

RECORDED R/W FILE NO. R15874

CORPORATE REAL ESTATE SERVICES

Project No. NST0101619

Date: April 17, 2002
To: Phillip Martin, Records Center
From: Elaine Clifford, Ext.: 58313
Subject: License to Encroach

Attached are papers granting Comcast Cable Communications permission to encroach within a Edison 90' wide easement as recorded in Liber 864, Page 323, St. Clair County Records with a 3' wide trench. The northernmost edge of the trench located within the Puttygut Road ROW, must be at least 15' away from legs of Tower Number 6736.

The property located in part of the SW ¼ of Section 11, China Township, St. Clair County, MI.

A check for \$300 was received and sent to Cash Management on October 30, 2001 and charged to MIK - Distr, Std Actv-002027, Rsrc Typ-700, Src Dept-E0563, User-E0563.

Please incorporate these papers into Right of Way File Number R15874.

CC:	C. Groncki - T&TS	565 SB
	D. Doubly - SPE	560 SB
	R. Bednarz - ITC	727 WCB



Comcast Cable Communications
31029 Herron Road
New Haven, MI 48048

RE: License (Permit) to encroach on an easement that has been granted to Edison

Dear Comcast Cable Communications:

In reply to your request, the International Transmission Company, a subsidiary of the Detroit Edison Company, a Michigan corporation, ("Edison") voluntarily grants you this license (permit) to encroach on an easement that has been granted to Edison. The terms of this permit are as follows:

1. **Personal permit:** This permit is personal to you, gives no rights to the public, and gives no rights adverse to Edison. It must refer to Edison's Project No. NST0101619.
2. **Description of easements:** Located in part of the SW ¼ of Section 11, China Township, St. Clair County, Michigan.
3. **Portion of the easement you are permitted to encroach upon:** As shown on "Attachment A".
4. **Purpose of encroachment:** To construct a trench across the 90' wide easement.
5. **Edison's Rights** This permit is subject to Edison's rights to construct, operate and maintain overhead and underground electric transmission, distribution and communication lines and associated structures and equipment ("Edison's facilities") in the easement. Additionally, this permit is subject to the rights of all other public utilities.
6. **Sole Risk** You must use the land at your sole risk. If your use of the land is impaired, Edison will not be liable to you for any damage.
7. **Indemnity**
 - a. You will indemnify Edison (the company, its officers, agents and employees) for any claims for injuries or damages to persons or property or both arising directly or indirectly out of the use of this permit by you (the person, company or organization, its contractors, lessees and licensees). This includes, but is not limited to, claims arising out of your negligence, your and Edison's joint negligence, or any other person's negligence.
 - b. You will also indemnify Edison (the company, its officers, agents, and employees) for any claims for direct, indirect, consequential, or liquidated damages sought by Edison customers, based upon energy supply agreements, which i) arise directly or indirectly out of the use of this agreement by you (the company, its contractors, lessees and licensees), and ii) are due to momentary or sustained electrical interruptions or voltage fluctuations, including sag, arising out of your negligence, your and Edison's joint negligence, or any other person's negligence; however this indemnification will not apply to any claims arising out of Edison's sole negligence.
 - c. If any claim covered by your indemnity is brought against Edison, you will defend the claim at your expense. You will also pay any costs, charges, expenses, attorney fees or judgments that Edison incurs or is subject to in the claim.

RECORDED R/W FILE NO. R15874

RECORDED R/W FILE NO. R15874

8. **Edison Damages** You must pay Edison for all damages, losses or injuries to Edison's facilities caused by you, your agents, employees, servants or independent contractors while constructing, operating or maintaining your facility.

9. **Clearances** You and your contractors must maintain a 15 foot clearance from Edison facilities.

10. **Title** You warrant to Edison that you are the fee owner of the land associated with this permit as of the date of your acceptance of the permit.

