

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R9201449-01R

On Aug 12, 1992, 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:

Heatherwood Homes, Inc., a Michigan Corporation, Arcangela Maria Vozza and Anna Skarupinski, 50507 Heatherwood Lane, Utica, Michigan 48317

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226
United Artists of Oakland County, Inc., a Michigan Corporation, 4500 Delemere, Royal Oak, Michigan 48073

"Grantor's Land" is in the City of Troy, Oakland County, described as:

As described on Appendix "B".

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

As shown on Appendix "A".

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 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. **Restoration:** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
- 7 **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

RECORDED RIGHT OF WAY NO. 44063

Witnesses:(type or print name below signature)

[Signature]
RICHARD MAVIS

[Signature]
JACK NELSON

O.K. — LM
Grantor:(type or print name below signature)
Heatherwood Homes, Inc.

By: [Signature]
ANTHONY FANELLI

Its: Vice President 1300
2.00 RMT

A#36 REG/DEEDS PAID
0001 OCT.21'92 01:20PM
8891 MISC 13.00

Acknowledged before me in MACOMB County, Michigan, on AUG 12, 1992 by Anthony Fanelli Vice President the VICE-PRESIDENT of HEATHERWOOD HOMES, INC., a Michigan Corporation, for the Corporation.

[Signature]
MARISA C. TETRELLA

[Signature]
ANTHONY FANELLI

A#36 REG/DEEDS PAID
0001 OCT.21'92 01:20PM
8891 RMT FEE 2.00

[Signature]
Arcangela Maria Vozza

[Signature]
Anna Skarupinski

LIBER 130171327

Acknowledged before me in MACOMB County, Michigan, on AUGUST 12, 1992
by ARCANGELA MARIA VOZZA and ANNA SKARUPINSKI.

Notary's Stamp _____
(Notary's name, county and date commission expires)

Notary's Signature _____



JACK NELSON
Macomb County, Michigan
My Commission Expires, January 29, 1996

Prepared by and Return to: James D. McDonald, 30400 Telegraph Road, Suite 277, Birmingham, Michigan 48025/KAD

RECORDED BY WAY MO. 44063

APPENDIX "B"

Proposed Beaver Creek Subdivision, Part of the Northeast one-quarter (1/4) of Section 24, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan and being more particularly described as follows: Beginning at a point on the East-West line a distance of 1317.93 feet South 89°22'00" East of the center post. Thence along the boundary of "Eyster's Dequindre Farms Subdivision No. 5" as recorded in Liber 55 Page 58 of the Oakland County Records North 00°18'04" East 310.80 feet; thence North 89°44'14" East 672.24 feet; thence South 01°11'59" East 330.03 feet; thence along the boundary of "Beaver Trail Subdivision No. 2" as recorded in Liber 134 Pages 20 thru 23 of the Oakland County Records South 89°44'14" West 680.91 feet and North 00°22'03" East 19.20 feet to the Point of Beginning. Containing 14 lots numbered 1 thru 14 inclusive in 5.125 acres of land. Part of Sidwell No. 20-24-226-044 & 20-24-226-043.

RECORDING RIGHT OF TAX NO. 44063

RIGHT OF WAY APPLICATION

DATE ISSUED	7-6-92		
DATE WANTED	8-6-92	R/W NO.	R9201449-01R
SERVICE PLANNER	TASSEN	PHONE	4122

PROJECT NAME	BEAVER CREEK Sub		
TOWNSHIP/CITY	Troy		
ADDRESS	BEAVER		
CROSS STREET	DEQUINDRE BTW WATLES & BIG	SECTION	24
SIDWELL NO.		QUARTER	SE

TYPE OF PROJECT

OVERHEAD

UNDERGROUND

ACREAGE	
COMMERCIAL BLDG	
* SITE CONDO	
* MOBILE HOME PK	

LOTS	14
* SUB	<input checked="" type="checkbox"/>
* APT COMPLEX	
* CCNDO	

JOINT USE REQUIRED: YES NO

MBT	JOINT USE NO.	9201449-01
GTE	JOINT USE NO.	9201449-
CONS. PWR.	JOINT USE NO.	
CABLE TV CO. NAME		
CABLE TV	JOINT USE NO.	9201449-02

TONY

NAME OF OWNER/CUSTOMER	JOE FANNETT HEATHERWOOD HOMES		
CONTACT PERSON	TONY JOE FANNETT		
ADDRESS	50507 HEATHERWOOD LN UTICA, 48307		
HOME PHONE	BUSINESS PHONE	739-1150	
ADJACENT PROPERTY OWNER			
ADDRESS			
HOME PHONE	BUSINESS PHONE		

