

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. MC-P898

On 11-25, 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:

Toys R Us, A Delaware Corporation, D/B/A Kids "R" Us, 461 From Road, Paramus N.J. 07652

"Grantee" is:

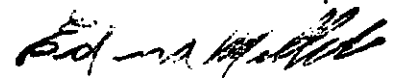
The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in Sterling Hgts, Macomb County, Michigan described as:

Lot 39 of Lakeside Subdivision Number 5, a Subdivision of part of the Northwest 1/4 of Section 1, Town 2 North, Range 12 East, as recorded in Liber 73 of plats, Pages 13 and 14, of the Macomb County Records.

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:01 P. M.

JAN 15 1992



CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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

a Ten (10) foot wide easement as shown on Detroit Edison Company drawing #MC-P898 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. Subject to the rider attached hereto.
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.

RECORDED RIGHT OF WAY NO. 42623

- 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 Daryl Hnatiw
 DARYL HNATIW

x Laura N. Chenor
 LAURA N. CHENOR

TOYS R US
 a Delaware Corporation, D/B/A Kids "R" Us

BY: Michael Paul Miller
 Michael PAUL Miller
 Sr. Vice President - Real Estate

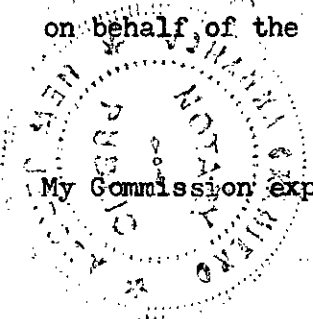
Prepared by and Return to:
 Michael J. McCabe
 15600 19 Mile Road
 Mt. Clemens, MI 48044

461 From Road
 Paramus, N.J 07652

STATE OF NEW JERSEY

County of BERGEN) ss

On this 25th day of November, 1991, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Michael Paul Miller whose title (s) is/are Senior Vice President - Real Estate of TOYS "R" US, INC., a Delaware corporation, on behalf of the corporation.



My Commission expires _____

Johanna Graniero
 Notary Public BERGEN County, NJ

JOHANNA GRANIERO
NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Sept. 18, 1996

RECORDED RIGHT OF WAY NO. 42623

APPLICATION FOR RIGHT OF WAY

DE 963-0811 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE October 16, 1991

LOCATION 13630 Hall Rd

APPLICATION NO. MC-P898

CITY OR VILLAGE Sterling Heights

DEPT. ORDER NO. _____

TOWNSHIP _____ COUNTY Macomb

O. F. W. NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED 11-15-91

BUDGET ITEM NO. 1MBOB-MDB

THIS R/W IS 100 % OF TOTAL PROJECT NO. _____ ACCUM. _____ %

INQUIRY NO. _____

JOINT RIGHT OF WAY REQUIRED YES NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED 10' easement on Lot 39 in Lakeside Subdivision 5
10' easement across Michigan Gas Storage Co. easement

PURPOSE OF RIGHT OF WAY To provide service to 13630 Hall Rd.

SIGNED Richard May
Macomb Division Hdq. Service Planning
OFFICE DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 42623

PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE 1 GRANTOR 1

NO. OF PERMITS 1 NO. OF STRUCTURES _____ NO. OF MILES _____ PERMITS TO MBT _____

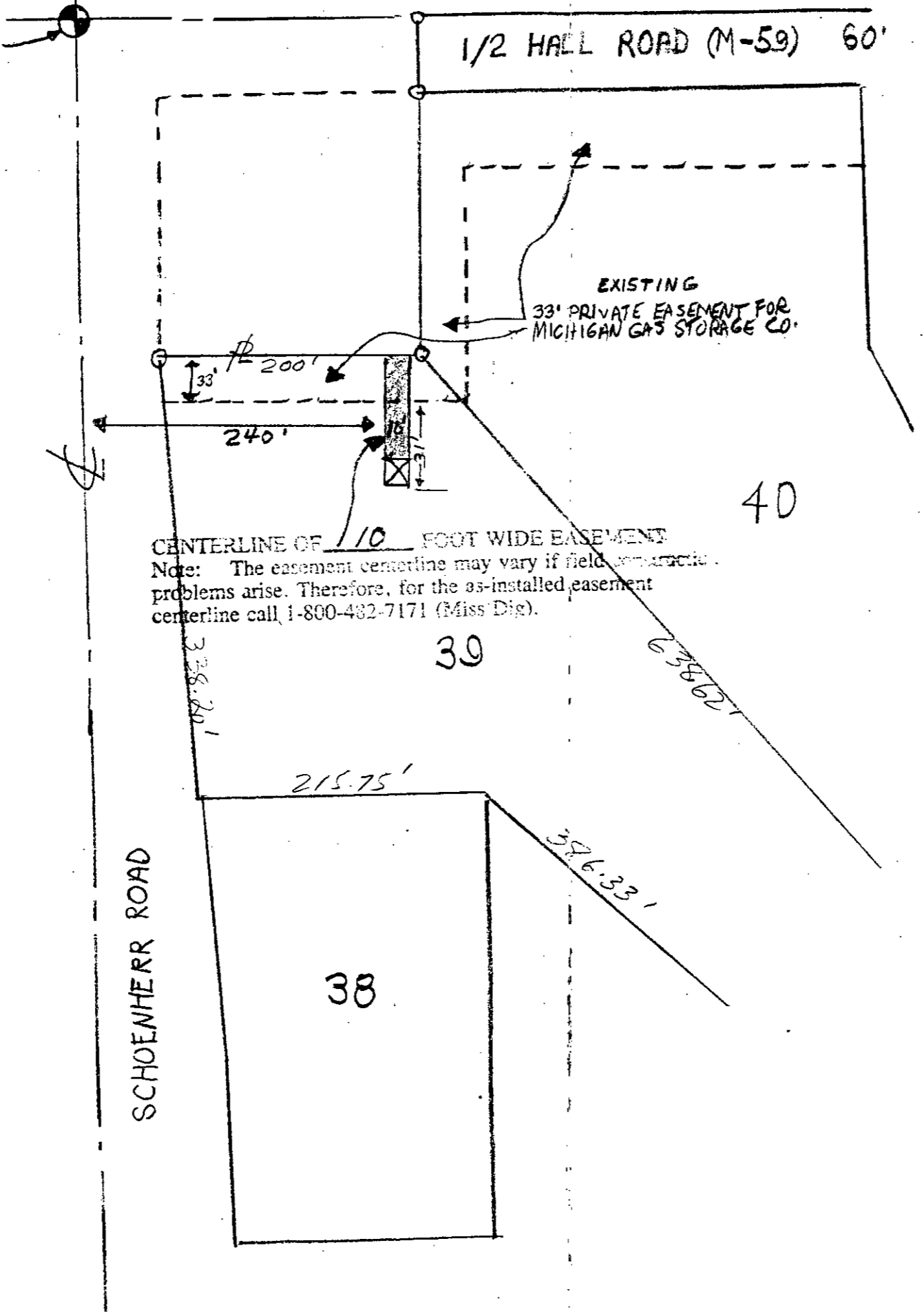
DATE 2-4-92 SIGNED Michael Van Cate

Sec 1

RIDER ATTACHED TO AND MADE A PART
OF EASEMENT/RIGHT OF WAY DATED Nov. 25, 1991

- A) Grantee shall not perform any maintenance, repairs, replacement or other work to, upon or around the property which is the subject of the easement and right of way described herein, during the period from October 1 through December 31 of any year, except for emergency repairs or work which cannot be postponed or delayed. In any event, all such repairs, maintenance, replacements or other work shall be performed (except in an emergency) upon not less than ten (10) days prior written notice to Grantor, in such manner and at such times as shall cause the least possible interference with the business being conducted by Grantor on the property of which the easement and right of way forms a part.
- B) Notwithstanding the foregoing grant of easement and right of way, Grantor reserves and retains for itself, its successors and assigns the right to landscape and/or pave and stripe and/or install light stanchions or otherwise improve the property which is the subject of the easement and right of way, and to utilize same as parking area or otherwise in a manner not inconsistent with the grant of this easement and right of way.

NORTHWEST CORNER SECTION 1
TOWN 2 NORTH, RANGE 12 EAST



CENTERLINE OF 10 FOOT WIDE EASEMENT
 Note: The easement centerline may vary if field conditions
 problems arise. Therefore, for the as-installed easement
 centerline call 1-800-482-7171 (Miss Dig).

RECORDED RIGHT OF WAY NO. 42623