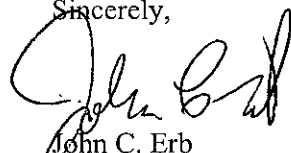
11. **Termination** This permit will terminate if you violate this agreement, or if you violate any applicable laws and regulations, or if you abandon your use for more than 6 months, or if you sell the land associated with this permit. If you sell the land associated with this permit, the new owner must request permission from Edison to continue this permit.

12. **Additional Terms**

- a. The northernmost edge of the trench must be a least 15' away from legs of Edison Tower Number 6736.
- b. No heavy equipment should come within 10' feet of the legs of Edison Tower Number 6736.
- c. All OSHA and National Electric Safety Code safety rules must be adhered to.
- d. Grade within easement area must not be altered.
- e. People and/or property may be exposed to electric shocks and sensations. Edison shall not be responsible for any loss or damages related to the shocks, sensations, or falling ice including but not limited to, any secondary injuries.

If you are willing to accept this permit on the above conditions, please sign and date below the word "accepted" and return the original and one copy to Supervisor of Corporate Real Estate Services, Room 2310 WCB, 2000 Second Avenue, Detroit, Michigan 48226, for signature by Edison. We will then return the completely signed original to you.

Sincerely,



John C. Erb
Real Estate Associate

ACCEPTED:

BY: Bob Staszak (REPRESENTATIVE FOR COMCAST CABLE.)
PROJECT MGR FOR SAGGESE + ASSOC, INC.

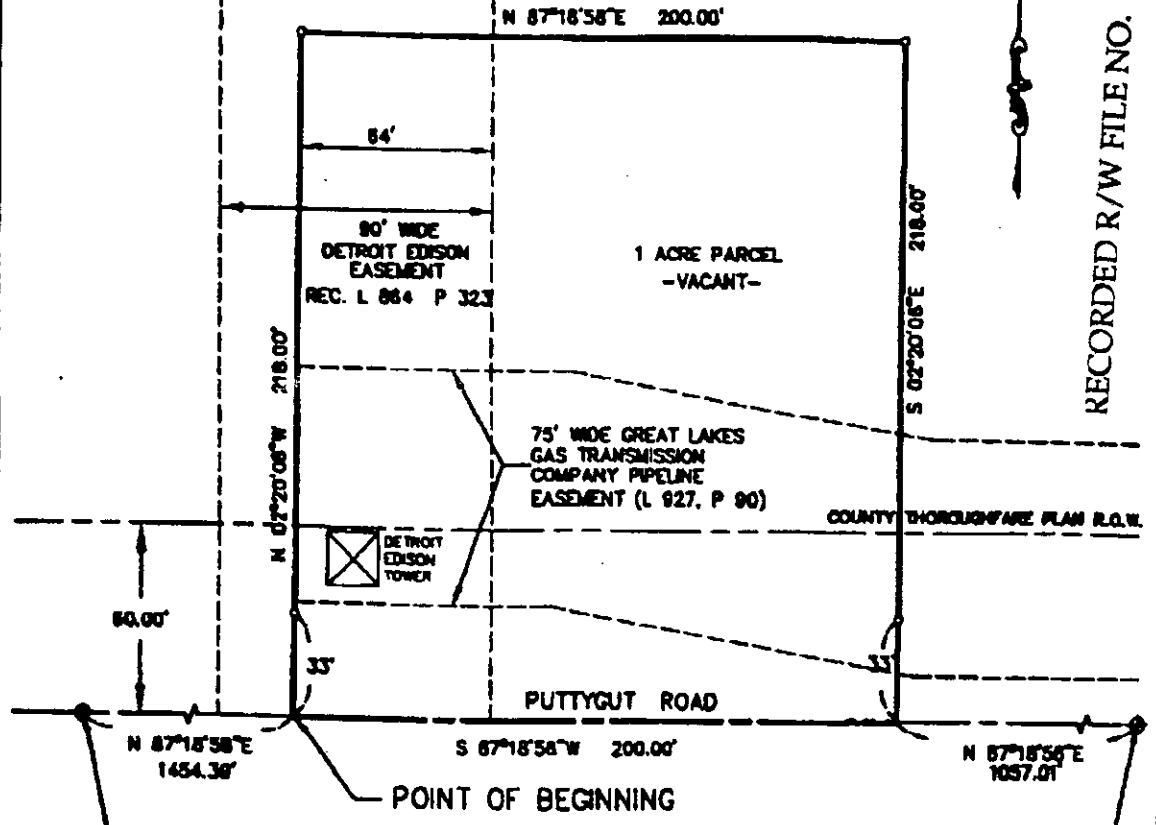
ITS: _____

DATE: 4-9-02

ATTACHMENT "A"

