

LIBER 046561683 (B362387)

**Detroit Edison**

Real Estate and Rights of Way  
**Joint Underground Residential Distribution  
Right of Way Agreement**

B522551  
5-16  
1989

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to 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

a Michigan Corporation of 6065 Wall Street, Sterling Heights, MI 48078 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 and appurtenances including the necessary above ground equipment, connections, poles and accessories required in, under, upon, over and across the property located in the City of Fraser County of Macomb Michigan

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 said easements will be as shown on a drawing to be recorded within 90 days after construction.

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 granting 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 **RECORDED IN MACOMB COUNTY RECORDS AT: 1:53 P.M.** (d/s) on the date of this agreement.

Witnesses: NOV 30 1990

Grantors: PINE RIDGE VILLAS, INC. Michigan Corporation

Being Re-Recorded to include Appendix B

Gene P. Rohovt CLERK - REGISTER OF DEEDS MACOMB COUNTY, MICHIGAN  
Shirley B. Rohovt  
Shirley B. Rohovt

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

James A. Hewins  
Juanita Ann Hewins, wife

RECORDED IN MACOMB COUNTY RECORDS AT: 12:48 P.M.

JUN 1 1989

RECORDED RIGHT OF WAY NO. 41037

Clinton Tweep  
Sec. 31

**Detroit  
Edison**

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Date: December 14, 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 Pine Ridge Villa Condominiums located  
in part of the South 1/2 of Section 31, Town 2 North,  
Range 13 East, City of Fraser, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated May 16, 1989, and other pertinent papers for the above named project.

Easement for this project was requested by Richard Mroz, 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 and Michigan Bell Telephone Company made this agreement with Pine Ridge Villas, Inc., Samuel Argiri, Jr., President, the developers of Pine Ridge Villa Condominiums.

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

MJM/caw

Attachment

RECORDED RIGHTS OF WAY NO. 41034

**Serving Customers**

*We're all a part of it!*

Acknowledgement-Individual

STATE OF MICHIGAN  
County of Macomb )SS

On this 16 day of May, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Jennifer A. Steiner and Jennifer Campbell

**SARAH B. KOHUT**  
Notary Public, Macomb County, MI  
My Commission Expires 2-19-92

Sarah B. Kohut  
Notary Public, Macomb County, Michigan

My commission expires 2/19/92

Acknowledgement-Individual

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 \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

Acknowledgement-Corporation

STATE OF MICHIGAN  
County of Macomb )SS

On this 16 day of May, 1989, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Frankel Legrain Jr., whose title(s) is/are President of Pine Ridge Village, a Michigan corporation, on behalf of the corporation.

**SARAH B. KOHUT**  
Notary Public, Macomb County, MI  
My Commission Expires 2-19-92

Sarah B. Kohut  
Notary Public, Macomb County, Michigan

My commission expires 2/19/92

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 RIGHT OR WAY IN 4/10/91

LIBER 04656M685

APPENDIX "A"

LIBER 05003P6392

"PINE RIDGE VILLA CONDOMINIUMS", Land in the City of Fraser, Macomb County, Michigan, being a part of the South 1/2 of Section 31, T2N, R13E, more particularly described as follows: Beginning at the centerpost of said Section 31; thence S 88°58'15" E along the East-West 1/4 line of said section a distance of 771.07 feet to the westerly line of Utica Road (120 feet wide); thence S 19°46'40" E a distance of 312.82 feet along said westerly line; thence N 88°58'15" W a distance of 882.51 feet to the North/South 1/4 line of Section 31; thence S 01°05'30" W along said 1/4 line a distance of 498.75 feet; thence S 75°10'33" W a distance of 105.00 feet; thence S 01°05'30" W a distance of 120.00 feet; thence S 75°10'33" W a distance of 42.61 feet along the Northerly line of Mulvey Drive (86 feet wide); thence N 01°00'45" E a distance of 120.00 feet; thence S 75°10'33" W a distance of 195.00 feet; thence N 01°00'43" E a distance of 885.50 feet to the East/West 1/4 line of Section 31; thence along said East/West 1/4 line S 88°50'27" E a distance of 330.87 feet to the point of beginning.

RECORDED BY THE COUNTY CLERK OF FRASER COUNTY ON MAY 20 11 08 AM