

Detroit
Edison

Date: September 9, 1994

To: Records Center
2310 WCB

From: Susan Putrycus 
Shelby Service Center

Subject: R-9403808-01R
Northwest 1/4 Section 5
Township of Shelby, Macomb County

Please file the attached Right of Ways in the appropriate Record Center file.

If you have any questions, please call me on 182-84181.

RECORDED RIGHT OF WAY NO.

46064

Detroit Edison

C113635

LIBER 06435 PC 530

15-

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9403808-01R

On 8-2, 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:

Michael LoChirco and Marianna LoChirco, 2001 Crystal Lake Drive, Shelby Township, Michigan 48316

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226
Comcast Cablevision, a Delaware corporation, 6065 Wall Street, Sterling Heights, Michigan 48077

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

See Legal Descriptions attached to this Agreement.

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 sketch on the back of this Agreement.

- 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)

[Signature]

Michael LoChirco

[Signature]

Michael LoChirco

[Signature]

SUSAN A. PUTRYCUS

[Signature]

Marianna LoChirco, his wife

Acknowledged before me in Macomb County, Michigan, on 8-2, 1994 by Michael LoChirco and Marianna LoChirco, husband and wife.

SUSAN ANNE PUTRYCUS

Notary's Stamp Notary Public, Macomb County, Michigan Notary's Signature *[Signature]*
(Notary's Commission Expires July 20, 1995)

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

RECORDED FIRST OF 177 IN

46064

94 AUG 26 PM 12: 18
CARMELL A SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

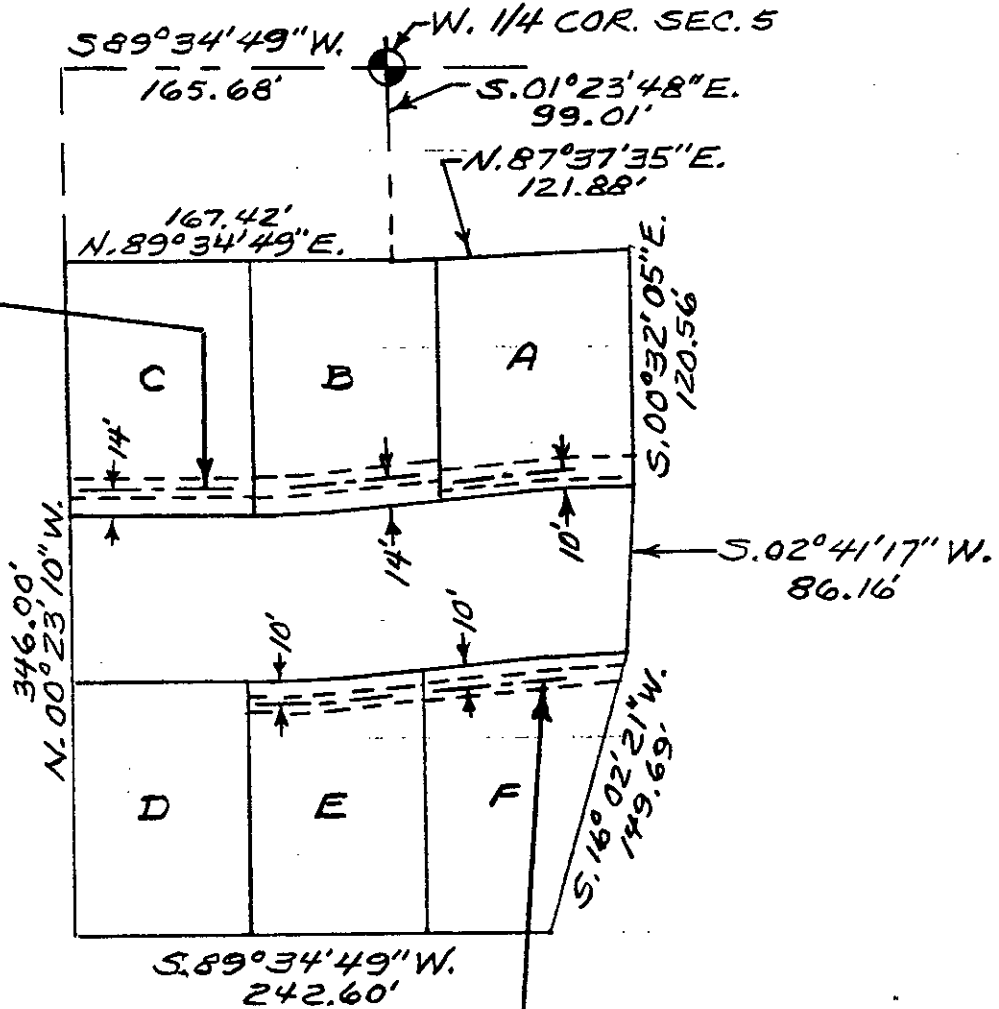
APPROVED AS TO FORM 8/4/94 DATE
LEGAL DEPARTMENT *[Signature]*