MATERIAL TO BE PROVIDED

1. SITE PLAN/SKETCH/FINAL PROPOSED PLAT*
2. PROPERTY DESCRIPTION (SIDWELL NO.) (*ACTUAL DESCRIPTION)
3. PROOF OF OWNERSHIP OF REQUESTING CUSTOMER: WARRANTY DEED, L/C, TITLE SEARCH, COMMITMENT
4. SIDWELL PAGE (COPY)
5. SIDWELL NO.
6. COPY OF FUTURE J/U MEMO

SUPERVISOR		R/W SECURED	Jim McDowell
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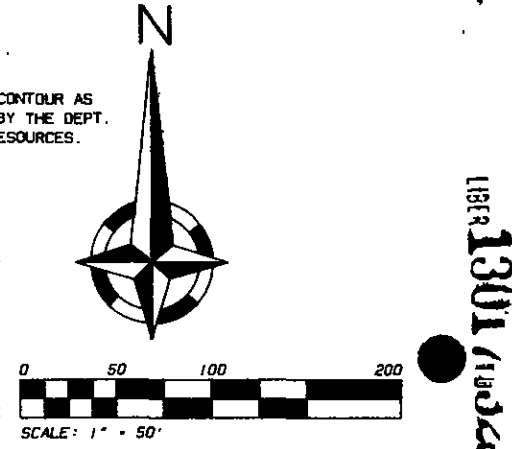
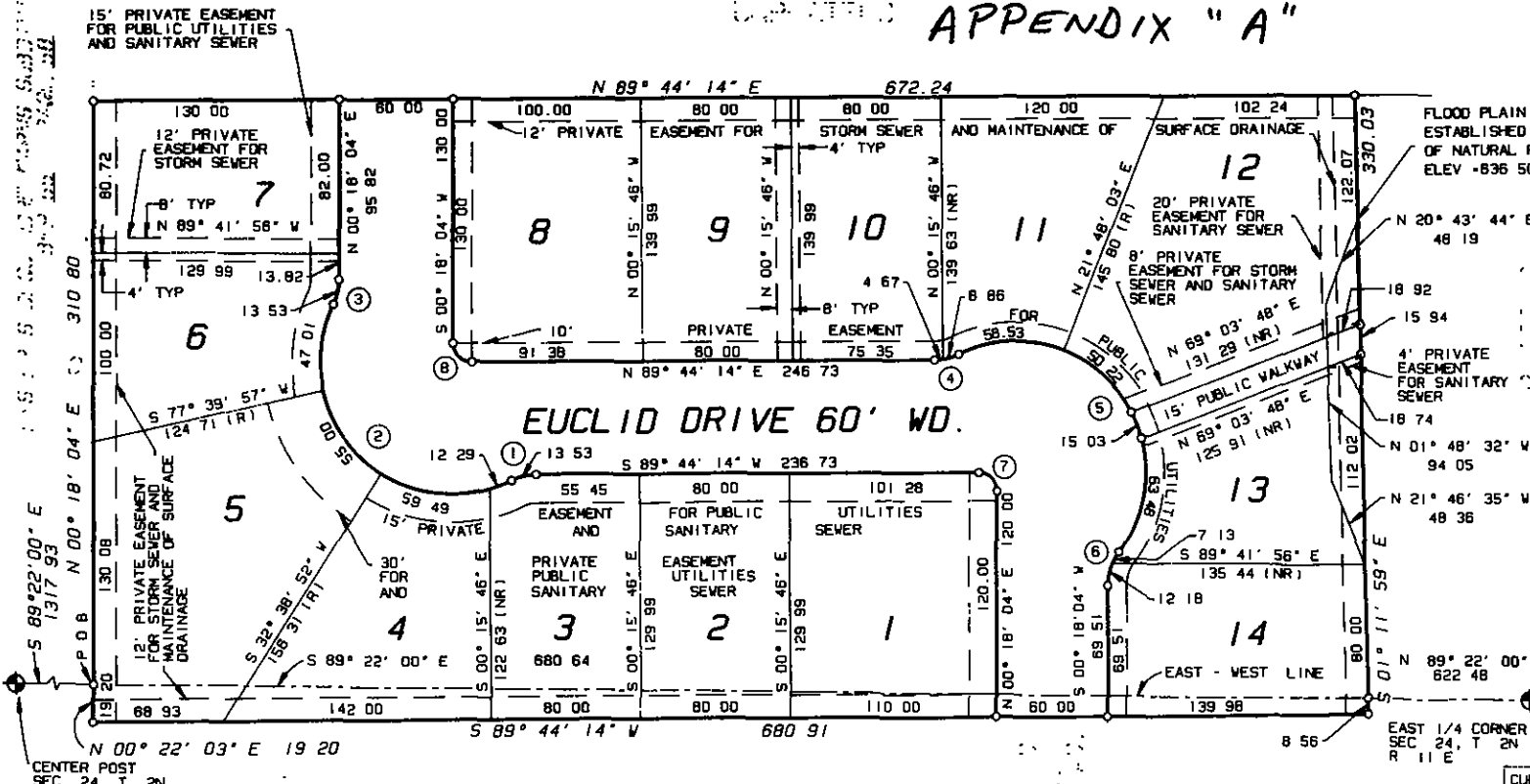
8-17-92

