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**Detroit Edison**

R. Estate and Rights of Way  
**Joint Underground  
Right of Way Agreement**

MAY 26, 19 89

LIBER 1430 PAGE 0677

RECORDED IN DEEDS OF LIVINGSTON COUNTY, MI 410916

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, and MICHIGAN BELL TELEPHONE COMPANY, a Michigan Corporation of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "GRANTEE," the right to construct, reconstruct, modify, add to, operate and maintain underground line facilities consisting of poles, conduits, wires, cables, manholes, transformers and accessories required to provide electric and communication services in, under, upon and across property located in the Township of Marion, County of Livingston, State of Michigan, further described as follows:

Land being part of the Northwest fractional 1/4 of Section 1, T2N, R4E, Marion Township, Livingston County, Michigan. More particularly described as follows: Commencing at the West 1/4 of Section 1, T2N, R4E, Marion Township, Livingston County, Michigan; thence along the West line of said Section 1, North 1221.94 feet (previously recorded as North 1220.21 feet) to the Point of Beginning of the land to be described: thence N 89°08'15" E 202.45 feet (recorded as N 89°08'32" E 202.40 feet) to a found iron rod; thence S 00°23'36" W 59.93 feet (recorded as S 00°17'32" W 59.91 feet) to a set iron rod; thence N 89°06'30" E 98.00 feet (recorded as N 89°05'54" E 98.00 feet) to a found iron rod; thence S 00°01'04" W 144.00 feet (recorded as S 00°00'07" E 144.00 feet) to a reset iron rod; thence S 89°03'16" W 300.00 feet (recorded as S 89°02'27" W 300.00 feet) to the Point of Beginning. Containing 1.27 acres, more or less, subject to the rights of the public over Pinckney Road, easement rights to Panhandle Eastern Pipeline Company as shown and joint use rights over 32.5 feet driveway to City of Howell property. Also subject to any other easements or restrictions of record.

The undersigned Grantor reserves the right to itself and its successors and assigns to occupy and use the within described premises for any and all purposes whatsoever not inconsistent with this grant of easement. Grantor also reserves the right, at Grantor's expense, to relocate the easement premises and the facilities installed therein provided that the relocated easement can reasonably be used for its intended purpose by Grantee. Grantor may exercise this right of relocation by giving Grantee sixty (60) days prior written notice of the intention to relocate the easement.

as shown on the attached drawing HS-3731 which is made a part hereof.

The right of way is Twelve (12) feet in width.

The rights hereby granted include the right of access to and from the right of way and the right to trim, cut down or otherwise control trees, brush or roots of any kind either within the right of way or on property adjoining the right of way which in the opinion of the GRANTEE interferes with the construction or operation of the line facilities. It is expressly understood and agreed that the GRANTEE shall, at no time, trim or cut down any trees unless, in the GRANTEE'S opinion, it is absolutely necessary to do so. The GRANTEE shall restore premises to its original condition or as near as can be in the event of damages caused by its employees, contractors, vehicles and equipment entering premises for the purposes set forth herein.

No buildings or structures are to be placed within said right of way herein granted without the written consent of the GRANTEE.

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:

Mark A. Zirkle  
Donna Simson  
MARK A. ZIRKLE  
DONNA SIMSON

EMRO MARKETING CO.  
Grantors:  
G. E. Buroker  
MARATHON PETROLEUM CO.  
G. E. Buroker, Vice President

RECORDED

SEP 14 1:21 PM '90



Prepared by: Mark McMacken 316 E. Grand River Howell, MI 48843  
NANCY HAVILAND REGISTER OF DEEDS LIVINGSTON COUNTY, MI 48343  
Address: 2525 Limestone Street Springfield, OH 45503  
~~24850 Melrose Avenue~~ ~~Southfield, MI 48075~~

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Acknowledgement-Corporation

OHIO  
STATE OF MICHIGAN

County of Clark )SS

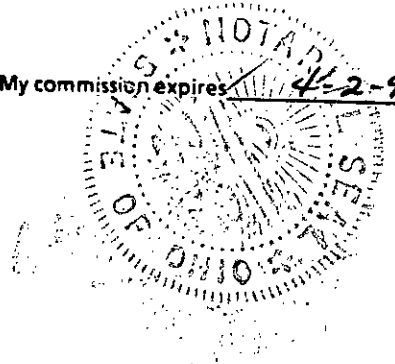
On this 26<sup>th</sup> day of May, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by M. E. Buraker

whose title(s) is /are V. P., Operations

of MARATHON-PETROLEUM CO. a Delaware corporation, on behalf of the corporation.  
EMRO MARKETING CO.