1372

FIBER 06435PC531

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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LEGEND		THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
	FOREIGN POLE	CITY OR TOWNSHIP	COUNTY	QTR. & TWP. SECT. NO.	DEPT. ORDER NO.
	EXIST D.E. CO. POLE	SHELBY TWP.	MACOMB	5 & 6	A-73579
	PROPOSED POLE	MAP SECT.	TOWN	RANGE	JOINT R/W REQUIRED
	EXIST ANCHOR	1-337-440	3N	12E	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	PROPOSED ANCHOR	PROJECT NAME	TEL. ENGR & DIST.		
	TREE	PIERCE DRIVE	J. RUPERS - PON.		
	120/240 VOLT LINE	CIRCUIT	O.F.W. S.O. OR P.E. NO.		
	4800 VOLT LINE	D.C. 8562 DISCO	BUDGET ITEM NO.		
	13,200 VOLT LINE	REASON	4M50B-MDB		
	40,000 VOLT LINE	PLANNER	DATE		
		R.C. ANDERSON	6-23-94		
			SCALE 1"=100'		



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

September 9, 1994

Mr. and Mrs. Michael LoChirco
2001 Crystal Lake Drive
Shelby Township, Michigan 48316

Re: Underground R/W R-9403808-01R
Township of Shelby, Macomb County, Michigan

Dear Mr. and Mrs. LoChirco:

Enclosed is a fully executed copy of your Underground Distribution Easement 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. 46064

APPLICATION FOR RIGHT OF WAY

OR 863-0811 8-7485 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 7-26-94

LOCATION PIERCE DR. W. OF
MONROE DR.

APPLICATION NO. R-9403808-01

DEPT. ORDER NO. A-73579

CITY OR VILLAGE _____

O. F. W. NO. _____

TOWNSHIP SHELBY COUNTY MACOMB

BUDGET ITEM NO. 4MS08-MDB

DATE BY WHICH RIGHT OF WAY IS WANTED 8-26-94

INQUIRY NO. _____

THIS R/W IS _____ % 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 10' PRIVATE EASEMENT ALONG
THE SOUTH P/L OF PARCELS A, B, C AND ALONG THE
NORTH P/L OF PARCELS E & F AS SHOWN ON
SKETCH.

PURPOSE OF RIGHT OF WAY TO PROVIDE UG SERVICE TO 6
PARCELS ON PIERCE DRIVE.

