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CORPORATE REAL ESTATE SERVICES

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LIBER 11975 PAGE 137
07/18/2002 08:41:51 A.M.
MACOMB COUNTY, MI
CARMELLA SABAUGH, REGISTER OF DEEDS

7-1639
RECORDED R/W FILE NO.

**Detroit Edison Underground Residential Distribution Easement (Right of Way) No. 385832-5
Apt/Condo/Site Condo/Mobile Home Park Name—Lottivue Riverside Banks Condominium**

On July 15, 2002, 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:

Lottie M. Schmidt, Inc., a Michigan corporation, 48400 Jefferson, Chesterfield, Michigan 48047

"Grantee" is:

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

Ameritech, a Michigan Corporation, 444 Michigan Avenue, Detroit, Michigan 48226

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

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

As shown on the attached Appendix "A". CHESTERFIELD

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 No. 385832-5 dated 06-19-2002.

- 1. 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.
- 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 are allowed in the Right of Way Area without Grantee's prior written consent.
- 4. Excavation:** Under 1974 Public Act 53, you must call MISS DIG (1-800-482-7171) before excavating 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 can 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 will 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's employees or contractors damage grantee's facilities, Grantee will 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 and assigns.

(2) **Witnesses:** (Type or print name below signature)

Grantor: (Type or print name below signature)

Lottie M. Schmidt, Inc., a Michigan corporation

Cheeryl L. Stahl
C. CHERYL L. STAHL

By: Jeffrey A. Niemetta
Jeffrey A. Niemetta

Janet M. Opalewski
JANET M. OPALEWSKI

Its: Secretary/Treasurer

Acknowledged before me in MACOMB County, Michigan, on July 15th, 2002, by Jeffrey A. Niemetta, Secretary/Treasurer, Lottie M. Schmidt, Inc., a Michigan corporation for the corporation.

Notary's Stamp C. CHERYL L. STAHL
ST. CLAIR CTY. 12/12/2003
(Notary's name, county, and date commission expires)

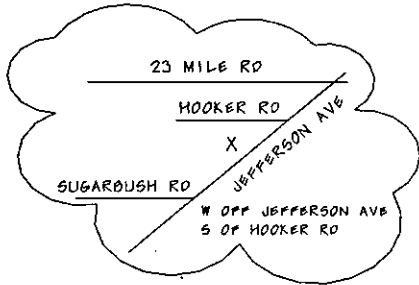
Notary's Signature Cheeryl L. Stahl

Lottivue Riverside Banks Condominium
RFW # 385832-5
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Appendix "A"

