

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. MC-P843

On OCTOBER 28, 1991, 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:

James J. Machak and Kathleen Machak, his wife, 12980 Easton Court, Utica, Mi 48027

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Co, a Michigan Corp, 444 Michigan Ave, Detroit, Michigan 48226

"Grantor's Land" is in Bruce Twp , Macomb County, Michigan described as:

See Exhibit A attached

RECORDED IN MACOMB COUNTY
RECORDS AT: 9:06 A.M.

NOV 15 1991

Edna H. Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 42397

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

A 8 foot wide easement as shown on DECO drawing MC-P843 attached hereto.

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.

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APPROVED AS TO FORM 11/6/91 DATE
LEGAL DEPARTMENT GWA

- 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.

Witnesses:

Grantor:

x Mary Mosheuko
 MARY MOSHENKO
12860 Independence

James J. Machak
 James J. Machak

Kathleen Machak
 Kathleen Machak, wife

x Barbara A Jewell
 BARBARA A JEWELL
12860 Independence, Shelby Twp,
mi. 48315

12980 Easton Court
 Utica, Michigan 48027

Prepared by and Return to:
 Michael J. McCabe
 15600 19 Mile Road
 Mt. Clemens, MI 48044

Acknowledged before me in Macomb County, Michigan, on Oct. 28, 1991
 by James J. Machak and Kathleen Machak, his wife

Sharon P. Bourgeois
 SHARON P. BOURGEOIS
 Notary Public for Macomb County
 Commission Expires 3/21/95.

RECORDED RIGHT OF WAY NO. 42397

PARCEL 5: Part of the east 1/2 of Section 29, town 5 north, range 12 east, Bruce Township, Macomb County, Michigan, described as beginning at the center of said Section 29, thence north 3 degrees 14 minutes west along the North and South 1/4 line of said Section 29, a distance of 185.77 feet; thence south 88 degrees 30 minutes east, 885.77 feet to a point of traverse on the westerly shore of Howlan Lake, said point later referred to as the first mentioned point in said traverse; thence continuing south 88 degrees 30 minutes east 443.86 feet; thence south 0 degrees 49 minutes east, 177.31 feet; thence south 89 degrees 56 minutes 30 seconds west, 492.47 feet to a point of traverse on said westerly shore, said point also located south 13 degrees 43 minutes 07 seconds west, 194.98 feet from the first mentioned point in said traverse, thence continuing south 89 degrees 56 minutes 30 seconds west, 173.62 feet; thence south 2 degrees 17 minutes east, 64.72 feet; thence north 88 degrees 44 minutes 21 seconds west, 653.48 feet; thence north 3 degrees 14 minutes west, 77.72 feet to the point of beginning, EXCEPT that part used for Raap Road and described as beginning at a point on the North line of the above described property, said point located distant south 88 degrees 30 minutes east along said north line 71.35 feet from the northwest corner of the above described property; thence continuing south 88 degrees 30 minutes east 60.29 feet; thence south 4 degrees 09 minutes 50 seconds east, 159.01 feet; thence on a curve to the left (radius=190.0 feet, long chord bears south 21 degrees 23 minutes 10 seconds east, 112.51 feet) a distance of 114.22 feet; thence north 88 degrees 44 minutes 21 seconds west, 72.50 feet; thence on a curve to the right (radius=250.0 feet, long chord bears north 16 degrees 01 minutes 47 seconds west, 102.81 feet), a distance of 103.55 feet; thence north 4 degrees 09 minutes 50 seconds west, 164.96 feet to the point of beginning, containing 6.421 acres and having a land area of 4.448 acres, more or less.

Also, together with an easement for ingress and egress over Raap Road located in Section 29, town 5 north, range 12 east, Bruce Township, Macomb County, Michigan, is described as beginning at a point on the centerline of Fisher Road, said point located distant north 87 degrees 44 minutes 30 seconds west along the east and west 1/4 line of said section 29, a distance of 1430.43 feet to said centerline of Fisher Road, and south 0 degrees 46 minutes 30 seconds east along said centerline, 659.96 feet from the center of said section 29; thence south 87 degrees 33 minutes east, 1370.12 feet; thence on a curve to the left (radius = 240.0 feet, long chord bears north 46 degrees 13 minutes 30 seconds east, 346.59 feet); a distance of 387.25 feet; thence due north 155.0 feet; thence on a curve to the left (radius = 220.0 feet, long chord bears north 19 degrees 18 minutes 15 seconds west, 145.46 feet) a distance of 148.25 feet; thence on a curve to the right (radius = 220.0 feet, long chord bears north 21 degrees 23 minutes 10 seconds west, 130.27 feet) a distance of 132.26 feet; thence north 4 degrees 09 minutes 50 seconds west, 552.08 feet; thence on a curve to the right (radius = 1275.36 feet, long chord bears north 0 degrees 19 minutes 10 seconds east, 199.39 feet) a distance of 199.59 feet thence north 4 degrees 48 minutes 10 seconds east, 212.03 feet to a point of ending, said point of ending being the radius point of a 120 foot diameter cul-de-sac. Raap Road area contains 4.269 acres.