SOUTHWEST 1/4 SECTION 11

RECORDED R/W FILE NO. R15874



GRAPHIC SCALE



(IN FEET)
1 inch = 90 ft.

LEGAL DESCRIPTION:

Land in the Township of China, St. Clair County, Michigan, being part of the southwest quarter of Section 11; T4N-R16E, described as: Beginning at the southwest corner of Section 11; thence N 87°18'58"E 1,454.39 feet along the south section line to the Point of Beginning; thence N 02°20'08"W 218.00 feet; thence N 87°18'58"E 200.00 feet; thence S 02°20'08"E 218.00 feet; thence S 87°18'58"W 200.00 feet to the Point of Beginning. Containing 1.00 acre.

LEGEND

- SET 1/2" IRON WITH CAP (40000)
- SET CONCRETE MONUMENT
- FIELD PROPERTY SIGN
- FOUND CONCRETE MONUMENT
- FENCE LINE
- ⊕ MONUMENT CORNER
- CENTERLINE
- RIGHT-OF-WAY LINE
- (S) MEASURED DATA
- (C) CALCULATED DATA



SURVEYOR'S CERTIFICATE

AS A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, I HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS OF LAND OWNERSHIP AND BELIEVED THE PARCELS OF LAND DESCRIBED AND BELIEVED THE PERSON WHOSE PLAT IS A TRUE REPRESENTATION OF THE SURVEY AS INDICATED BY ME, AND THAT THERE ARE NO ENCUMBRANCES OTHER THAN AS SHOWN HEREON, THAT THE SURVEY WAS PERFORMED WITH AN ORDER OF ACCURACY NO GREATER THAN 1/4" PER 100' AND THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF SECTION 3, ACT 132, P.A. 1976.

CERTIFICATE OF SURVEY

BOUNDARY OF PROPOSED COMCAST FACILITY IN THE SW 1/4 OF SECTION 11, CHINA TOWNSHIP, ST. CLAIR COUNTY, MICHIGAN
CLIENT: COMCAST COMMUNICATIONS



CONSULTING ENGINEERS AND LAND SURVEYORS
518 HURON AVENUE
PORT HURON, MI 48060
PHONE: 810-884-5500
FAX: 810-884-8700

SCALE: 1" = 50'	DATE: SEPT. 27, 2001
SURVEYED: RJA	DRAWN: KLL
CHECKED: JCN	

KIKORON KAKA LITE MO

... ..
... ..
... ..

R 15874

... ..
... ..
... ..

... ..
... ..
... ..

... ..
... ..
... ..
... ..
... ..

R15874
RECORDED R/W FILE NO.

Detroit Edison



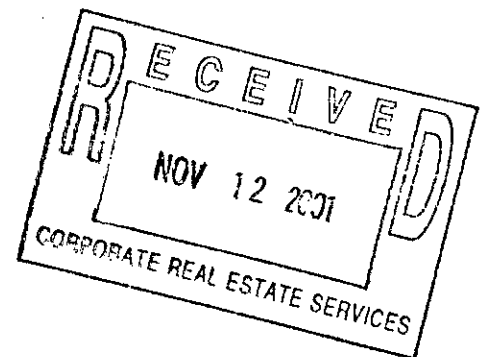
**Right of Way
Marysville Service Center**

Project No. NST0101619

Date: November 9, 2001
To: Elaine Clifford, 2310 WCB
From: Phil Balon, R/W *PRB*
Subject: Trenching near H-Pole Easement

Marysville Service Center has no problem with this project as stated.

