

Detroit Edison

LIBER 06442PG150

175
C116461

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R9401887-01R
PROJECT NAME North Pointe Parkway Sub. No. 2**

On 7-13-94, 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:

North Pointe Associates, 24595 Groesbeck Hwy, Warren, MI 48093

"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 Rd., Chesterfield, MI 48051

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

A part of private claims 134 and 616, T.2N, R.14E, Harrison Township, Macomb County, Michigan, and being more particularly described as: Commencing at a point on the line common to said private claim 134 and the east line of "Winkler's Subdivision No.1" as recorded in Liber 10 of plats, pg. 45, Macomb County records being N.00 58'50" W. (Recorded as S.00 14"W.) 1162.86 ft, and N.01 03'56" W. (Recorded as S.00 14"W.) 95.01 ft from the intersection of the centerline of Coleridge Avenue and said common line to private claim 134 and "Winkler's Subdivision No.1"; thence continuing along said line common to private claim 134 and "Winkler's Subdivision No. 1", N.01 03'56" W. (Recorded as S.00 14"W.), 455.88 ft; thence N.55 36'49"E. 415.68 ft.; thence N.64 53'23" E. 96.08ft.; thence S.84 25'10"E. 74.24 ft.; thence S.85 09'35"E. 47.68 ft. to a point on the line common to said private claims 134 and 616; thence continuing S.85 09'35"E. 33.99 ft.; thence N.71 52'50"E. 590.62 ft. to a point on the westerly line of "Harrison-Clinton River Homes Subdivision" as recorded in Liber 25 of Plats, Page 43, Macomb County Records; thence along said westerly line S.01 00'30"E. 952.55 ft. to the southwesterly corner of said "Harrison-Clinton River Homes Subdivision"; thence S. 01 02'43" E. 353.66 ft; thence S.88 31'38" W. 456.79 ft.; thence S.02 26'18"W. 2.89 ft.; thence S.88 20'12"W. 139.87 ft.; to a point on the line common to private claims 134 and 616; thence continuing S.88 20'12"W. 72.02 ft.; thence N.01 39'48" W. 300.00 ft.; thence N.88 20'12"E. 20.79 ft.; thence due north 190.08 ft.; thence S.88 20'12"W. 241.67 ft.; thence S.04 06'43"E. 40.04 ft.; thence S.88 20'12"W. 266.48 ft. to the point of beginning.

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.

RECORDED RIGHT OF WAY NO. 46021


94 SEP -6 PM 1:45

CAROL A. BAUGH
REGISTERED DEEDS
MACOMB COUNTY, MI

15



Mt. Clemens Service Center
43230 Elizabeth Road
Clinton Twp., Michigan 48036-1101

Date: September 21, 1994
To: Record Center
From: Edward J. Jansen 
Facilitator - Right of Way
Mt. Clemens Service Center
Subject: Right of Way Agreement
Re: Underground Residential Distribution for North Pointe
Parkway Sub. No. 2, Part of Private Claims 134 and 616
of Town 2 North, Range 14 East, Harrison Township,
Macomb County, Michigan.

Attached for the Record Center is the executed Right of Way Agreement dated July 13, 1994, for the above named project.

Easement for this project was requested by Larry Simms, Planner, Mt. Clemens Service Center. The agreement was negotiated by Michael J. McCabe, Sr. Representative, Real Estate and Rights of Way, Mt. Clemens Service Center.

Detroit Edison Company, Ameritech and Harron Cablevision made this agreement with Stuart Farber, Co-Partner and David L. Bittker, Co-Partner of North Pointe Associates, a Michigan Co-Partnership.

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

ejj

Attachment

RECORDED RIGHT OF WAY NO. 46021

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

NORTH POINTE ASSOCIATES
a MICHIGAN CO-PARTNERSHIP

X *Danielle F. Trybus*
DANIELLE F. TRYBUS
Tracy Pierce-Bala
Tracy Pierce-Bala

Stuart Farber
Stuart Farber, Co-Partner
David L. Bittker
DAVID L. BITTKER, CO-PARTNER

Acknowledged before me in MACOMB County, Michigan, on JULY 13, 1994 by

STUART FARBER, CO-PARTNER AND DAVID L. BITTKER, CO-PARTNER
OF NORTH POINTE ASSOCIATES, A MICHIGAN CO-PARTNERSHIP
DANIELLE F. TRYBUS

Notary Public, Macomb County, Michigan
My Commission Expires November 24, 1996

Notary's Stamp _____ Notary's Signature *Danielle F. Trybus*
(Notary's name, county, and date commission expires)

Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Rd., Clinton Township MI 48036

RECORDED RIGHT OF WAY NO. 46021

APPROVED AS TO FORM 7/20/94 DATE
LEGAL DEPARTMENT SMW/PKB

NORTH POINTE PARKWAY SUBDIVISION NO.2

PART OF P.C. 134 AND P.C. 616, T.2N., R.14E.
CHARTER TOWNSHIP OF HARRISON, MACOMB COUNTY, MICHIGAN

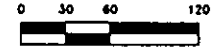
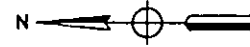
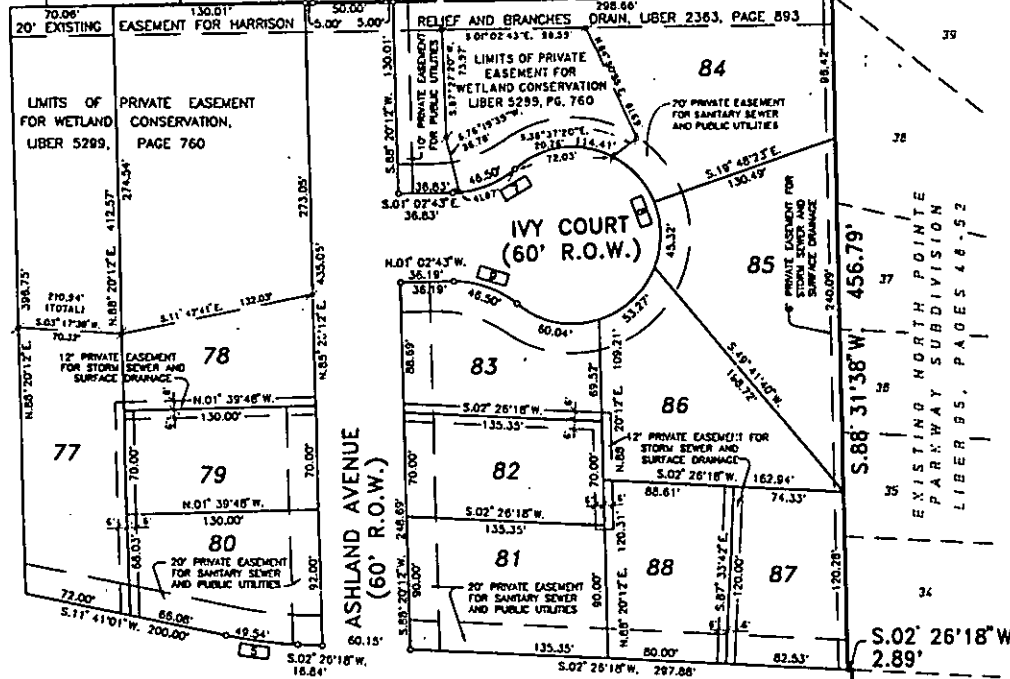
LIBER 06442PG153

EXISTING HARRISON-CLINTON RIVER HOMES SUBDIVISION
LIBER 25, PAGE 43

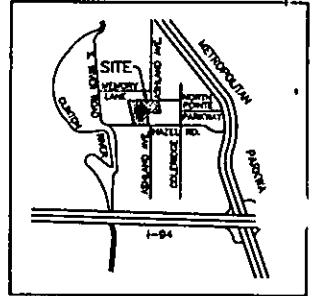
UNPLATTED

S.01°00'30"E. 962.55' (TOTAL)

S.01°02'43"E. 353.66'



SCALE: 1" = 60'

