

**PROJECT NAME PINE TRACE VILLAGE SITE CONDO
UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. OE 91-11J**

On September 25, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent underground distribution easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Oakland Hills Development Corporation, a Michigan corporation, 6905 Telegraph Road, Suite 112, Birmingham, Michigan

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226
United Artists Cable of Oakland County, Inc., a Michigan corporation, 4500 Delemere Blvd., Royal Oak, Michigan 48073

"Grantor's Land" is in City of Rochester Hills, Oakland County, Michigan described as:

See Attached Appendix "A"

(Sidwell No: 15-31-326-016)

8:52 REG/DEEDS PAID

The "Right of Way Area" is a part of Grantor's Land described as: 09.03.94 11:58AM

The exact location of said easements shall be shown on a drawing to be recorded 90 days after construction. The right of way is ten feet in width.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain 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. Ground Elevation:** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.
- 7. Damages:** If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
- 8. Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

Witnesses:

Grantor:

Nancy Chaltron

Nancy Chaltron

Terry Clavier

Terry Clavier

Oakland Hills Development Company

James B. Faycurry
James B. Faycurry, President

8:52 REG/DEEDS PAID

09.03.94 11:58AM

7:36 REG/DEEDS PAID

0001 NOV.13.91 04:22PM

2158 REG/DEEDS PAID 0.00

0001 NOV.13.91 04:22PM

2158 RMT FEE 2.00

RECORDED BY [Signature] OF WAY NO. 47395

O.K. - LM

Prepared by and Return to:

Omer V. Racine, 30400 Telegraph Rd., Suite 277, Birmingham, MI 48025

O.K. - LM

This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

30462 TELEGRAPH ROAD
BIRMINGHAM, ALABAMA

RETURN TO:
TERRY L. BENEDICT
THE DETROIT EDISON COMPANY
1970 ORCHARD LAKE ROAD
SYLVAN LAKE, MI 48320

~~RETURN TO:~~
~~J. BENEDICT~~
~~THE DETROIT EDISON COMPANY~~
~~30462 TELEGRAPH ROAD, 277 OAKSON~~
~~BIRMINGHAM, ALABAMA~~

6/11/80
6/11/80

LIBER 12174 PG 238

RW #OE 91-11J

LIBER 14655 PG 017

Acknowledged before me in Oakland County, Michigan, on September 25, 1991

by JAMES B. FAYCURRY the PRESIDENT of OAKLAND HILLS DEVELOPMENT COMPANY, a Michigan corporation, for the corporation.

Notary's Stamp NANCY CHALTRON
NOTARY PUBLIC - OAKLAND COUNTY, MICH.
MY COMMISSION EXPIRES 12-14-93

Notary's Signature Nancy Chaltron
Nancy Chaltron

Appendix "A"

Part of the east 1/2 of the southwest 1/4 of Section 31, T3N., R11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as beginning at the south 1/4 corner of said Section 31; thence proceeding south 89°45'10" west 621.60 feet along the south line of said Section 31 to a point; thence north 00°08'57" west 1457.34 feet to a point; thence south 89°47'14" west 694.64 feet to a point; thence north 00°01'35" west 454.49 feet to a point, thence north 89°24'43" east 532.24 feet along the south line of "Eldon Acres" a plat recorded in Liber 130 of Plats, on page 28 of Oakland County Records to the southeast corner of said "Eldon Acres" thence north 00°11'30" west 499.81 feet along the east line of said "Eldon Acres" to the northeast corner of said "Eldon Acres"; thence north 89°26'02" east 400.42 feet along the south line of "Supervisor's Plat of Dodge-Auburn Park" a plat recorded in Liber 50 of Plats, on page 17 of Oakland County Records to a point; thence north 87°06'48" east 394.95 feet along the south line of said "Supervisor's Plat of Dodge-Auburn Park" to the southeast corner of said "Supervisor's Plat of Dodge-Auburn Park"; thence south 00°22'36" west 2446.24 feet along the north-south 1/4 line of Section 31 to the point of beginning.

Above Legal NKA
Pine Trace Village
units 1-16, 50-61, 82-108.
Occ# 732 15-31-376-000 9000732
Also Pt of SW 1/4 15-31-326-018.

RECORDED RIGHT OF WAY NO.

42395

NOTARY PUBLIC - OAKLAND COUNTY, MICH.
MY COMMISSION EXPIRES 12-14-93

RETURN TO
COUNTY CLERK
OAKLAND COUNTY
10000 BROADVIEW AVE
ROCHESTER HILLS, MI 48309

816-1111

816-1111



RETURN TO:
TERRY L. BENEDICT
THE DETROIT EDISON COMPANY
1973 ORCHARD LAKE ROAD
SYLVAN LAKE, MI 48320

~~RETURN TO:~~
~~J. D. MURPHY~~
~~THE DETROIT EDISON COMPANY~~
~~30400 TELEGRAPH ROAD~~
~~BRIDGE PLAZA~~
~~ANN ARBOR, MICHIGAN~~

RECORDED RIGHT OF WAY NO. 42395

1-1-1911

1-1-1911

1-1-1911