, LIMITED
PARTNERSHIP, A MICH. LIMITED PARTNERSHIP**

**BY: NORFOLK DEVELOPMENT CORPORATION
ITS: GENERAL PARTNER**

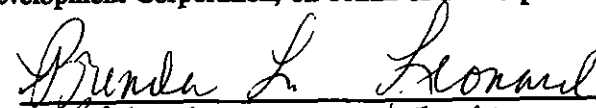

TIMOTHY B. POWELL


JAMES A. FRANKE, PRESIDENT


Brenda L. LEONARD

STATE OF MICHIGAN
COUNTY OF Washtenaw

On this 20 day of January, 1994, the foregoing instrument was acknowledged before me, a notary public in and for said county, by James A. Franke whose title is President of Norfolk Development Corporation, on behalf of the corporation.


BRENDA L. LEONARD
Notary Public, Washtenaw County, Michigan

My commission expires: Nov. 28, 1994

Notary Public, Washtenaw County, MI
My Commission Expires Nov. 28, 1994
Acting in Washtenaw County, MI

5-26

Detroit Edison

Application for U.R.D. Easements

DE 963-5145 9-73CS (RR 11)

To (Supervisor RE & R/W) RICHARD LONGWISH	For RE & R/W Dept Use	Date Received	DE/Bell/CP No
Division ANN ARBOR	Date 8-27-93	Application No R 130 3391-1A	

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 par — other)
 - 1. Property description
 - 2 Site plan.
 - 3 title information (deed, title commitment, contract with title commitment, or title search)

930 3391

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH BY <u>J. DAVENPORT</u> DATE <u>1-21-94</u> DATE WANTED _____ DISTRICT _____ FIELDMAN _____	PERMITS TO:
	RECORD CENTER <u>2</u>
	R/W FILES <u>11</u>
	MBT <u>11</u>
	ORIGINATOR <u>[Signature]</u>
	TOTAL <u>[Signature]</u>

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

Information

1 Project Name BRANDON CHASE	County LIVINGSTON
City/Township/Village HOWELL CITY	Section No

Type of Development

Proposed Subdivision
 Apartment Complex
 Condominium
 Subdivision
 Mobile Home Park
 Other

2 Name of Owner
BRANDON CHASE DEVELOPMENT CORP (517) 548-6760

Address
6360 JACKSON RD. SUITE F, ANN ARBOR MI. 48103

Owner's Representative
DAVE CONLIN (517) 548-6760

Date Service is Wanted
SEPTEMBER 1993

4 Entire Project will be developed at one time Yes No

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

a Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power

b Other Utility Engineer Names _____ Phone Numbers _____

Addresses _____

6 Additional Information or Comments
**SECURE 10' EASEMENT AS SHOWN IN R/W DRAWING
 SEE COMPLETED URD file for
 further info**

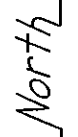
Note Trenching letter attached will be submitted later

Service Planner
G.C. ALDIGHERI (548-6450)