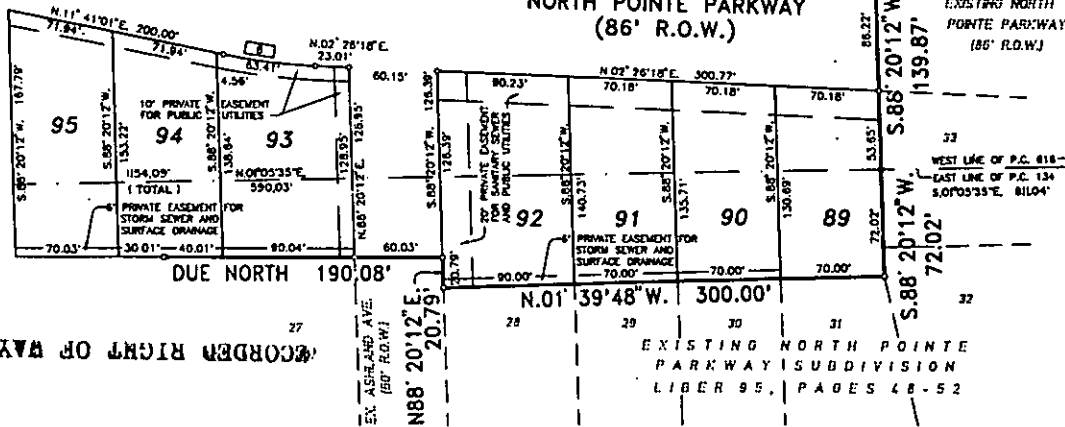


LOCATION MAP
HARRISON TOWNSHIP

MATCH LINE SHEET 1 OF 5

CURVE DATA

NO.	RADIUS	ARC	DELTA	CHORD	CHORD BEARING
5	307.00	48.54	09° 14'43"	49.48	S. 07° 03'40" W.
6	303.00	83.41	09° 14'43"	83.35	S. 07° 03'40" W.
7	68.00	46.50	40° 22'03"	45.54	N. 21° 13'45" W.
8	60.00	273.04	99° 15'53"	91.43	S. 86° 57'17" W.
9	66.00	46.50	40° 22'03"	45.54	N. 19° 08'19" E.



INTERSECTION OF THE LINE COMMON TO P.C. 134 AND P.C. 616 WITH THE C.C. OF 86 FT. WD. COLLEGE AVE. LIBER 04988, PG. 410

PLAT LEGEND

ALL DIMENSIONS ARE IN FEET.
ALL CURVILINEAR DIMENSIONS ARE MEASURED ALONG THE ARC.
CONCRETE MONUMENTS, CONSISTING OF 1/2" DIA. RE-ROD, 36" LONG, ENCASED IN CONCRETE, 4" IN DIA. AND 36" LONG HAVE BEEN PLACED AT ALL POINTS MARKED "C".
LOT CORNERS HAVE BEEN MARKED WITH 1/2" DIA. RE-RODS AND ARE 18" LONG.
BEARINGS SHOWN WERE DETERMINED FROM THE WEST LINE OF HARRISON-CLINTON RIVER HOMES SUBDIVISION, LIBER 25, PAGE 43, HARRISON TOWNSHIP, MACOMB COUNTY RECORDS.
THE SYMBOL (R) DENOTES RADIAL LOT LINES.
THE SYMBOL (NR) DENOTES NON-RADIAL LOT LINES.
"L" DENOTES A RIGHT ANGLE.
"W" DENOTES WETLAND IDENTIFICATION MARKER.
"C" DENOTES A CURVE NUMBER.



1/20/07

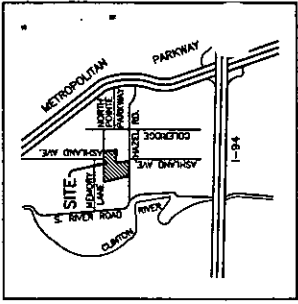
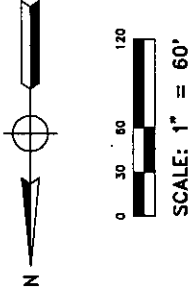
NORTH POINTE PARKWAY SUBDIVISION NO. 2