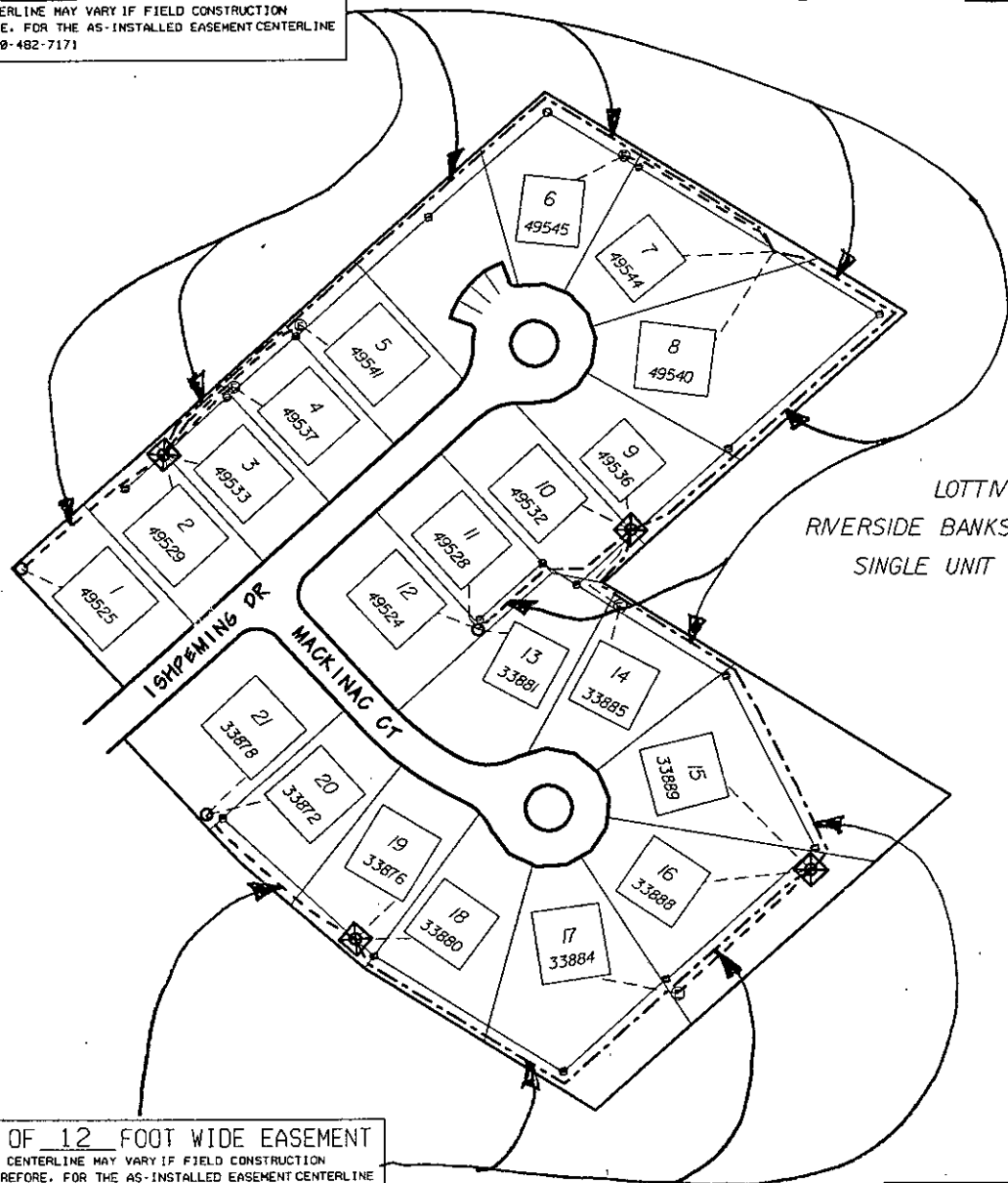
Part of lot 9 of "Supervisors Plat No. 14" part of Fractional Sections 22 and 23, and part of P.C. 342, Town 3 north, Range 14 east, Chesterfield Township, Macomb County, Michigan, as recorded in Liber 18 pages 42 and 43 of plats, Macomb County records, and being more particularly described as follows: Commencing at the intersection of the centerline of Jefferson Avenue (variable width) and the northeasterly line of P.C. 342, thence north 55 degrees 19 minutes 56 seconds west along the northeasterly line of P.C. 342, also being the centerline of Hooker Road (49.5 feet wide) 1274.63 feet; thence south 50 degrees 21 minutes 24 seconds west 25.71 feet to the southwesterly right-of-way line of said Hooker Road; thence south 50 degrees 21 minutes 24 seconds west 728.27 feet; thence south 55 degrees 19 minutes 56 seconds east 600.00 feet to the point of beginning: thence north 50 degrees 21 minutes 24 seconds east 419.71 feet; thence south 55 degrees 19 minutes 56 seconds east 312.31 feet to the northerly corner of "Mercurio Subdivision", part of P.C. 342, Town 3 north, Range 14 east, Chesterfield Township, Macomb County, Michigan, as recorded in Liber 88 pages 31 and 32 of plats Macomb County records; thence south 50 degrees 21 minutes 24 seconds west along the northwesterly line of said "Mercurio Subdivision" 300.00 feet to the westerly corner of said "Mercurio Subdivision"; thence south 55 degrees 19 minutes 56 seconds east along the southwesterly line of said "Mercurio Subdivision" 300.00 feet to the southerly corner of said "Mercurio Subdivision" also being northwesterly right-of-way line of said Jefferson Ave.; thence south 50 degrees 21 minutes 24 seconds west along said northwesterly right-of-way 353.24 feet; thence north 55 degrees 10 minutes 53 seconds west 200.00 feet; thence north 45 degrees 57 minutes 12 seconds west 122.55 feet; thence north 39 degrees 38 minutes 36 seconds west 127.55 feet; thence north 32 degrees 44 minutes 28 seconds west 28.00 feet to a non-tangent curve to the left; thence along a non-tangent curve to the left having: a radius of 186.00 feet, an arc length of 21.69 feet, a central angle of 06 degrees 40 minutes 53 seconds, a chord bearing of north 53 degrees 55 minutes 05 seconds east and a chord distance of 21.68 feet; thence north 39 degrees 38 minutes 36 seconds west 121.00 feet; thence north 50 degrees 21 minutes 24 seconds east 110.00 feet to the point of beginning. Containing 6.371 acres more or less. Subject to and together with any and all easements and rights-of-way or record or otherwise.

71639
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CENTERLINE OF 12 FOOT WIDE EASEMENT
 NOTE: THE EASEMENT CENTERLINE MAY VARY IF FIELD CONSTRUCTION PROBLEMS ARISE. THEREFORE, FOR THE AS-INSTALLED EASEMENT CENTERLINE CALL (MISS DIG) AT 1-800-482-7171



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DRAWING #
 385832 - 5

RFW Description LOTTIEVUE RIVERSIDE - RIVERSIDE BANKS						PD	SRW	PH	PLC	Conj. Group	RFW Number
Circuit #1	Circuit #2	Service Center #1	Service Center #2	COH	COS	CUG	CUL	CUT	CUS		
Worksite City			Worksite Twp. <i>Chesterfield</i>	Worksite County							
Town <i>3N</i>	Range <i>14E</i>	Sect. Qtr <i>22 23</i>	Planner Name <i>Tom Dadswell</i>	Commit Date	Scale	Plot Date <i>06-19-2002</i>					
<i>P.C. 342</i>											