SIGNED Richard C. Anderson
SHELBY S.C. SERU. PLANNING
OFFICE DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 46064

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 _____

DATE 9-9-94 SIGNED Susan Rustyck

Property Description
Parcel "A"

LIBER 06435PG532

Part of the N.W. 1/4 of Section 5, T.3N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the West 1/4 Corner of Section 5; thence S.01°23'48"E., 99.01 feet along the West line of Section 5; thence N.87°37'35"E., 22.59 feet along a line parallel to and 99 feet south of the E.-W. 1/4 line to the Point of Beginning; thence continuing N.87°37'35"E., 99.29 feet to a point on the West line of Stony Creek Estates Subdivision No.2 as recorded in Liber 63, Pages 20 and 21 of the Macomb County Records; thence S.00°32'05"E., 120.56 feet along the West line of Stony Creek Estates Subdivision No. 2; thence along the North line of proposed Pierce Drive (86' wide) the following three courses: S.89°08'11"W., 4.75 feet; and on a curve concave to the south of radius 573.00 feet, a central angle of 5°31'51", whose chord bears S.86°45'47"W., a chord distance of 55.29 feet, an arc distance of 55.31 feet; and S.83°59'52"W., 39.76 feet; thence N.00°23'10"W., 123.80 feet to the Point of Beginning and containing 0.277 acres.

Parcel "B"

Part of the N.W. 1/4 of Section 5 and part of the N.E. 1/4 of Section 6, T.3N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the West 1/4 Corner of Section 5 which is also the East 1/4 Corner of Section 6; thence S.01°23'48"E., 99.01 feet along the West line of Section 5 to the Point of Beginning; thence N.87°37'35"E., 22.59 feet along a line parallel to and 99 feet south of the E.-W. 1/4 line; thence S.00°23'10"E., 123.80 feet; thence along the North line of proposed Pierce Drive (86' wide) the following three courses: S.83°59'52"W., 56.99 feet; and on a curve concave to the north of radius 301.06 feet, a central angle of 5°34'58", whose chord bears S.86°47'21"W., a chord distance of 29.32 feet, an arc distance of 29.33 feet; and S.89°34'49"W., 9.00 feet; thence N.00°23'10"W., 130.00 feet; thence N.89°34'49"E., 72.42 feet along a line parallel to and 99 feet south of the E.-W. 1/4 line of Section 6 to the Point of Beginning and containing 0.278 acres.

Parcel "C"

Part of the N.E. 1/4 of Section 6, T.3N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the East 1/4 Corner of Section 6; thence S.01°23'48"E., 99.01 feet along the East line of Section 6; thence S.89°34'49"W., 72.42 feet along a line parallel to and 99 feet south of the E.-W. 1/4 line of Section 6 to the Point of Beginning; thence S.00°23'10"E., 130.00 feet; thence S.89°34'49"W., 95.00 feet along the North line of proposed Pierce Drive (86' wide); thence N.00°23'10"W., 130.00 feet; thence N.89°34'49"E., 95.00 feet along a line parallel to and 99 feet south of the E.-W. 1/4 line of Section 6 to the Point of Beginning and containing 0.284 acres.

RECORDED RIGHT OF WAY NO. 46064

Parcel "E"

A part of the N.E. 1/4 of Section 6 and part of the N.W. 1/4 of Section 5, T.3N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the East 1/4 Corner of Section 6 which is also the West 1/4 Corner of Section 5; thence S.01°23'48"E., 99.01 feet along the East line of Section 6; thence S.89°34'49"W., 167.42 feet along a line parallel to and 99 feet south of the E.-W. 1/4 line of Section 6; thence S.00°23'10"E., 216.00 feet; thence N.89°34'49"E., 90.00 feet along the south line of proposed Pierce Drive (86' wide) to the Point of Beginning; thence continuing N.89°34'49"E., 14.05 feet; thence on a curve concave to the north of radius 387.06 feet, a central angle of 5°34'58", whose chord bears N.86°47'21"E., a chord distance of 37.70 feet, an arc distance of 37.71 feet; thence N.83°59'52"E., 38.48 feet; thence S.00°23'10"E., 135.58 feet; thence S.89°34'49"W., 90.00 feet; thence N.00°23'10"W., 130.00 feet to the Point of Beginning and containing 0.272 acres.

