

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. A-79872

On Nov. 4, 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:

Greg Sparling and John Sparling, Trustees under Real Estate Investment Trust for the Sparling Family, dated January 2, 1987
3895 - 24th Avenue, Port Huron, Michigan 48060

9680A000 02/21/92DEED# 11.00
0001

"Grantee" is:

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

"Grantor's Land" is in Township of Fort Gratiot, St. Clair County, described as:

See Reverse Side - Appendix "A"

9680A000 02/21/92SSRE# 2.00
0001

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

A 16 foot width, 8 feet on each side of electric line as installed and shown on the D.E. drawing No. A-79872 dated 10/2/91 and attached

- 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.
- 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.

RECORDED RIGHT OF WAY NO. 42466

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

x Martin Davidson
Martin Davidson

Greg Sparling
Greg Sparling, Trustee
Under Real Estate Investment Trust
for the Sparling Family, dated
January 2, 1987

x Richard F. Collins
Richard F. Collins

x Walter Sparling
Walter Sparling

Marion Sargent
CLERK-REGISTER
ST. CLAIR COUNTY
Received For Record

x Mary Sparling
Mary Sparling, his wife

FEB 21 1992

Libert Page 990 Time 4:20 PM
Marion Sargent
DEPUTY

Appendix "A"

Parcel #1: The S. 157.75' of the N. 522.75' of the E. 624.13' EXCEPT beginning at the NW corner thereof, thence SE'ly 199.2' along the arc of a 185' radius curve concave to the SW, thence SE'ly 123.83' along the arc of a 115' radius curve concave to the NE, thence W. 264.13' thence N. 157.75' to the beginning of said exception, of the following described land: All that part of the E 1/2 of the NE 1/4 of Sec. 21, T7N-R17E, lying S. of a line described as: Beginning 1330.15' N. of 1/4 corner common to Sections 21 and 22, thence W. 1323.6' to a point on the W. line of the E 1/2 of the NE 1/4 of Sec. 21, 1324.7' N. of the SW corner thereof.

Parcel #2: S. 150' of the N. 365' of the E. 660' of the following described land: All that part of the E. 1/2 of the NE 1/4 of Sec. 21, T7N-R17E, lying S. of a line described as beginning 1330.15' N. of 1/4 corner common to Sections 21 and 22, thence W. 1323.6' to a point on W. line of E. 1/2, NE 1/4 of Sec. 21, 1324.7' N. of SW corner thereof.

Acknowledged before me in St. Clair County, Michigan, on NOVEMBER 9, 19 91

by Greg Sparling and John Sparling, Trustees under Real Estate Investment Trust for the Sparling Family,
dated January 2, 1987.

RICHARD F. COLLINS
Notary Public, St. Clair County, MI
My Commission Expires Oct. 24, 1993

~~RICHARD F. COLLINS
Notary Public, St. Clair County, MI
My Commission Expires Oct. 24, 1993
Notary's Stamp~~

Richard F. Collins
Notary's Signature

Acknowledged before me in St. Clair County, Michigan, December 31, 19 91

by Walter Sparling and Mary Sparling, his wife

Notary Stamp

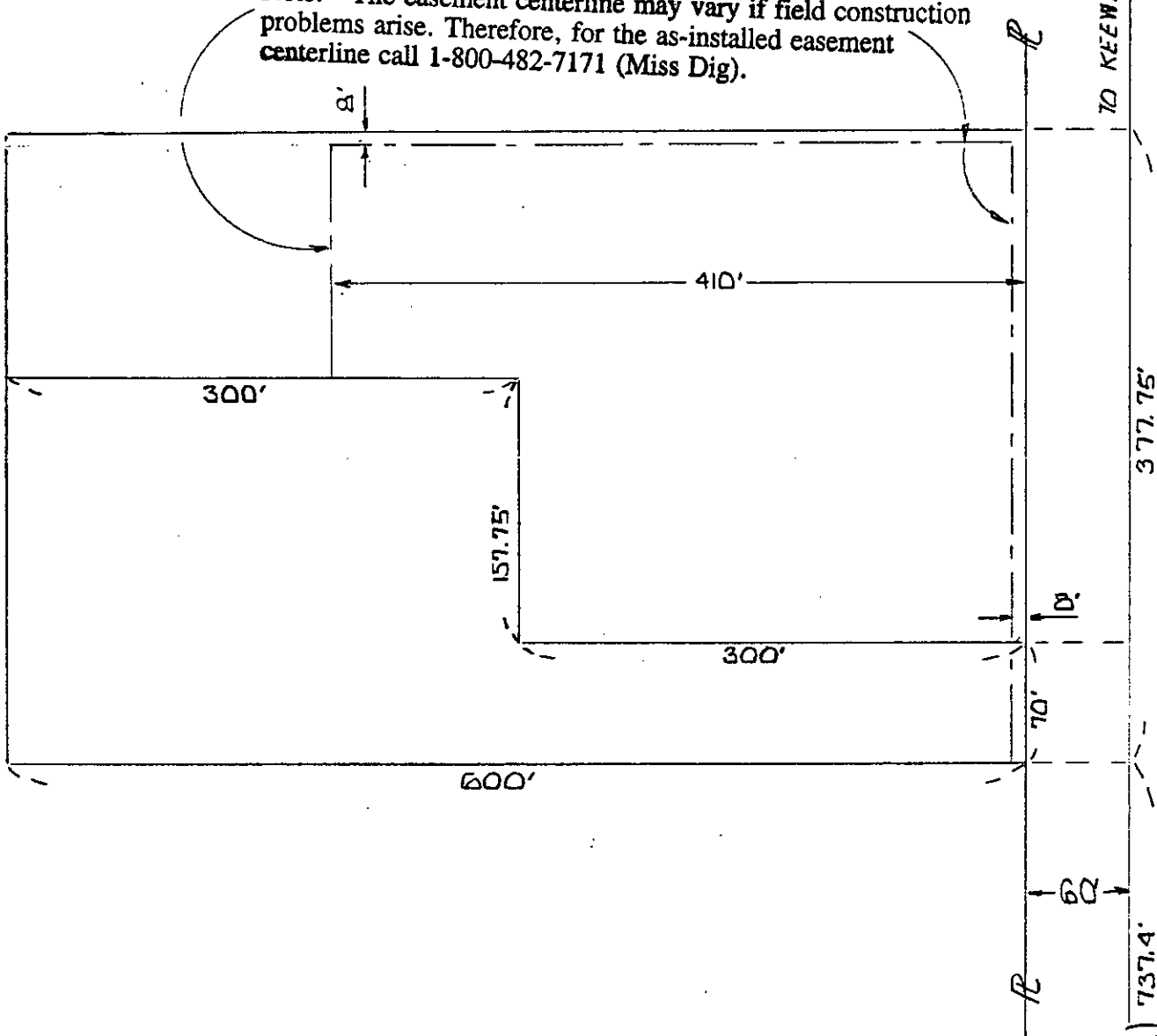
Jeffrey L. Wine
Notary's Signature
Jeffrey L. Wine

Commission expires 12-31-92

NOTARY PUBLIC
ST. CLAIR COUNTY, MI
1991-1992

CENTERLINE OF 16' 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. 42666

E 1/4 COR. SEC. 21
T 7 N R 17 E

E 24TH AVE.

10-2-91
DRWG. NO: A-79872 BY D. MEREDITH
R/W FOR "BIRCH GROVE SHOPS"
4339 THRU 4355 24TH AVE,