

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. MC-R204

On February 27, 1992, 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".
*underground NONEXCLUSIVE easement

"Grantor" is:

KMW Sterling Development Company, 27600 Northwestern Highway, Suite 200, Southfield, Michigan 48034

"Grantee" is:

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

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

Lots 1 and 8 of Clinton Valley Mall Subdivision, a Subdivision of part of the Northeast 1/4 of Section 2, Town 2 North, Range 12 East, as recorded in Liber 78 of plats, Page 39, of the Macomb County Records.

RECORDED IN MACOMB COUNTY
RECORDS AT: 9:10 A.M.
APR - 9 1992

Edna Hill

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

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

A Twelve (12) foot easement as shown on the attached plat.

RECORDED RIGHT OF WAY NO. 42963

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, except that the Grantor reserves the right to use the**
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.

**easement for parking, landscaping and other shopping center support activities except that no buildings can be built within the easement.

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. *in the row

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 except that this easement reverts back to the Grantor if and when the Grantee ceases to use the easement for the stated purposes for which it was granted.

Witnesses:(type or print name under signature)

Grantor:(type or print name under signature)

x Melisa Antonini
MELISA ANTONINI

KMW STERLING DEVELOPMENT COMPANY
a Michigan Co-Partnership

x Debra J. Hopp
DEBRA J. HOPP

Dennis Gershenson
Dennis Gershenson, Partner
Richard Gershenson, Partner

~~Joel Gershenson, Partner~~

RECORDED RIGHT OF WAY NO 48763

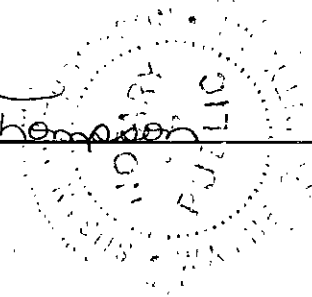
Acknowledged before me in Oakland County, Michigan, on 2/27, 1992 by Richard Gershenson, PARTNER FOR KMW STERLING DEVELOPMENT COMPANY a MICHIGAN CO-PARTNERSHIP

Notary's Stamp SUSAN M. THOMPSON
NOTARY PUBLIC - WAYNE COUNTY, MICH.
MY COMMISSION EXPIRES 7-27-93

Notary's Signature Susan M. Thompson

Prepared by and Return to:

Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, Michigan 48044



APPLICATION FOR RIGHT OF WAY

DE 963-0811 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE January 31, 1992

LOCATION Part of the N.E. 1/4 of Sec. 2, T2N, R12E, Lots 1 & 8 of Clinton Valley Mall Sub.

APPLICATION NO. MC-R204

A-73855

DEPT. ORDER NO. D-73855

CITY OR TOWNSHIP Sterling Heights

O. F. W. NO. _____

TOWNSHIP _____ COUNTY Macomb

BUDGET ITEM NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED 2-27-92

INQUIRY NO. _____

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

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 12' recorded easement for underground distribution - as shown on attached sketch - Clinton Valley Mall Sub.

PURPOSE OF RIGHT OF WAY Relocation of underground primary cable, to allow for sale of existing plant to customer.

RECORDING RIGHT OF WAY NO. 42763

SIGNED A. Bleeda (MGC) /Supervisor

138 MDHQ

OFFICE

Engineering & Planning

DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

Owners Agent: Leo Kousins
P.O. Box 0687
Franklin, MI 48025-0687
(313) 540-5985

Owner: Ramco/Gershenson

R/W secured as requested.

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 4-24-92 SIGNED Mike Con'Lab