Signed (Service Planning Supervisor)
[Signature]
Address
HOWELL SERV. PLANNING

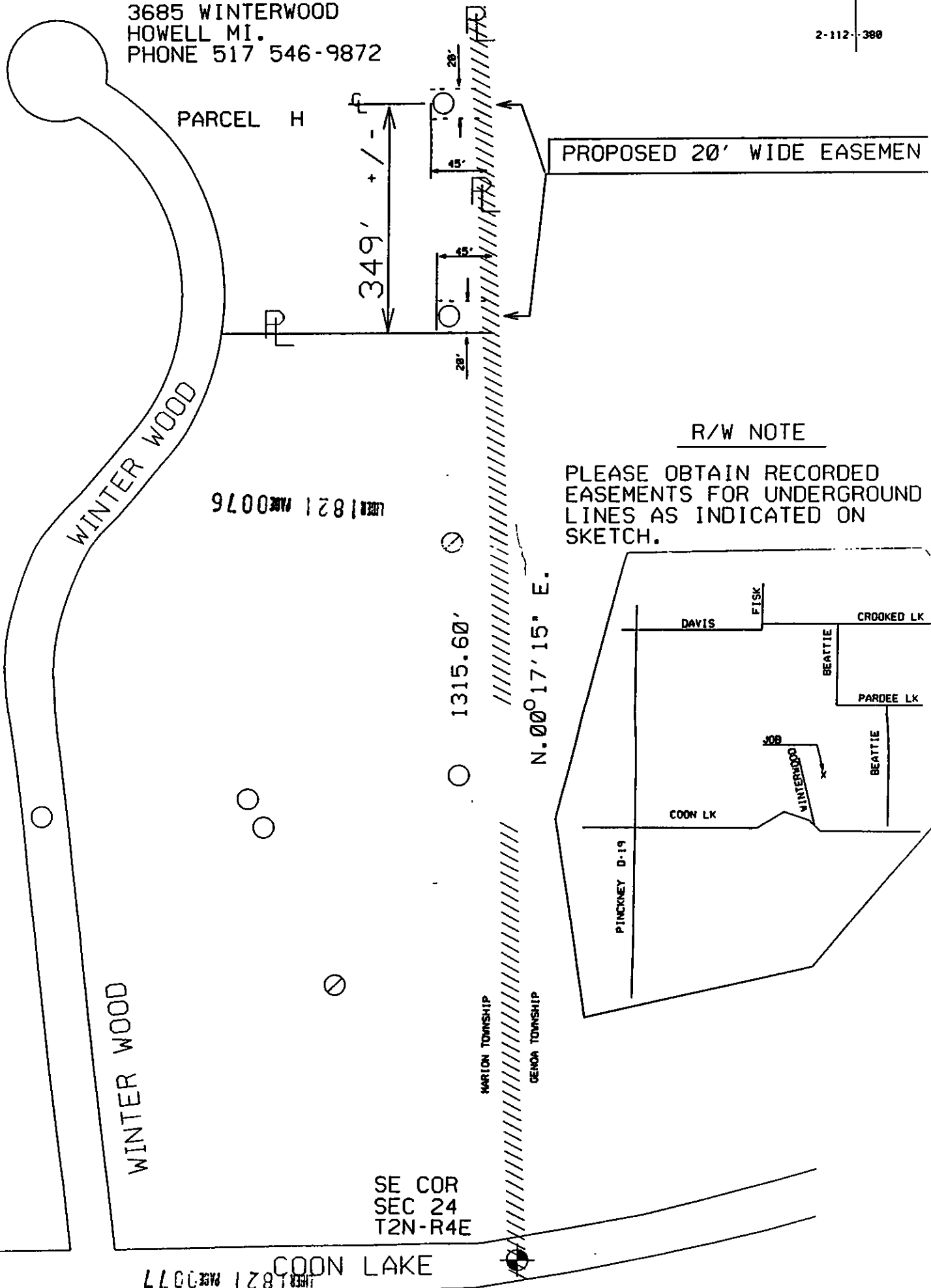
RECORDED RIGHT OF WAY NO. 45953 + 45953A

