

Detroit Edison

Real Estate and Rights of Way

Underground Residential Distribution Right of Way Agreement

August 28th, 1990

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan hereinafter referred to as "EDISON", the right to erect, lay, maintain, reconstruct, add to and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above ground equipment, connections, poles and accessories required to provide electric service in, under, upon, over and across the property located in the Township of Verona, County of Huron, State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to EDISON of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down or otherwise control brush and trees within the right of way herein described.

Said right of way shall be ten feet in width unless otherwise indicated and the route is described as follows:

As shown on attached construction drawing.

The exact location of underground equipment must be determined by the UTILITY COMPANIES. For exact location, telephone MISS DIG at 1-800-482-7171. The exact location of underground equipment indicates the centerline of said Right of Way.

REGISTER OF DEEDS HURON COUNTY, MICHIGAN

MAR 16 2 04 PM '92

RECORDED

RECORDED RIGHT OF WAY NO. 43036

In order to provide for the proper maintenance and protection of EDISON, the undersigned covenant and agree that:

- 1. The right of way will be graded to within four inches of final grade before EDISON lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around EDISON'S above ground equipment.
2. No buildings or structures other than EDISON equipment are to be placed within the right of way herein granted. No excavation is to be permitted within said right of way without approval of EDISON.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. EDISON shall not be responsible to owners for damages to or removal of trees or plant life planted in front of said door or within the right of way causing an interference with maintenance of EDISON equipment.
4. If EDISON lines or facilities are damaged by the acts of owners, their agents, employes or contractors, repairs shall be made by EDISON at the cost and expense of owners. Owners are defined as those persons owning the property at the time the damage occurred.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

BAD AXE ASSOCIATES, a Michigan Limited Partnership

Grantors:

Witnesses:

T.S. BAIRD
Cynthia Jill Sawyer
CYNTHIA JILL SAWYER

RANDALL L. GUNLOCK

Prepared by: Linda Quaine
Return to: 600 Grand River Avenue
Port Huron, MI 48060

Address: 8163
8160 Old Yankee Road
Dayton, OH 45458

Appendix "A"

A parcel of land described as Beginning at the West 1/4 corner of fractional Section 18, T16N-R13E, Verona Township, Huron County, Michigan, thence N02°50'00"E, 235.25' along the West line of said Section 18, thence S87°10'00"E, 129.16', thence S75°51'42"E, 79.63', thence N53°29'09"E, 38.04', thence N02°50'00"E, 431.29', thence N39°53'19"W, 17.69', thence N87°09'37"W, 38.34', S73°24'59"W, 107.79', thence N87°10'00"W, 84.65', thence N02°50'00"E, 69.28' along the West line of said Section 18, thence N89°59'30"E, 330.00', thence N02°50'00"E, 108.14', thence S87°10'00"E, 658.09', thence S01°44'30"W, 1449.06', thence S89°48'00"W, 685.69' along the centerline of Buschlen Road, thence N02°45'00"E, 360.00', thence S89°48'00"W, 330.07', thence N02°45'00"E, 296.55' along the west line of said Section 18 to the point of beginning.

**Acknowledgement-Partnership**

<sup>OHIO</sup>  
STATE OF MICHIGAN  
County of Montgomery ss

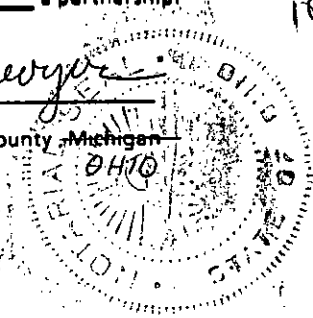
On this 29<sup>th</sup> day of August, 1990, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Randall L. Gunlock

(a) general/managing partner(s), on behalf of Bad Axe Associates a partnership.

Cynthia Jill Sawyer  
Notary Public, Montgomery County, Michigan

My commission expires \_\_\_\_\_

CYNTHIA JILL SAWYER, Notary Public  
In and for the State of Ohio  
My Commission Expires October 3, 1992



RECORDED RIGHT OF WAY NO. 43036