File: R/W






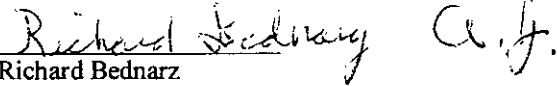
Date: February 27, 2002 (REVISED LETTER)
To: Elaine Clifford
From: Cheryl Groncki
Administrative Associate
Project Management
Subject: Trench across Edison Easement
NST0101619-A
China Twp. St. Clair County

After reviewing this request a second time, Arch/Civil/Towers response follows.

Edison has no objection to the trench crossing our easement **provided the northernmost edge of the trench comes no closer than fifteen feet from the tower legs.** Otherwise, the stability of the tower foundations could be jeopardized. No heavy equipment should come within ten feet of the tower leg. OSHA and MIOSHA guidelines for working near high voltage transmission lines should be followed.

/cag
Approved:


Steven M. Topolewski
Principal Engineer
Project Management


Richard Bednarz
Consulting Engineer
Transmission Planners
International Transmission Company

RECORDED R/W FILE NO. R15874

Saggese & Associates, Inc.

P.O. Box 408 Sylvania, OH 43560 • (419) 340-8687
 "The Art and Science of Technical Management"™

SKY BANK
 SAXON SQUARE BANKING CENTER
 TOLEDO, OHIO 43617

56-471/412

10316

10/26/2001

\$**300.00

DOLLARS

PAY TO THE ORDER OF **Detroit Edison**

Three Hundred and 00/100*****

Detroit Edison

Suzanne Saggese
 AUTHORIZED SIGNATURE MP

RECORDED/R/W FILE NO. R15874

MEMO **Comcast hub site**

⑈010316⑈ ⑆041204713⑆002610771⑈

Reported By **Saggese & Assoc** **General Ledger Coupon**
 DE 963-0409 11-98

- Type Agents Remittance Energy Drafts Legal Returned Checks
 Cash Group Gift Certificate Overages/Shortages Savings Plan
 Change Orders Insurance Refrigerator Replacement State of Michigan
 Commissions Land Contracts/Rentals Refunds Subsidiaries
 Deferred Credit **Revenue**

Prepared By *E. Cluff* 58313 Date 10/30/01 Check No. 10316

Management Information Key (MIK) Distribution (Bus. Unit is Mandatory) Amount

MIK Bus Unit	Sub Proj	Inst Type	Src Dept	Utr Dept	Sub Proj	Amount
DISTR	0020	TM	EAS63	EAS63		300.00
Actv Occ		Proc	Actv Eqmt	Prod	Cust	

AST0101619 **Subtotal from Back Here** → **Grand Total** 300.00

⑆5588⑈5588⑆

WARRANTY DEED

Drafted By:

Charles G. Kelly
Beauchamp, Kelly, Whipple,
Zick, Keyes & Hulewicz, P.L.L.C.
627 Fort Street
Port Huron, MI 48060
(810) 987-4111

R15874
RECORDED R/W FILE NO.

On October 23, 2001, for the sum of Sixty Two Thousand Five Hundred and 00/100 Dollars (\$62,500.00)

MARVIN C. DIETLIN and SYLVIA A. DIETLIN, husband and wife,
whose address is 3902 Indian Trail, China Township, Michigan 48054,

CONVEY AND WARRANT TO

COMCAST CABLE COMMUNICATIONS,
whose address is 31029 Harron Road, New Haven, Michigan 48048,

the following premises situated in the Township of China, St. Clair County, Michigan, described to-wit:

Being part of the Southwest quarter of Section 11; Town 4 North, Range 16 East, described as:
Beginning at the southwest corner of Section 11; thence N 87°18'58" E 1,454.39 feet along the
south section line to the Point of Beginning; thence N 02°20'08" W 218.00 feet; thence
N 87°18'58" E 200.00 feet; thence S 02°20'08" E 218.00 feet; thence S 87°18'58" W 200.00 feet
to the Point of Beginning.