Parcel "F"

A part of the N.W. 1/4 of Section 5, T.3N., R.12E., Shelby Township, Macomb County, Michigan is described as: Commencing at the West 1/4 Corner of Section 5; thence S.01°23'48"E., 99.01 feet along the West line of Section 5; thence N.87°37'35"E., 121.88 feet along a line parallel to and 99 feet south of the E.-W. 1/4 line of Section 5; thence along the West line of Stony Creek Estates Subdivision No. 2 as recorded in Liber 63, Pages 20 and 21 of the Macomb County Records the following two courses: S.00°32'05"E., 120.56 feet; and S.02°41'17"W., 86.16 feet to the Point of Beginning; thence continuing along the West line of Stony Creek Estates Subdivision No. 2 S.16°02'21"W., 149.69 feet; thence S.89°34'49"W., 62.60 feet; thence N.00°23'10"W., 135.58 feet; thence along the south line of proposed Pierce Drive (86' wide) the following two courses: N.83°59'52"E., 58.27 feet; and on a curve concave to the south of radius 487.00 feet, a central angle of 5°31'51", whose chord bears N.86°45'47"E., a chord distance of 46.99 feet, and arc distance of 47.01 feet to the Point of Beginning and containing 0.268 acres.

R-9403808-02

D.E. Memo No.

Other Utility No.

SHELBY TWP., Michigan

City

Date

To: COMCAST CABLEVISION
6065 WALL ST.
STERLING HEIGHTS, MI. 48077
ATT: HENRY POSTL

The attached sketch shows the proposed Detroit Edison overhead / underground construction located as follows:

RECORDED RIGHT OF WAY NO. 46064

In connection with the provisions of the Administrative Practices - Rights of Way, regarding construction of lines suitable for joint use and obtaining joint right-of-way, will you please indicate on the sketch whether or not you are interested in this line and, if so, what portions.

If you desire to use all, or a portion, of this line, please furnish sufficient information regarding your present and ultimate requirements to enable The Detroit Edison Company to design the line for joint use and secure necessary rights of way for both companies. This information should include type of wire, contact heights, ground clearances, etc.

Return one signed copy of this memo along with a copy of the sketch that indicates your requirements prior to _____, 19____. If the memo is not returned by the specified date or if The Detroit Edison Company is not otherwise notified, our records will show that Joint Construction will not be required.

RICHARD C. ANDERSON

Detroit Edison Service Planner Representative

Verbally agreed that Joint Rights of Way:

is agreed is not agreed

By _____ & _____
Other Utility Representative Detroit Edison Service Planning Representative

Report: Please indicate necessary information on the attached sketch and return with signed memo.

Date 6-21-94 Signed [Signature]
Other Utility Representative

R-9403808-01

D.E. Memo No.

Other Utility No.

SHELBY TWP. Michigan

City

Date

To: AMERITECH
54 N. MILL ST. #41
PONTIAC, MI. 48342
ATT: JOANNE RUPERS

The attached sketch shows the proposed Detroit Edison overhead / underground construction located as follows:

In connection with the provisions of the Administrative Practices - Rights of Way, regarding construction of lines suitable for joint use and obtaining joint right-of-way, will you please indicate on the sketch whether or not you are interested in this line and, if so, what portions.

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RICHARD C. ANDERSON

Detroit Edison Service Planner Representative

Verbally agreed that Joint Rights of Way:

is agreed is not agreed

By Joanne Rupers & _____
Other Utility Representative Detroit Edison Service Planning Representative