RECORDS RIGHT OF WAY NO. 44063
 R-9201449-01R

" BEAVER CREEK SUBDIVISION "

PART OF THE N.E. 1/4 OF SECTION 24, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

APPENDIX "A"



PLAT LEGEND

ALL DIMENSIONS ARE GIVEN IN FEET.
 ALL CURVILINEAR DIMENSIONS ARE GIVEN ALONG THE ARC.
 THE SYMBOL "o" REPRESENTS THE LOCATION POINTS OF PERMANENT CONCRETE MONUMENTS.
 MONUMENTS ARE 36" - 1/2" STEEL RODS INCASED IN 4" CONCRETE CYLINDERS.
 LOT MARKERS ARE 1/2" STEEL RODS AND ARE 18" LONG.
 ALL BEARINGS ARE IN RELATION TO THE BEARING OF BEAVER TRAIL SUBDIVISION NO. 2 AS RECORDED IN LIBER 134 PAGES 20 THRU 23 OF M.C.R.
 (R) - DENOTES RADIAL
 (NR) - DENOTES NON-RADIAL

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD	CHORD BEARING
1	25° 50' 31"	30 00	13 53	13 42	S 76° 48' 59" W
2	142° 14' 52"	70 00	173.79	132 47	N 44° 58' 51" W
3	25° 50' 31"	30 00	13 53	13 42	N 13° 13' 19" E
4	25° 50' 31"	30 00	13 53	13 42	N 76° 48' 59" E
5	153° 16' 33"	70 00	187 26	136 21	S 39° 28' 00" E
6	36° 52' 12"	30 00	19 31	18 97	S 18° 44' 10" W
7	89° 25' 08"	10 00	15 61	14 07	N 44° 58' 52" W
8	89° 25' 08"	10 00	15 61	14 07	S 44° 58' 52" E

SURVEYOR'S CERTIFICATE :

I, GERALD J. LANDWEHR, SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND SHOWN ON THIS PLAT DESCRIBED AS FOLLOWS: BEAVER CREEK SUBDIVISION, PART OF THE NE 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST-WEST LINE A DISTANCE OF 137.93 FEET; S 89 DEGREES 22 MINUTES 00 SECONDS E OF THE CENTER POST THENCE ALONG THE BOUNDARY OF EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5 AS RECORDED IN LIBER 55 PAGE 58 OF THE OAKLAND COUNTY RECORDS N 00 DEGREES 18 MINUTES 04 SECONDS E 310.80 FEET; THENCE N 89 DEGREES 44 MINUTES 14 SECONDS E 672.24 FEET; THENCE S 01 DEGREES 11 MINUTES 59 SECONDS E 330.03 FEET; THENCE ALONG THE BOUNDARY OF BEAVER TRAIL SUBDIVISION NO. 2 AS RECORDED IN LIBER 134 PAGES 20 THRU 23 OF THE OAKLAND COUNTY RECORDS S 89 DEGREES 44 MINUTES 14 SECONDS W 680.91 FEET AND N 00 DEGREES 22 MINUTES 03 SECONDS E 19.20 FEET TO THE POINT OF BEGINNING, CONTAINING 14 LOTS NUMBERED 1 THRU 14 INCLUSIVE IN 5.125 ACRES OF LAND.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION, AND PLAT BY THE DIRECTION OF THE OWNERS OF SUCH LAND

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION OF IT

THAT THE REQUIRED MONUMENTS AND LOT MARKERS HAVE BEEN LOCATED IN THE GROUND OR THAT SURETY HAS BEEN DEPOSITED WITH THE MUNICIPALITY, AS REQUIRED BY SECTION 125 OF THE ACT

THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY SECTION 126 OF THE ACT

THAT THE BEARINGS SHOWN ON THE PLAT ARE EXPRESSED AS REQUIRED BY SECTION 126, (3) OF THE ACT AND AS EXPLAINED IN THE LEGEND



JUNE 25, 1992
 DATE:

Gerald J. Landwehr
 LANDWEHR AND ASSOCIATES
 30050 MOULIN
 WARREN, MICHIGAN 48093
 GERALD J. LANDWEHR R.L.S. NO. 10065

PRINCIPAL:

RECORDED RIGHT OF WAY NO. 44063

