

Real Estate and Rights of Way

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

10-22, 1990

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to CONSUMERS POWER COMPANY, a Michigan corporation of 212 West Michigan Avenue, Jackson, Michigan, THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, and Comcast Cable Television of 6065 Mail Street, Sterling Heights, MI 48077, hereinafter referred to collectively as "GRANTEE", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures, piping, venting, gas facilities and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide gas, electric and communication services with the usual services, connections and accessories in, under, upon, over and across the property located in the Township of Macomb, County of Macomb, State of Michigan, and more particularly described on the attached Appendix "A", with the full right to the GRANTEE of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be 10 feet in width unless otherwise indicated and the route is described as follows:

The exact location of underground equipment must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said Right of Way.

RECORDED IN MACOMB COUNTY RECORDS AT: 2037 M. OCT 30 1990

CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN

In order to provide for the proper maintenance and protection of GRANTEE, the undersigned covenant and agree that:

- 1. The right of way will be graded to within four inches of final grade before the GRANTEE'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around GRANTEE'S above ground equipment.
2. No buildings or structures other than GRANTEE'S equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of GRANTEE.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. GRANTEE shall not be responsible to owners for damages to or removal of trees or plant life planted in front of said door or within the right of way causing an interference with GRANTEE'S maintenance of their equipment.
4. If the lines or facilities of GRANTEE are damaged by the acts of owners, their agents, employees or contractors, repairs shall be made by the utility company so damaged at the cost and expense of owners. Owners are defined as those persons owning the property at the time the damage occurred.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto. IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

Witnesses: Joe Varenti, Catherine A. Imbroove, Edmund J. Imbroove

TINA'S LAND DEVELOPMENT CORPORATION A MICHIGAN CORPORATION

BY: Anthony Imbroove President, Marvin C. Young, Agnes Young, his wife, 30776 Marjocco Warren, MI 48093

Prepared by: & return to: Michael J. McCabe 15600 - 19 Mile Road Mt. Clemens, MI 48044

RECORDED RIGHT OF WAY NO. 40961

Acknowledgement-Individual

STATE OF MICHIGAN

County of Macomb ss

On this 23rd day of October, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Marvin C. Young and Agnes Young, his wife

My commission expires 10/01/91

Sandra Bremer
Notary Public, Macomb County, Michigan

Acknowledgement-Individual

STATE OF MICHIGAN

County of Macomb ss

On this 23rd day of October, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____

My commission expires 10/01/91

Sandra Bremer
Notary Public, Macomb County, Michigan

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Macomb ss

On this 23rd day of October, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by ANTHONY ZAROWICZ whose title(s) is/are PRESIDENT

of TINA'S LAND DEVELOPMENT CORPORATION a Michigan corporation, on behalf of the corporation.

My commission expires 10/01/91

Sandra Bremer
Notary Public, Macomb County, Michigan

Acknowledgement-Partnership

STATE OF MICHIGAN

County of _____ ss

On this _____ day of _____, 19____, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____ (a) general/managing partner(s), on behalf of _____ a partnership.

Notary Public, _____ County, Michigan

My commission expires _____

RECORDED FIRST OF WAY NO. 40961

Date: November 15, 1990

To: Records Center

From: Michael J. McCabe *MJM*
Sr. Real Estate and Rights of Way Representative
Macomb Division

Subject: Right of Way Agreement for Underground Residential
Distribution for Hunter's Chase Condominiums, Phase 1,
located in part of the West 1/2 of the Southwest 1/4 of
Section 25, Town 3 North, Range 13 East, Macomb
Township, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated October 22, 1990, and other pertinent papers for the above named project.

Easement for this project was requested by William Ronne, Service Planner, Macomb Division. The Agreement was negotiated by Michael J. McCabe, Representative of Real Estate and Rights of Way, Macomb Division.

Detroit Edison Company, Comcast Cable Television, Consumers Power Company and Michigan Bell Telephone Company made this agreement with Tina's Land Development Corporation, Anthony Imbrovonne, President, Marvin C. Young and Agnes Young, his wife, the developers of Hunters Chase Condominiums, Phase 1.

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

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 40961

APPENDIX "A"

"HUNTERS CHASE CONDOMINIUMS, PHASE 1" A parcel of land located in and being a part of the West 1/2 of the Southwest 1/4 of Section 25, T3N, R13E, Macomb Township, Macomb County, Michigan, and being more particularly described as follows: Commencing at a point 833.0 feet S 89°30' East from the Southwest corner of said Section 25 and thence extending N 01°00' East 928.0 feet; thence S 89°30' East 508.73 feet; thence S 00° 55' West 228.0 feet; thence S 00°58' West 700.0 feet along the westerly line of the Fairchild Country Homes Subdivision No. 1, as recorded in volume 56 of Plats on page 40 and Fairchild Country Homes Subdivision, as recorded in volume 42 of Plats, Page 22, Macomb County Records; thence N 89°30' West 509.47 feet along the southerly section line to the point of beginning.