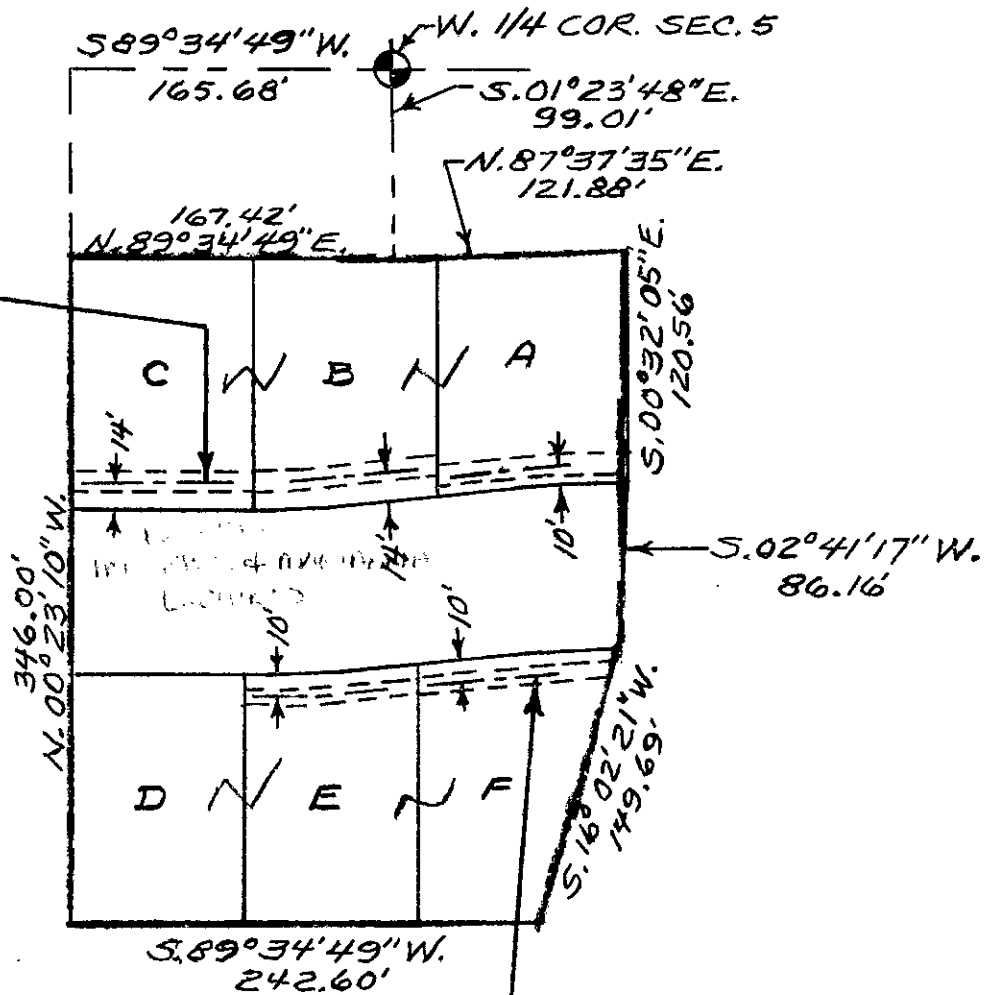
Report: Please indicate necessary information on the attached sketch and return with signed memo.

Date 6-21-94 Signed Joanne Rupers
Other Utility Representative

RECORDED RIGHT OF WAY NO. 46064

CENTERLINE OF 10 FOOT WIDE EASEMENT

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7907/7

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○	FOREIGN POLE	CITY OR TOWNSHIP	COUNTY	QTR. & TWP. SECT. NO.	DEPT. ORDER NO.
●	EXIST D.E. CO. POLE	SHELBY TWP. MACOMB		546	A-73579
—	PROPOSED POLE	MAP SECT.	TOWN	RANGE	JOINT R/W REQUIRED
—	EXIST ANCHOR	1-337-440	3N	12E	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
—	PROPOSED ANCHOR	PROJECT NAME	TEL. ENGR & DIST.	PROJ. OR PART NO.	
○	TREE	PIERCE DRIVE. J. RUPERS-PON.			
---	120/240 VOLT LINE	CIRCUIT	O.F.W. S.O. OR P.E. NO.		
---	4800 VOLT LINE	D.C. 8562 DISCO			
---	13,200 VOLT LINE	REASON	BUDGET ITEM NO.		
---	40,000 VOLT LINE	PROVIDE NEW SERVICE	4M50B-MDB		
		PLANNER	SCALE	DATE	
		R.C. ANDERSON	1"=100'	6-23-94	