

1991 NOV 26 PM 1:58

LIBER NO. 735 PAGE NO. 519

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. L-3939/41

On 9/20, 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".

Melissa Miles 520
REGISTER OF DEEDS
LAPPEER COUNTY MICHIGAN
1991 NOV 26 PM 1:58

"Grantor" is:

Karl M. Jepsen and M. Alice Jepsen, his wife, 3733 Diehl Road, Metamora, Michigan 48455

"Grantee" is:

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

"Grantor's Land" is in Township of Hadley, Lapeer County, Michigan described as:

See Reverse Side - Appendix "A"

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

A ten foot wide strip of land, the centerline of which runs from a pole located 100 feet North of the Southerly property line and 413 feet East of the centerline of Diehl Road to a point on the said Southerly property line of the above described property which is approximately 443 feet East of the said centerline of Diehl Road.

The underground line will run through a 30 foot long conduit which will be installed 10 feet from the Southerly property line of said property at a depth of 36 inches.

- 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. 42612

Witnesses:

Grantor:

David Loudermilk
David Loudermilk

Karl M. Jepsen
Karl M. Jepsen

Tony Adelini
Tony Adelini

M. Alice Jepsen, his wife
M. Alice Jepsen, his wife

APPROVED AS TO FORM 10/20/91 DAT.
LEGAL DEPARTMENT MM

211-217

Appendix "A"

Part of the Northwest 1/4 of Section 11, T6N-R9E; Beginning at the West 1/4 corner of Section 11; thence North 01°18'30" West 256.0 feet along the West section line; thence North 88°20'55" East 180.0 feet; thence North 01°18'30" West 244.0 feet; thence South 88°20'55" West 180 feet to the West section line; thence North 01°18'30" West 27.45 feet along said West section line; thence North 88°20'55" East 1321.3 feet; thence South 01°20'35" East 527.45 feet to the East-West 1/4 line; thence South 88°20'55" West 1321.6 feet along said East-West 1/4 line to the point of beginning.

Acknowledged before me in Lapeer County, Michigan, on September 20, 19 91

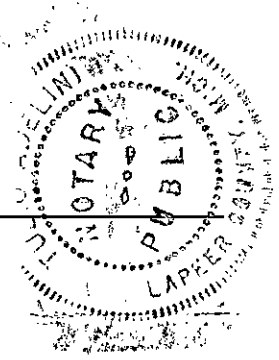
by Karl M. Jepsen and M. Alice Jepsen, his wife

TULIO ADELINI
Notary Public, Lapeer County, MI
My Commission Expires Feb. 6, 1994

Notary's Stamp

Tulio Adelini
Tulio Adelini

Notary's Signature



MISC D 9.00
ESMT F0009
REKONT 2.00

APPROVED AS TO FORM
Prepared by and Return to:

Tony Adelini, R/W Representative, 1075 Suncrest, Lapeer, MI 48446 (313)667-1648