Grantors grant to the Grantee the right to make zero divisions permitted under Section 108 of the Land Division
Act, Act No. 288 of Public Acts of 1967.

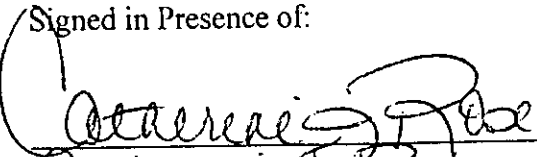
This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural
and management practices which may generate noise, dust, odors, and other associated conditions may be used
and are protected by the Michigan Right to Farm Act.

Subject to reservations, restrictions, rights of way and easements of record and subject to, excepting and reserving
to Grantors and others all oil, gas, mineral rights, underground gas storage rights, and rights appurtenant thereto,
and also subject to Agreement set forth in Liber 1314, page 520, St. Clair County Records.

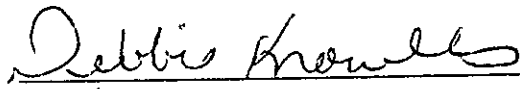
Together with all tenements, hereditaments and appurtenances belonging or in appertaining.

Signed in Presence of:

Signed by:


Catherine S. Rose


MARVIN C. DIETLIN

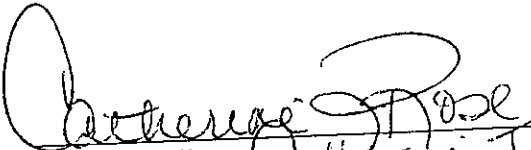

Debbie Knowles


SYLVIA A. DIETLIN

COPY

STATE OF MICHIGAN)
)ss.
COUNTY OF ST. CLAIR)

This instrument was acknowledged before me on October 23, 2001 by Marvin C. Dietlin and Sylvia A. Dietlin, husband and wife.


Notary Public - Catherine J. Rose
St. Clair County, Michigan
My Commission Expire: 08-21-03

RECORDED R/W FILE NO. R15874

Tax Code No. 74-13-011-4007-100
Real Estate Transfer Tax - \$ _____
State Real Estate Transfer Tax - \$ _____
When recorded return and mail to:

Date _____, 2001
This is to certify that there are no tax liens or titles on this property and that the taxes are paid for FIVE YEARS previous to the date of this instrument. This certification does not include taxes, if any, now in the process of collection by the City, Village or Township Treasurer.
ST. CLAIR COUNTY TREASURER

BY: _____

TOWER LINE PERMIT
R/W NO. 5
Recorded JUN 29 1951 at 8:40 A.M.
MORLEY A. SAPH, Register of Deeds

Date May 16, 1951

IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, WE hereby grant to THE DETROIT EDISON COMPANY its successors and assigns, the right to construct, operate and maintain its lines for the transmission and distribution of electricity and Company communication facilities, including the necessary towers, fixtures, wires and equipment, and including also the right to trim or cut down any trees along said lines, which could fall into the lines or interfere in any way with their operation upon, over and across OUR property located in China Township

STREET AND VILLAGE, OR SECTION AND TOWNSHIP

County of St. Clair, State of Michigan, and described as follows:
The South 1/2 of the Southwest 1/4 of Section 11, T 4 N, R 16 E.

The route of the lines shall be as follows: In a northerly and southerly direction across said land.

The Company, its successors and assigns, shall reimburse 45 for all damage to growing crops, buildings or fences, caused by its men, teams, trucks and other vehicles and equipment in entering said property for the purposes set forth herein.

In addition to the above consideration, the Company, or its successors and assigns, shall pay 45 the sum of One hundred and no/100 (\$100.00) Dollars for each tower on said land, the same to be paid before any towers are erected. Or if no towers are set on said land the sum of Twenty-five and no/100 (\$25.00) Dollars shall be paid for overhang of wires, the same to be paid before any wires are erected.