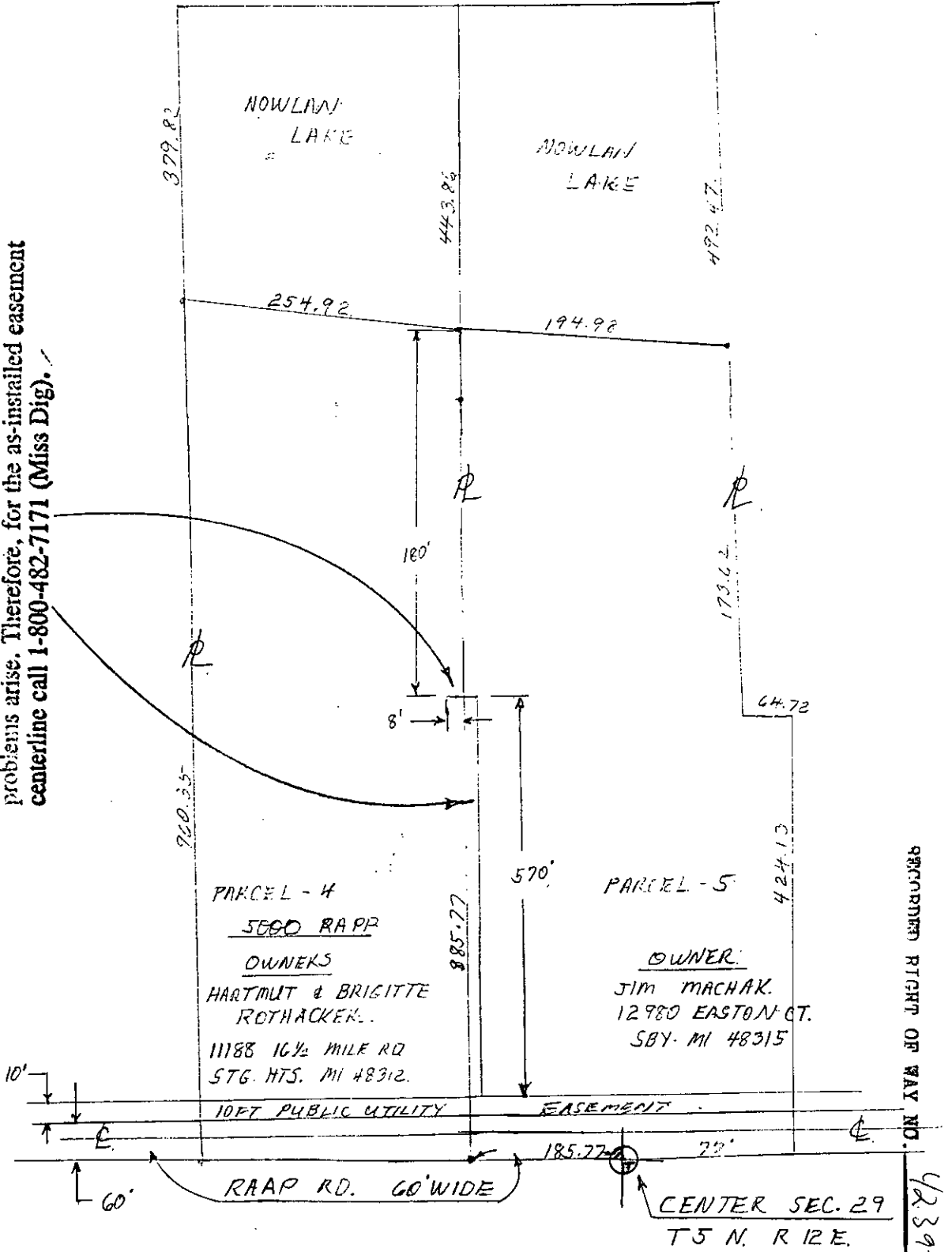
RECORDED - DIGIT OF FILE NO. 423923

4.27.91

DRAWING NO. MC-P843 BY R.J. BURLAR.

