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## PROJECT NAME CUMBERLAND WOODS SUBDIVISION UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. OE 91-14

On August 26., 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:

Cumberland Development Company, a Michigan Co-Partnership by its Co-Partner D&N enterprises, a Michigan corporation, 711 West Ann Arbor Trail, Plymouth, Michigan

## "Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second 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 Rochester Hills, Oakland County, Michigan described as:

See Attached Appendix "A"

Sidwell No: 15-27-301-001

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

See Attached Appendix "B"

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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:

Cumberland Development/Company

By Its: Co-Partner

D&N Enterprises, Inc.

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F.R. Donnelly, Vice President

Prepared by and Return to:

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

RECORDES RIGHT OF WAY NO

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RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, 277 OAKDH
BIRMINGHAM, MICHIGAN

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RW #OE 91-14

.1991

by F. R. DONNELLY, VICE PRESIDENT of D&N ENTERPRISES, INC., a Michigan corporation Co-Partner of

CUMBERLAND DEVELOPMENT COMPANY, a Michigan Co-Partnership, for the Co-partnership.

JAMES P. DONOHUE

Acknowledged before me in Oakland County, Michigan, on

Notary's Stamp Molary Public, Oakland County, MI My Commission Expires Mar. 11, 1996

Notary's

\_Signature\_

Appendix "A"

Avan

Proposed "Cumberland Woods Subdivsion", a part of the southwest 1/4 of Section 27, T3N., R11E., City of Rochester Hills, Oakland County, Michigan, being more particularly described as: Commencing at the west 1/4 corner of said Section 27; thence N 85°22'57" E., 80.24 feet along the east-west 1/4 line to the point of beginning on the easterly right-of-way line of Livernois Road (160 feet wide); thence N 85°22'57" E., 1,866.50 feet along said east-west line of Section 27 and also in part along the southerly line of "Cumberland Hills Sub. No. 3" as recorded in Liber 167, pages 40 through 43 of Plats, Oakland County Records, and "Cumberland Hills Sub No. 2" as recorded in Liber 160, pages 36 through 38 of Plats, Oakland County Records to the northwest corner of "Eyster's Avon Gardens" as recorded in Liber 31, page 46 of Plats, Oakland County Records; thence S 00°42'32" W., 1,116.40 feet in part along the westerly line of said "Eyster's Avon Gardens" as recorded and "Denison Acres Sub" as recorded in Liber 64, page 31, Oakland County Records; thence N 89°17'28" W., 160.00 feet; thence N 65°38'31".65.50 feet; thence N 89°17'28" W., 130.00 feet; thence S 00°42'32" W., 9.39 feet; thence N 87°21'40" W., 130.78 feet; thence S 63°37'11" W., 68.95 feet; thence N 86°21'09" W., 184.38 feet; thence N 05°00'00" E., 67.80 feet; thence N 84°02'50" W., 145.51 feet; thence N 72°27'55" W., 61.27 feet; thence N 84°14'55" W., 129.71 feet; thence S 05°00'00" W., 150.00 feet; thence S 24°22'32" W., 66.99 feet; thence S 60°30'24" W., 204.89 feet to a point on the northeasterly right-of-way line of M-59 (300 feet wide); thence along said line along the arc of a curve to the left 867.12 feet, said curve having a radius of 4,016.72 feet, central angle of 12°22'08" and a long chord bearing of N 41°29'40" W., 865.44 feet to the easterly line of Livernois Road (160 feet wide); thence N 00°11'31" W., 506.74 feet along said line to the point of beginning and containing 41.80 acres, and comprising of 93 lots, numbered 1 through 93, inclusive, and two private parks.

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REARINGS FOR THIS SUBDIVISION ARE BASED ON THE SOUTH LINE OF THE RECORDED PLAT OF "CUMBERLAND HILLS SUB. NO. 3" AS RECORDED IN LIBER 167, PAGES 40

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