Donna Simson  
Notary Public, Champaign County, Michigan OHIO

My commission expires 4-2-94



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

To (Supervisor, RE & R/W) <b>RICHARD LONGWISH</b>	For RE & R/W Dept. Use	Date Received	DE/Bell/C.P. No.
Division <b>ANN ARBOR</b>	Date <b>4-19-89</b>	Application No. <b>HS-3731</b>	

We have included the following necessary material and information:

**Material:**

- A. Proposed Subdivision
  - 1. copy of complete final proposed plat - All pages
- or
- B. Other than proposed subdivision (condo., apts. mobile home park — other)
  - 1. Property description.
  - 2. Site plan.
  - 3. title information (deed, title commitment, contract with title commitment, or title search).

Note: Do not submit application for URD easements until all above material has been acquired.

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH BY <u>M. McMackem</u> DATE <u>6-1-90</u> DATE WANTED _____ DISTRICT FIELDMAN <u>Richard Longwish</u>	PERMITS TO:
	RECORD CENTER <u>1</u>
	R/W FILES _____
	MBT <u>1</u>
	ORIGINATOR <u>1</u>
	TOTAL <u>1</u>

**Information**

1. Project Name <b>SPEEDWAY GAS STATION</b>	County <b>LIVINGSTON</b>
City/Township/Village <b>MARION</b>	Section No. <b>1</b>

Type of Development

<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park	<input checked="" type="checkbox"/> Other

2. Name of Owner <b>MARATHON PETROLEUM CO.</b>	Phone No.
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Address  
**21850 MELROSE AVE. SOUTHFIELD MI 48075**

Owner's Representative <b>DON MALARKY</b>	Phone No. <b>313-351-7716</b>
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Date Service is Wanted  
**5-15-89**

4. Entire Project will be developed at one time .....  Yes  No

5. Joint easements required — Michigan Bell Telephone .....  Yes  No  
 — Consumers Power .....  Yes  No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power

b. Other Utility Engineer Names	Phone Numbers
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Addresses