Witness:
H. B. Peterson
W. B. Peterson
Harry R. Parsons
Jack Brown

(Signed) Harry Parsons
Ruth Parsons
Lettie J. Parsons
Roy Parsons

(Accepted)
THE DETROIT EDISON COMPANY
By Richard H. Taylor
RIGHT-OF-WAY AGENT

RIGHT OF WAY FILE NO. 15874

STATE OF MICHIGAN
County of St. Clair s.s.

On this 16th day of MAY A. D. 1951, before me, the undersigned, a notary public in and for said county, personally appeared HARRY PARSONS, RUTH PARSONS, HIS WIFE, LETTIE PARSONS, A SINGLE WOMAN, AND ROY PARSONS, A SINGLE MAN known to me to be the person who executed the foregoing instrument, and acknowledged the same to be THEIR free act and deed.

Jack Brown
Notary Public St. Clair County, Michigan.

My Commission expires January 15, 1954

5 1/2 x 10 1/2 Sec. 11

MORLEY A. SAPH REGISTER

[Signature]
in Liber 246
of 690
at 8:40 o'clock A.M., and recorded
day of A.D. 19

Received for record the
ST. CLAIR COUNTY, JUN 29 1951
REGISTRAR'S OFFICE, }
SS.

RETURN TO
RICHARD H. TAYLOR
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT 26, MICHIGAN

CROSS REFERENCE

NAME OR SUBJECT RECORDED RIGHT OF WAY NO. 15874

FILE NO.

REGARDING Indenture of release (557/603), Bankers Trust Company to The Detroit Edison Company, covering release of right-of-way in China Township. DATE July 11, 1963

SEE

NAME OR SUBJECT

MORTGAGE - GENERAL AND REFUNDING

FILE NO.

Release from Lien of Mortgage

Release No. 187

PARTIAL RELEASE OF RIGHT OF WAY

THIS AGREEMENT, made this 31st day of December A.D. 1962, between THE DETROIT EDISON COMPANY, a New York corporation, of 2000 Second Avenue, Detroit 26, Michigan, hereinafter called "EDISON," and MICHIGAN CONSOLIDATED GAS COMPANY, a Michigan corporation of 415 Clifford Street, Detroit 26, Michigan, hereinafter called "OWNER."

W I T N E S S E T H:

WHEREAS, on May 16, 1951, Harry Parsons and Ruth Parsons, his wife, and Lettie J. Parsons, a single woman, and Roy Parsons, a single man, granted to EDISON a Right of Way for the purpose of constructing, operating and maintaining its lines for electric light and power, over, upon and across premises in the Township of China, County of St. Clair, State of Michigan, described as follows:

The South 1/2 of the Southwest 1/4 of Section 11, Town 4 North, Range 16 East.

which Right of Way is recorded in Liber 690 of Deeds, Page 246, St. Clair County Records; and

WHEREAS, OWNER purports to have succeeded to the title to that part of the above described property, described as follows, to-wit:

The West 45 acres of the South 1/2 of the Southwest 1/4 of Section 11, Town 4 North, Range 16 East, Township of China, County of St. Clair, State of Michigan.

and,

WHEREAS, OWNER has requested that EDISON release from the above mentioned Right of Way Grant that portion of the lands described in said Grant to which they purport to have succeeded to title.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, EDISON does by these presents and subject to the conditions hereinafter stated, release, quit claim and abandon unto OWNER, its successors and assigns, all of the rights acquired by it, except as stated below under the aforementioned Right of Way Grant, as they may pertain to that part of the lands described in said grant to which OWNER purports to have succeeded to title. Excepted from this release is that portion of a strip of land, ninety (90) feet wide, upon, over and across the premises described above to which OWNER purports to have succeeded to title, the centerline of which is described as follows:

RECORDED	MARCH 27, 1963
LIBER	864
PAGE	323, 324, 325
R/W #	

RECORDED RIGHT OF WAY NO. 15874

A straight line running in a northerly and southerly direction across the Southwest 1/4 of Section 11, Town 4 North, Range 16 East from a point on the South line of Section 11 (Puttygut Road) 1475.0 feet easterly of the Southwest corner of said Section 11, to a point on the North line, (as extended easterly), of the West 45 acres of the South 1/2 of the Southwest 1/4 of said Section 11, which point is 1464.15 feet easterly of the West line of said Section 11.

