

JOINT OVERHEAD RIGHT OF WAY AGREEMENT

THIS INDENTURE, made this 15th day of October, 1990, by and between CONSUMERS POWER COMPANY, a Michigan corporation, of 212 West Michigan Avenue, Jackson, Michigan 49201, hereinafter referred to as "Grantor", and THE DETROIT EDISON COMPANY, a Michigan corporation, of 2000 Second Avenue, Detroit, Michigan 48226, and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, of 444 Michigan Avenue, Detroit, Michigan 48226, hereinafter referred to as "Grantees".

For good and valuable considerations, the right is hereby granted to Grantees, their licensees, lessees, successors and assigns, to construct line facilities (as more fully described hereinbelow) for the purpose of providing electric service and communication service, on, over and across certain property located in Township of Armada, County of Macomb, State of Michigan, further described as follows:

The North 10 feet of the South 486.30 feet of the East 110 feet of the Southeast 1/4 of Section 36, T5N, R13E.

With right of ingress and egress upon the said premises to employees or appointees of the said Grantees to construct, reconstruct, repair, operate, and maintain said line facilities, and to trim any trees which, in the opinion of the Grantees, interfere or threaten to interfere with the construction and operation of said line facilities.

Said line facilities that may be constructed hereunder, and their location upon the above described right-of-way, shall be as follows:

Said line facilities shall consist of not more than one pole, with not more than one guy, and overhead electric distribution (4.8 kV) and communications service wires and equipment located on or running off of said pole. Said pole shall be located within the above described premises, 73 feet West of the center line of Omo Road (being the East section line of the above mentioned Section 36). Said overhead wires shall run off the said pole in an E'ly direction over and across the above described premises. Said guy shall run off of said pole in a W'ly direction, said guy to be anchored 36 feet West of said pole.

This instrument is subject to the following conditions:

1. It is understood and agreed that prior to any entry upon said right of way for the performance of any construction, maintenance or other operations hereunder, Grantees will give Grantor at least five (5) days' notice in advance of such entry for the commencement of any of said construction, maintenance or other operations to be performed hereunder, which said notice shall be directed to Grantor's Engineering Director, Metro Region, at Royal Oak, Michigan.
2. Grantees further agree to contact the utility communications system (Miss Dig), phone number 1-800-482-7171, forty-eight (48) hours prior to any construction to be performed hereunder.
3. The grant of this Right of Way is expressly made subject to the superior right of Grantor to use the surface and sub-surface of said premises for the transmission of natural gas and Grantees shall assume and shall bear and pay to Grantor all damages, losses or injury occasioned to Grantor as a result of damage to Grantor's facilities or property by Grantees or their licensees or lessees, or the agents, employees, servants, officers or independent contractors of any of them, in the maintenance and operation of said line facilities.
4. Grantees will indemnify and hold Grantor (the company, its officers, agents and employees) harmless from claims or lawsuits for injuries or damages to persons or property or both arising directly or

RECORDED RIGHT OF WAY NO.

41264

Harron Cable TV, of 35500 Division St., Richmond, MI 48062, a Delaware corporation

indirectly out of the use of this easement by Grantees (the persons, companies or organizations, their contractors, lessées and licensees). This includes, but is not limited to, claims or lawsuits arising out of Grantees' negligence, Grantees' and Grantor's concurrent negligence, or any other person's negligence, except that Grantees will not indemnify Grantor for claims or lawsuits arising out of Grantor's sole negligence.

- 5. If and whenever Grantees shall abandon the use of said line facilities, they shall notify Grantor in writing of the fact of such abandonment and Grantees' rights in the lands described above shall immediately terminate, it being understood and agreed, however, that Grantees shall remove all said facilities and restore the lands above identified as near as practicable to their original condition. In the event a portion only of said line facilities shall be abandoned, the provisions of this paragraph shall be applicable to that portion.
- 6. Grantees, in connection with all work and operations hereunder, shall at all times keep and leave Grantor's premises in a good, proper and presentable condition.
- 7. It is further agreed that the benefits hereof shall accrue to and the obligations herein shall bind the successors and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized officers or representatives as of the day and year first above written.

APPROVED AS TO FORM

DEB
CONSUMERS POWER COMPANY
LEGAL DEPARTMENT

CONSUMERS POWER COMPANY

By: E. R. Bradley
E R Bradley

THE DETROIT EDISON COMPANY

By: D. E. White
DARRELL E. WHITE

MICHIGAN BELL TELEPHONE COMPANY

By: Dale McLane
DALE MCLANE

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4.8KV

8 FT PRIVATE EASEMENT FOR PUBLIC UTILITIES

R/W OK CONSUMER POWERS CO. A MICHIGAN CORPORATION

BY:

200
-002
SE1.76

36

S.E. COR. SECT. 26 T5N. R13E

32 MILE R.O.W. 66'

S.E. COR. SECT. 31 T. 5N. R14E

RAW OK MAY-25-10 2313.26
ROBERT M. KOHLMAN PARCEL 6
&
MARILYN N. KOHLMAN (HIS WIFE) 2311.18

R/W OK MAY-9-90
KATHI CORDNER
TOM CORDNER (HER HUSBAND)

PARCEL 7

OWNER:
KATHI CORDNER
9288 JAC
4: 468-2119

R/W OK
REBECCA YANCHULU
A SINGLE WOMAN
APRIL-27-1990

PARCEL 8

OWNER:
BECKY YALU JLA
6909E OL
PL: 784-5173

R/W FOR 4 POLE OVERHANG AND GUYS FOR PARCEL 6, 7, 8 AND -002

NOTE:
X-ARM CONSTRUCTION
GUYS OUT 36'

RIGHTS-OF-WAY REPORT R/W SECURED AS INDICATED ON THIS SKETCH.		PERMITS TO:	
BY <u>S. Fatwani</u>	DATE <u>1/30/90</u>	RECORD CENTER	<u>4</u>
DATE WANTED	SENIOR REPRESENTATIVE	R/W FILES	<u>4</u>
		MBT	<u>4</u>
		ORIGINATOR	<u>4</u>
		TOTAL	<u>4</u>

THE DETROIT EDISON COMPANY - SERVICE PLANNING DEPARTMENT			
CITY OR TWP. <u>ARMADA / RICHMOND</u>	COUNTY <u>MACOMB</u>	QTR. & TWP. SECT. NO.	DEPT. ORDER NO.
MAP SECT. <u>2-394-476</u>	TOWN <u>5N</u>	RANGE <u>14E</u>	JOINT R/W REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
PROJECT NAME		TEL. ENG'R. & DIST.	R/W NO. <u>MC-K821</u>
CIRCUIT <u>2551 RICHMOND</u>		O.F.W. S.O. OR P.E. NO.	
REASON <u>R/W</u>		BUDGET ITEM NO.	
PLANNER <u>BUCK MADDIX KEB</u>		SCALE <u>1"=100'</u>	DATE <u>3-20-90</u>

LEGEND

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

— 120/240 V LINE
— 4800 V LINE
— 13,200 V LINE
— 40,000 V LINE

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