K/W FOR 5000 RAAP PARCELS-4 & 5

CENTERLINE OF 8 FOOT WIDE EASEMENT
Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).



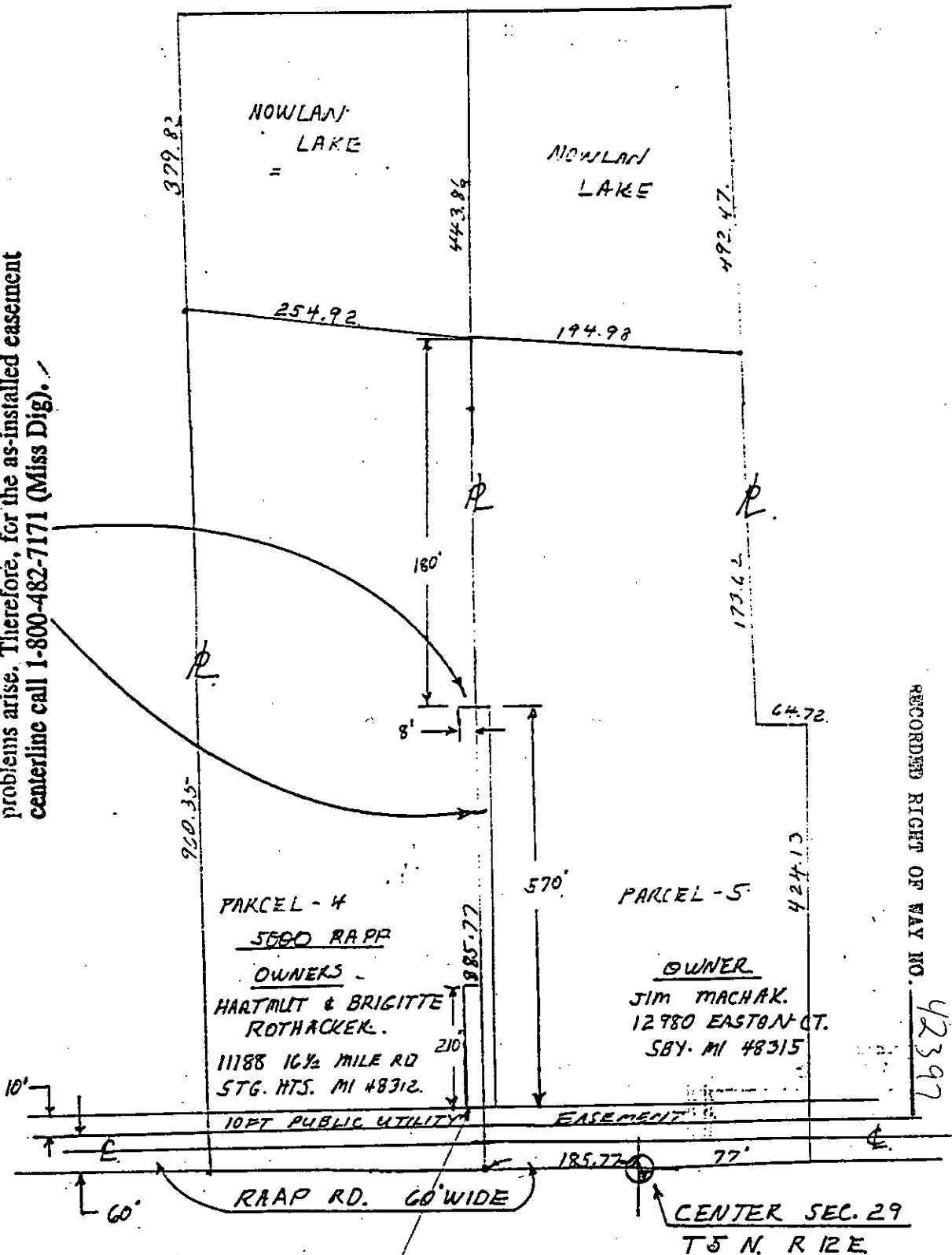
7-27-91

DRAW G NO. MC-P843 BY R.J BU 'AR.

R/W FOR 5000 RAPP PARCELS-4 & 5

LIBER 05249 PG 148

CENTERLINE OF 8 FOOT WIDE EASEMENT
 Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).



RECORDED RIGHT OF WAY NO. 42397

ADDITIONAL 8 FT X 210 FT
 EASEMENT REQUIRED
 OK'D BY MR ROTHACKER
 10-25-91 *hjs*