

Detroit Edison

Joint Underground Residential Distribution Right of Way Agreement

November 7, 19 90

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to MICHIGAN BELL TELEPHONE COMPANY, A Michigan Corporation of 444 Michigan, Detroit, MI and THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan, MICHIGAN CONSOLIDATED GAS COMPANY, A Michigan Corporation of One Woodward Avenue, Detroit, MI and COLUMBIA CABLE OF MICHIGAN a Michigan Co-Partnership ~~XXXXXXXXXX~~ P. O. Box 998, Ann Arbor, MI 48106, 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 City of Ann Arbor, County of Washtenaw, 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 12 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

WASHTENAW COUNTY MI

Nov 13 10 59 AM '90

PEGGY M. HAINES COUNTY CLERK/REGISTER

RECORDED RIGHT OF WAY NO. 40997

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, employes 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:

Grantors:

Todd W. Gonsky

GUENTHER BUILDING COMPANY - a Michigan Corporation

Frances A. Corona

Robert F. Guenther, PRESIDENT

Prepared by: James M. Davenport

Address: 2864 Carpenter Road

316 E. Grand River
Howell, MI, 48843

Ann Arbor, MI ~~48104~~ 48108

Acknowledgement-Corporation

STATE OF MICHIGAN

County of Washtenaw)SS

On this 7th day of November, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Robert F. Guenther whose title(s) is/are President of Guenther Building Company, a Michigan corporation, on behalf of the corporation.

FRANCES A. CORONA
NOTARY PUBLIC-WASHTENAW COUNTY, MICH.
MY COMMISSION EXPIRES 1-2-91

Frances A. Corona
Notary Public, Washtenaw County, Michigan

Acknowledgement-Corporation

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 _____ whose title(s) is/are _____ of _____ corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan

My commission expires _____

Acknowledgement-Corporation

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 _____ whose title(s) is/are _____ of _____ corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan

My commission expires _____

RETURN TO:
RICHARD LONGWISH
THE DETROIT EDISON COMPANY
425 S. MAIN STREET, ROOM 332
ANN ARBOR, MI 48104

APPENDIX "A"

PARCEL I

CURTIS A-Traverer Vistas Subdivision, as recorded in Liber 22 of plats, pages 79, 80, 81, 82, and 83, Washtenaw County Records.

PARCEL II

Beginning at the south 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 01°11'07" E 665.32 feet along the north and south 1/4 line of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence along the north line of proposed Traverer Vistas Subdivision, located in the NW 1/4 of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, in the following 18 courses; S 88°48'53" W 174.35 feet; S 60°18'56" W 116.45 feet; S 23°23'48" W 116.08 feet; S 14°10'04" W 93.96 feet; S 15°30'11" E 54.22 feet; S 67°34'33" W 122.51 feet; S 72°39'56" W 104.00 feet; S 83°37'26" W 181.00 feet; N 88°05'44" W 203.04 feet; S 76°00'51" W 105.23 feet; N 69°01'00" W 399.04 feet; N 87°58'39" W 253.16 feet; S 68°13'41" W 280.55 feet; S 2°01'21" W 114.00 feet; S 22°34'14" W 310.94 feet; S 77°26'07" W 192.48 feet; S 12°33'53" E 241.74 feet; S 77°26'07" W 105.20 feet; thence northerly 574.57 feet along the easterly line of the Ann Arbor Railroad right-of-way and the arc of a circular curve concave to the west, radius 3869.72 feet, central angle 8°30'26", chord N 21°50'38" W 574.04 feet; thence N 50°58'40" E 232.55 feet; thence N 46°39'06" E 299.86 feet; thence N 53°22'47" E 121.53 feet; thence N 65°16'13" E 186.55 feet; thence N 24°19'10" E 181.95 feet; thence N 11°19'36" E 190.79 feet; thence N 01°50'17" E 216.95 feet; thence S 86°55'43" W 63.12 feet along the south line of said Section 10 and the center line of Dhu Varren Road; thence N 03°04'17" W 260.00 feet; thence S 86°55'43" W 425.00 feet; thence S 03°04'17" E 260.00 feet; thence S 86°55'43" W 427.92 feet along the south line of said Section 10 and the center line of Dhu Varren Road; thence N 01°42'30" W 662.49 feet along the west line of said Section 10; thence S 86°14'51" W 1126.02 feet; thence N 42°55'43" W 1200.34 feet along the easterly line of the Ann Arbor Railroad right-of-way; thence along the southerly right-of-way line of U.S. 23 in the following 4 courses; thence N 73°22'57" E 940.08 feet; thence northeasterly 1510.67 feet along the arc of a circular curve concave to the south, radius 11,356.16 feet, central angle 7°37'18", chord N 77°11'36" E 1509.52 feet; thence N 81°00'15" E 2134.91 feet; thence northeasterly 24.96 feet along the arc of a circular curve concave to the south, radius 7442.44 feet central angle 0°11'32", chord N 81°06'01" E 24.96 feet; thence S 01°29'40" E 1899.59 feet along the north and south 1/4 line of said Section 10; thence S 86°55'43" W 140.00 feet; thence S 34°27'15" W 63.01 feet; thence S 01°29'40" E 320.00 feet; thence N 86°55'43" E 177.00 feet along the center line of Dhu Varren Road to the point of beginning, being a part of the SE 1/4 of Section 9, SW 1/4 of Section 10, and the NW 1/4 of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan. ✓

Excepting therefrom the following parcel of land: Commencing at the south 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86°55'43" W 904.09 feet along the south line of said Section 10 and the center line of Dhu Varren Road to the point of beginning; thence continuing S 86°55'43" W 300.00 feet along the south line of said Section 10 and the center line of Dhu Varren Road; thence N 01°36'08" W 370.00 feet; thence N 86°55'43" E 300.00 feet; thence S 01°36'08" E 370.00 feet to the point of beginning. Being a part of the SW 1/4 of said Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan. ✓

Ann Arbor Twp
Sec. 10

**Detroit
Edison**

DATE: 12-7-90

TO: Corporate Real Estate Services
2310 W.C.B.

FROM: James M. Davenport *JMD*
Real Estate & Rights-of-Way
Howell Office
Ann Arbor Division

SUBJECT: Agreement/Easement/Restrictions for underground
residential distribution for FOXFIRE SITE
CONDOS - PHASE I-A
Located In: ANN ARBOR CITY
County: WASHTENAW

Attached is the executed agreement dated Nov 7, 1990
for the above named project.

Easements for this project were requested by ROD.
TURMAN
Service Planning Department, Ann Arbor Division.

The agreement was negotiated by James M. Davenport of the
Real Estate and Rights-of-Way Department, Ann Arbor
Division.

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

Additional Information: _____

JMD:pg:wp

Attachment(s)

RECORDED
RIGHT OF WAY NO. 40997
16607

Serving Customers

We're all a part of it.