(1) Notwithstanding the terms and conditions contained in the aforementioned Right of Way Grant, this Release is granted to, and receipt thereof is acknowledged by the OWNER upon the express condition that neither EDISON nor the OWNER shall cause any buildings or structures to be placed within the premises which are excepted from this Release, being that portion of said strip of land, ninety (90) feet wide, as described above, without the prior written consent of EDISON. Furthermore, EDISON shall have the right to trim or cut down any trees within that portion of said strip of land, ninety (90) feet wide, which it deems could fall into its lines or interfere with the operation and maintenance thereof.

(2) EDISON shall also have the right to trim or cut down any trees situated within strips of land each thirty (30) feet wide, adjoining and parallel to the westerly and easterly lines of that portion of said strip of land ninety (90) feet wide, which in its opinion may interfere with or grow to the point of interfering with the maintenance and operation of its lines and towers constructed or to be constructed within that portion of said strips of land, ninety (90) feet wide.

(3) Subject to the conditions herein contained in all respects, except as to the extent hereby released, the aforementioned Right of Way Grant dated May 16, 1951 shall and does remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the day and year first above written.

In the Presence of:

William W. Sutherland
William W. Sutherland

Lillian J. H. Carroll
LILLIAN J. H. CARROLL

Eldon V. Osborn
Eldon V. Osborn

Sheridan P. Roman
Sheridan P. Roman

THE DETROIT EDISON COMPANY

By: M. Pease
M. Pease ASST VICE PRESIDENT

By: Esther Birnbaum
ESTHER BIRNBAUM ASST. SECRETARY

MICHIGAN CONSOLIDATED GAS COMPANY

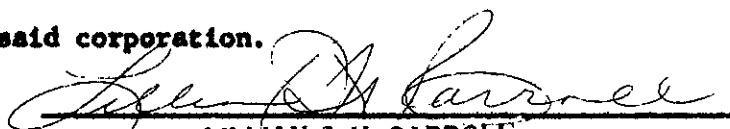
By: E. G. Reynolds
E. G. Reynolds, Vice President

By: Ford Kennedy
Ford Kennedy, Ass't. Secretary

RECORDED RIGHT OF WAY NO. 15874

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)


On this 7th day of March, 1963, before me the subscriber,
a Notary Public in and for said County, appeared M. Pease
and Esther Birnbaum, to me personally known, who being by me duly
sworn did say they are the Assistant Vice President and Assistant Secretary
of THE DETROIT EDISON COMPANY, a New York corporation, and that the seal affixed to said
instrument is the corporate seal of said corporation, and that said instrument was signed
in behalf of said corporation, by authority of its board of directors, and _____
M. Pease and Esther Birnbaum acknowledged said
instrument to be the free act and deed of said corporation.


LILLIAN J. H. CARROLL
Notary Public, Wayne County, Michigan

My commission expires: July 25, 1965

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

On this 31st day of December, 1962, before me the subscriber,
a Notary Public in and for said County, appeared E. G. Reynolds
and Ford Kennedy, to me personally known, who being by me duly
sworn did say they are the Vice President and Ass't. Secretary
of MICHIGAN CONSOLIDATED GAS COMPANY, a Michigan corporation, and that the seal affixed
to said instrument is the corporate seal of said corporation, and that said instrument
was signed in behalf of said corporation, by authority of its board of directors, and
E. G. Reynolds and Ford Kennedy
acknowledged said instrument to be the free act and deed of said corporation.


R. J. McCaffrey
Notary Public, Wayne County, Michigan

My commission expires: March 27, 1964

Handwritten notes:
H. P. ... 11-17-62
J. J. ... 11/14/62
GEN ENG John ... 11-14-62
15874
12-21-62