DRAWING NO. R-9400070-1A BY P. CAPLING
 OFF SITE R/W FOR NEW SUBDIVISION
 ON COON LK. RD.
 01-28-94



2-112-388

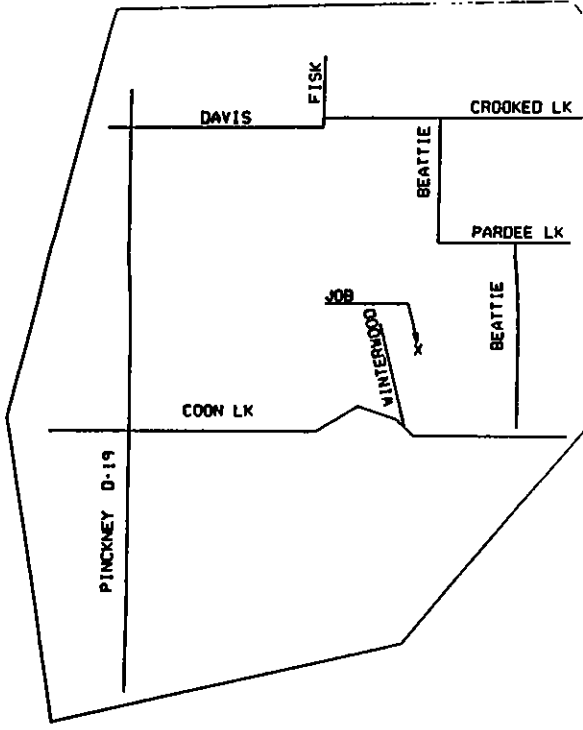
GEORGE ACKERMAN
 3685 WINTERWOOD
 HOWELL MI.
 PHONE 517 546-9872



PROPOSED 20' WIDE EASEMEN

R/W NOTE

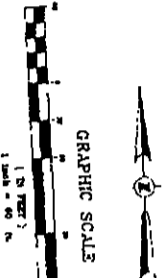
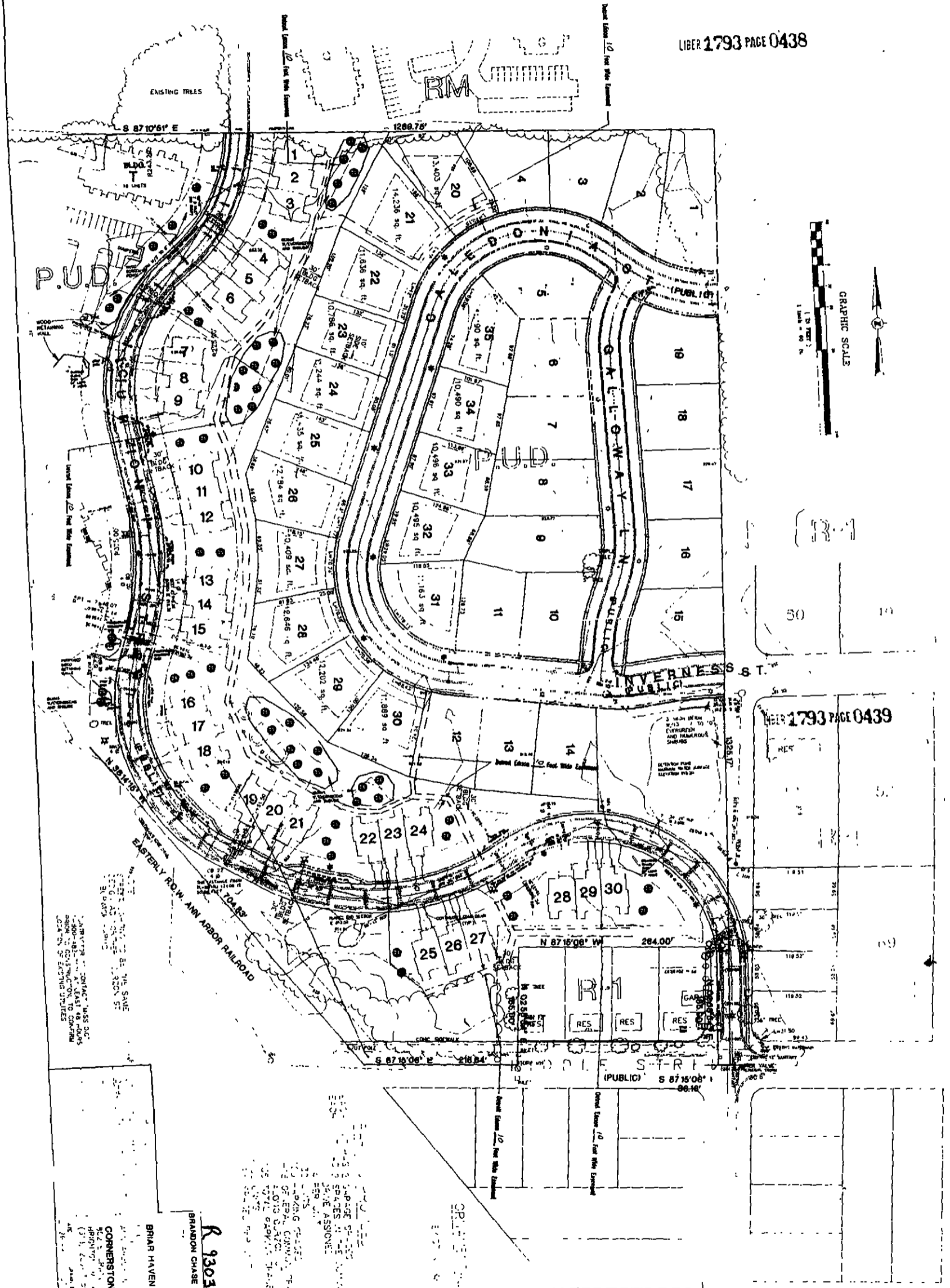
PLEASE OBTAIN RECORDED
 EASEMENTS FOR UNDERGROUND
 LINES AS INDICATED ON
 SKETCH.



SE COR
 SEC 24
 T2N-R4E

1821 PARCE 077

COON LAKE



CONTRACTOR TO CONTACT MASS D.C.
 400-482-1111 AT LEAST 48 HOURS
 BEFORE CONSTRUCTION TO CONFIRM
 LOCATION OF EXISTING UTILITIES

R 9303391-1A
 BRANDON CHASE / BRIAR HAVEN

BRIAR HAVEN DEVELOPMENT

CORNERSTONE ENGINEER

BRANDON CHASE / BRIAR HAVEN
 1000 STATE ST.
 BOSTON, MA 02118
 (617) 552-1111

1. ALL LOTS TO BE CONVEYED BY DEED.
 2. ALL LOTS TO BE CONVEYED TO THE ASSOCIATION.
 3. THE ASSOCIATION SHALL BE THE OWNER OF ALL COMMON AREAS.
 4. THE ASSOCIATION SHALL BE THE OWNER OF ALL UTILITIES.
 5. THE ASSOCIATION SHALL BE THE OWNER OF ALL EXISTING UTILITIES.
 6. THE ASSOCIATION SHALL BE THE OWNER OF ALL EXISTING UTILITIES.