

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. A-75852

On 12-10, 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:

Arthur C. Smith and Susan R. Smith, 6501 Sahara, Corpus Christi, Texas 78412

9680A000 02/21/92DEED*
0001

9.00

"Grantee" is:

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

"Grantor's Land" is in City of Port Huron, St. Clair County, described as: FORT GRATIOT TWP.

North 12 1/2 feet of Lot 26 and South 1/2 of Lot 27, Keewahdin Beach Plat, according to the plat thereof as recorded in Liber 16 of Plats, page 160, St. Clair County Register of Deeds Office. NE 1/4 SEC 22

The "Right of Way Area" is a part of Grantor's Land and is described as: 02/21/92SSRE* 2.00

02/21/92SSRE*
0001

Per attached Detroit Edison drawing A-75852, dated 11-15-91.

- 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.

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Pamela Brunney
Pamela Brunney

Arthur C. Smith
Arthur C. Smith

Velma Cain
Velma Cain

Marion Sargent
CLERK-REGISTER Susan R. Smith, his wife
ST. CLAIR COUNTY
Received For Record

Susan R. Smith
Susan R. Smith, his wife

Acknowledged before me in Nueces County, Texas, on December 10, 1991 by Arthur C. Smith and Susan R. Smith, his wife.

FEB 21 1992
980-981 Time 042 PM
Marion Sargent
DEPUTY

Notary's Stamp



Notary's Signature

Sherry F. Talkington

RECORDED RIGHT OF WAY NO. 43703

Fort Oration Twp
NE 1/4 Sec 22
Keewahwin Beach Plat,
Lot 26 + 27

Arthur C. + Susan R.
Smith

42723

ST. CLAIR COUNTY
CLERK-REGISTER
Morton Sargent
Received for Record

FEB 5 1992

NEW

DEPUTY
Morton Sargent
Clerk-Register
Time

APPROVED AS TO FORM 1/28/92 DATE
LEGAL DEPARTMENT [Signature]

RECORDED & INDEXED FEB 10 1992

DRWG A-75852 BY D. MEREDITH
R/W FOR 4470 GRATIOT AVE
11-15-91
NE 1/4 SEC. 22
FORT GRATIOT TWP.

LIBER 1263 PAGE 981



LAKE HURON

E. LINE SEC. 22

CENTERLINE OF 10 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).

SOUTH 206'

KEEWAH DIV BEECH PLAT

LIBER 16

PAGE 160

N 1/2

LOT 27

S 1/2
LOT 27

227' PL

LOT 26

LOT 25

LOT 24

GRATIOT AVE

4470

4470

RECORDED RIGHT OF WAY NO. 42723

PROPERTY OWNER - LOT 27: N 12 1/2' OF LOT 26

ARTHUR SMITH
6501 SAHARA
CORPUS CHRISTI, TEXAS 78412
P.H.: 512-994-1421
R/W SECURED 12-10-91

PROPERTY OWNER - LOT 25: S. 37 1/2' OF LOT 26

LOUIS GOSTINGER
4476 GRATIOT
PT. HURON, MICH. 48060
P.H.: 385-7825 367-6011 (DDZ)