PART OF P.C. 134 AND P.C. 616, T.2N., R.14E.
 CHARTER TOWNSHIP OF HARRISON, MACOMB COUNTY, MICHIGAN

LIBER PAGE

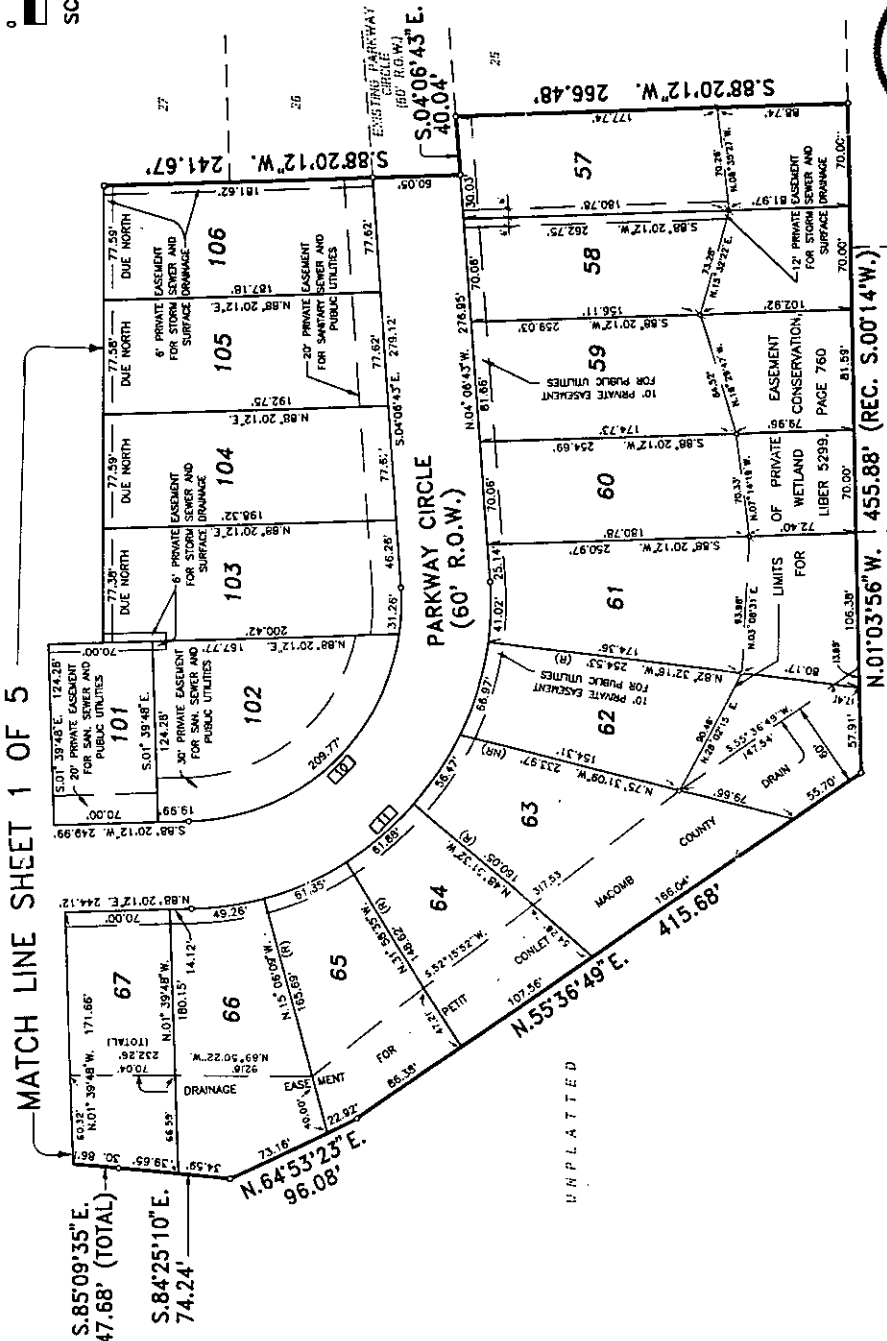
CURVE DATA

NO.	RADIUS	ARC	DELTA	CHORD	CHORD BEARING
10.	150.00	241.03	92° 04'03"	215.92	S. 42° 18'10" W.
11.	210.00	337.45	92° 04'03"	302.29	S. 42° 18'10" W.



LOCATION MAP
 HARRISON TOWNSHIP

LIBER 06442PG 4



PLAT LEGEND
 ALL DIMENSIONS ARE IN FEET.
 ALL BEARINGS ARE MEASURED ALONG THE ARC.
 CONCRETE MONUMENTS CONSISTING OF 1/2" DIA. RE-ROD, 36" LONG, ENCASED IN CONCRETE, 4" IN DIA. AND 36" LONG HAVE BEEN PLACED AT ALL POINTS MARKED "P".
 ALL CORNER MARKERS HAVE BEEN MARKED WITH 1/2" DIA. RE-RODS AND CORNER MARKERS.
 BEARINGS SHOWN WERE DETERMINED FROM THE WEST LINE OF HARRISON-CLINTON RIVER HOMES SUBDIVISION, LIBER 29, PAGE 45, AND THE WEST LINE OF HARRISON-CLINTON RIVER HOMES SUBDIVISION, LIBER 29, PAGE 45, AND THE WEST LINE OF HARRISON-CLINTON RIVER HOMES SUBDIVISION, LIBER 29, PAGE 45.
 THE SYMBOL (NR) DENOTES NON-RADIAL LOT LINES.
 "R" DENOTES A RIGHT ANGLE.
 "W" DENOTES WETLAND IDENTIFICATION MARKER.
 [E8] DENOTES A CURVE NUMBER.



WINKLER'S SUBDIVISION NO. 1
 LIBER 10, PAGE 45

RECORDED RIGHT OF WAY NO. 46021