6. Additional Information or Comments

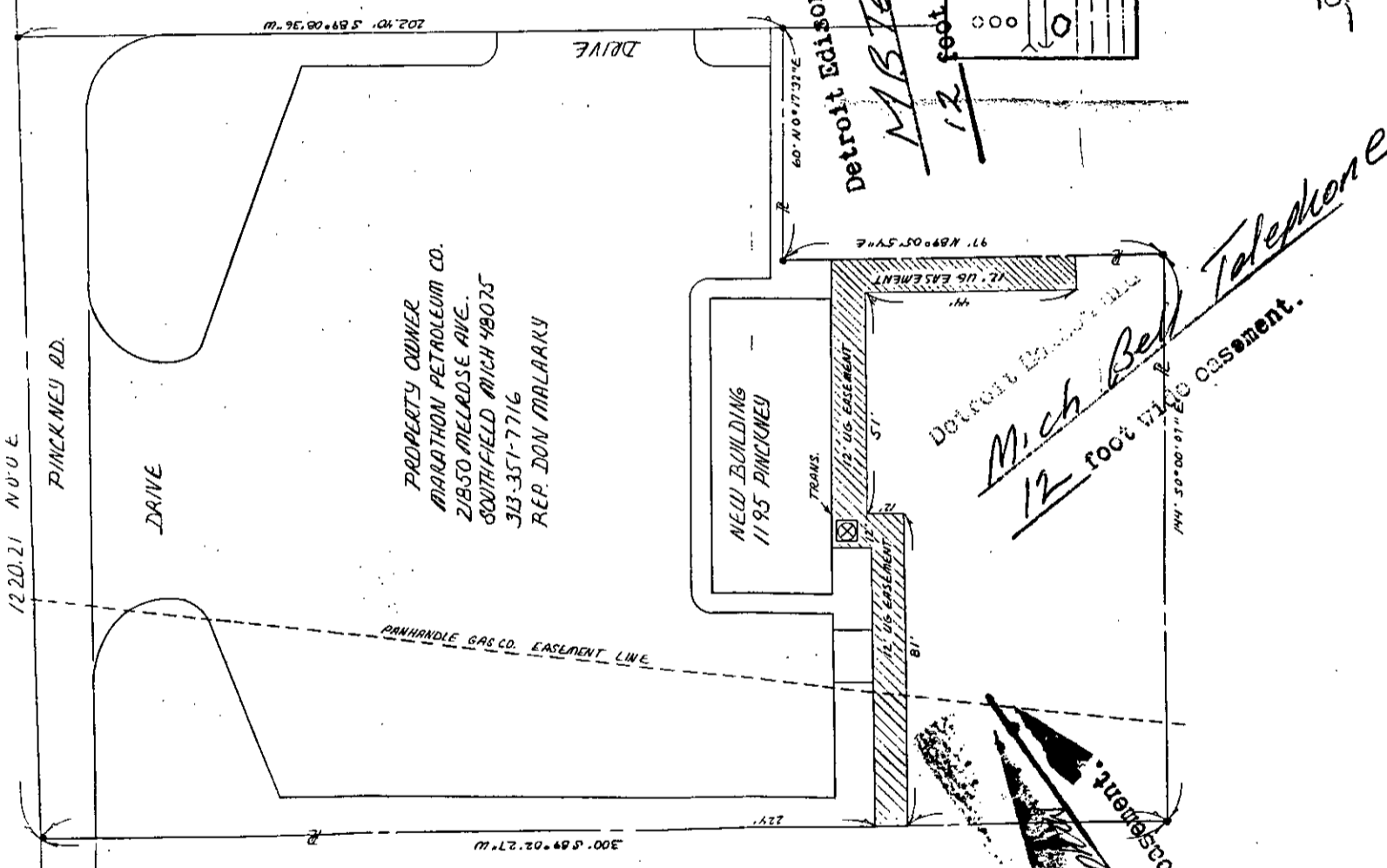
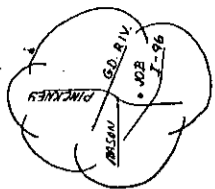
Note: Trenching letter  attached  will be submitted later

Service Planner <b>R. A. BOOTH</b>	Signed (Service Planning Supervisor) <i>[Signature]</i>
Phone No. <b>3306</b>	Address <b>HOWELL SERVICE PLANNING</b>

RECORDED RIGHT OF WAY NO. 41095

WEST 1/4 SECT 1  
T2N R4E

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PROPERTY OWNER  
MARATHON PETROLEUM CO.  
21850 MELROSE AVE.  
SOUTHFIELD MICH 48075  
313-351-7716  
REP. DON MALARKY

NEW BUILDING  
1195 PINKNEY

Detroit Edison and  
Mich Bell Telephone  
12 foot wide easement.

12 foot wide easement.

Detroit Edison and  
Mich Bell Telephone  
12 foot wide easement.

THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT	
CITY OR TWP	COUNTY
PINKNEY	LIVINGSTON
MAP SEC.	JOB TRIM REQUIRED
1-06-398	YES <input type="checkbox"/> NO <input type="checkbox"/>
PROJECT NAME	PROJ. OR PART NO.
CIRCUIT	D.T.W. S.O. OR P.E. NO.
REASON	DATE
NEW GAS STATION @ 1195 PINKNEY	4-20-89
PLANNER	SCALE
R. A. BOOTH	NONE

- LEGEND:
- FOREIGN POLE
  - EXIST. D.E. CO. POLE
  - PROPOSED POLE
  - EXIST. ANCHOR
  - PROPOSED ANCHOR
  - TREE

120240 V LINE  
4800 V LINE  
13,200 V LINE  
40,000 V LINE

DE FORM 88-1017 (PL 180) PFG. 11-88

**NOTICE**

Location of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

RECORDED RIGHT OF WAY NO. 41095

Handwritten notes at the bottom of the page, including '1195 PINKNEY' and other illegible text.

DETROIT EDISON COMPANY  
1001

1001

1001

**NOTICE**

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