

**Detroit Edison**

115FR 06481PG 04

C133025

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9403307-01R  
PROJECT NAME Greenfield Point Condominiums**

On OCTOBER 10, 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:

Ceasar Building Company, Inc., a Michigan Corporation, 18860 Santa Maria, Clinton Township, Michigan 48036

"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

Comcast Cablevision, a Delaware Corporation, 6065 Wall Street, Sterling Heights, MI 48312

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

As Shown on Attachment "A".

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

As shown on the attached Right-of-Way Drawing #R-9403307-01R, dated 9-1-94. The Right-of-Way is Ten (10) feet in width.

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 Grantees successors, leasees, licensees and assigns.

**Witnesses:**(type or print name below signature)

Edward J. Jansen, Jr.  
EDWARD J. JANSEN, JR.  
Larry R. Siros  
LARRY R. SIROS

**Grantor:**(type or print name below signature)

Ceasar Building Company, Inc., a Michigan Corporation

BY: Ceasar Badalamenti  
Ceasar Badalamenti  
ITS: \_\_\_\_\_  
President

Acknowledged before me in MACOMB County, Michigan, on OCTOBER 10, 1994 by Ceasar Badalamenti, President, Ceasar Building Company, a Michigan Corporation, for the Corporation.

EDWARD J. JANSEN, JR.  
Notary Public, Macomb County, MI  
My Commission Expires Jan. 22, 1995

Notary's Stamp \_\_\_\_\_ Notary's Signature Edward J. Jansen, Jr.  
(Notary's name, county, and date commission expires)

Prepared by and Return to: Edward J. Jansen, Jr., 43230 Elizabeth Road, Clinton Township, MI 48036

94 OCT 20 AM 9:19

CARMEL M. LAUGH  
REGISTERED CLERK  
MACOMB COUNTY, MI

RECORDED RIGHT OF WAY NO.

46236

Date: November 15, 1994

To: Record Center

From: Edward J. Jansen *ejj*  
Facilitator - Right of Way  
Mt. Clemens Service Center

Subject: Right of Way Agreement

Re: Underground Residential Distribution for Greenfield Point  
Condominiums, Part of the West 1/2, Section 8, Town 2  
North, Range 13 East, Clinton Township, Macomb County,  
Michigan

Attached for the Record Center is the executed Right of Way Agreement dated October 10, 1994, for the above named project.

Easement for this project was requested by L. Simms, Planner, Mt. Clemens Service Center. The agreement was negotiated by Edward J. Jansen, Facilitator - Right of Way, Mt. Clemens Service Center.

Detroit Edison Company, Ameritech and Comcast Cablevision made this agreement with Ceasar Badalamenti, President, Ceasar Building Company, a Michigan Corporation.

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

ejj

Attachment

RECORDED RIGHT OF WAY NO.

46236

## ATTACHMENT "A"

Part of the West 1/2 of Section 8, Town 2 North, Range 13 East, Clinton Township, Macomb County, Michigan, being more particularly described as follows: Beginning at a point which is South 01 degree 26 minutes 58 seconds East 142.45 feet along the West line of Section 8 (being also the centerline of Garfield Road) and South 70 degrees 53 minutes 27 seconds East 726.95 feet along the centerline of Canal Road and South 71 degrees 19 minutes 04 seconds East 869.17 feet along the boundary of Schultz Estates Condominium, as recorded in Liber 2564, pages 806 through 854, both inclusive, Macomb County Records (being also the centerline of Canal Road) from the West 1/4 corner of Section 8, Town 2 North, Range 13 East; thence along the centerline of Greenfield Road (being also the boundary of said Schultz Estates Condominium) North 15 degrees 14 minutes 36 seconds East 373.28 feet and North 54 degrees 06 minutes 01 second East 916.95 feet; thence South 02 degrees 59 minutes 17 seconds East 175.52 feet along the West line of Greenfield Villa Subdivision (Liber 89, pages 50, 51 and 52 of Plats, Macomb County Records); thence South 02 degrees 23 minutes 42 seconds East 760.07 feet along the West line of Alden Square Subdivision (as recorded in Liber 84 pages 46, 47, 48 and 49 of Plats, Macomb County Records); thence South 87 degrees 36 minutes 18 seconds West 60.00 feet; thence South 02 degrees 23 minutes 42 seconds East 242.82 feet; thence North 71 degrees 13 minutes 56 seconds West 524.88 feet along the centerline of Canal Road (being also the North line of Justin Estates Subdivision ( as recorded in Liber 74, pages 15, 16, 17, 18, 19, 20 and 21); thence North 71 degrees 20 minutes 38 seconds West 353.63 feet along the centerline of Canal Road to the point of beginning. Said land containing 14.255 acres, more or less. Manatron No. (part of) 50-11-008-068-10.

Prepared by and Return to: Edward J. Jansen, Jr., 43230 Elizabeth Road, Clinton Township, MI 48036

RECORDED RIGHT OF WAY NO.

46296

