

11/2

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. HS-4439

On 12-4-91, 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:

MORRISON REAL ESTATE COMPANY, a Michigan corporation, 1183 Old US 23, P.O. Box 1077, Brighton, MI 48116

"Grantee" is:

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

"Grantor's Land" is in Brighton Township, Livingston County, Michigan described as:

Section 9, T2N, R6E; Commencing at the North ¼ corner; thence N 89°42'00" W 971.52 feet; thence S 27°20'00" W 972.45 feet; thence W 783.74 feet to the Point of Beginning; thence West 410 feet; thence S 00°23'00" W 247 feet; thence East 410 feet; thence N 00°23'00" E 247 feet to the Point of Beginning, 1.98 acres, more or less.

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

A 15 feet wide and 60 feet long underground easement as indicated on Detroit Edison Drawing HS-4439 and dated 08/28/91, which is attached hereto and made a part hereof. The width of Right of Way is fifteen (15) feet.

- 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.
- 8.** If building is expanded to the north, the Grantee shall relocate all electrical apparatus to accommodate the new structure, at no cost to the owner.

Witnesses:

Grantor:

MORRISON REAL ESTATE COMPANY,
A MICHIGAN CORPORATION

Richard Longwish

 RICHARD LONGWISH

Peter A. Szekeres

 PETER A. SZEKERES

W.M. Morrison

 W.M. MORRISON - President

Prepared by and Return to:

Richard Longwish, Detroit Edison, 425 S. Main, Suite 332, P.O. Box 8602, Ann Arbor, Michigan 48107

LIBER 1529 PAGE 0822

RECORDED
 JAN 3 8 40 AM '92
 NANCY HAVAN
 REGISTER DEEDS
 LIVINGSTON COUNTY
 MI 48106

RECORDED RIGHT OF WAY NO. 43065

OVER

LIBER 1529 PAGE 0823

Acknowledged before me in Livingston County, Michigan, on Dec 4, 1991

by Wm. MORRISON the PRESIDENT

of MORRISON REAL ESTATE COMPANY, a Michigan corporation,
for the corporation.

Notary's Stamp
RICHARD LONGWISH
Notary Public, Wayne County, MI
My Commission Expires Mar. 11, 1995

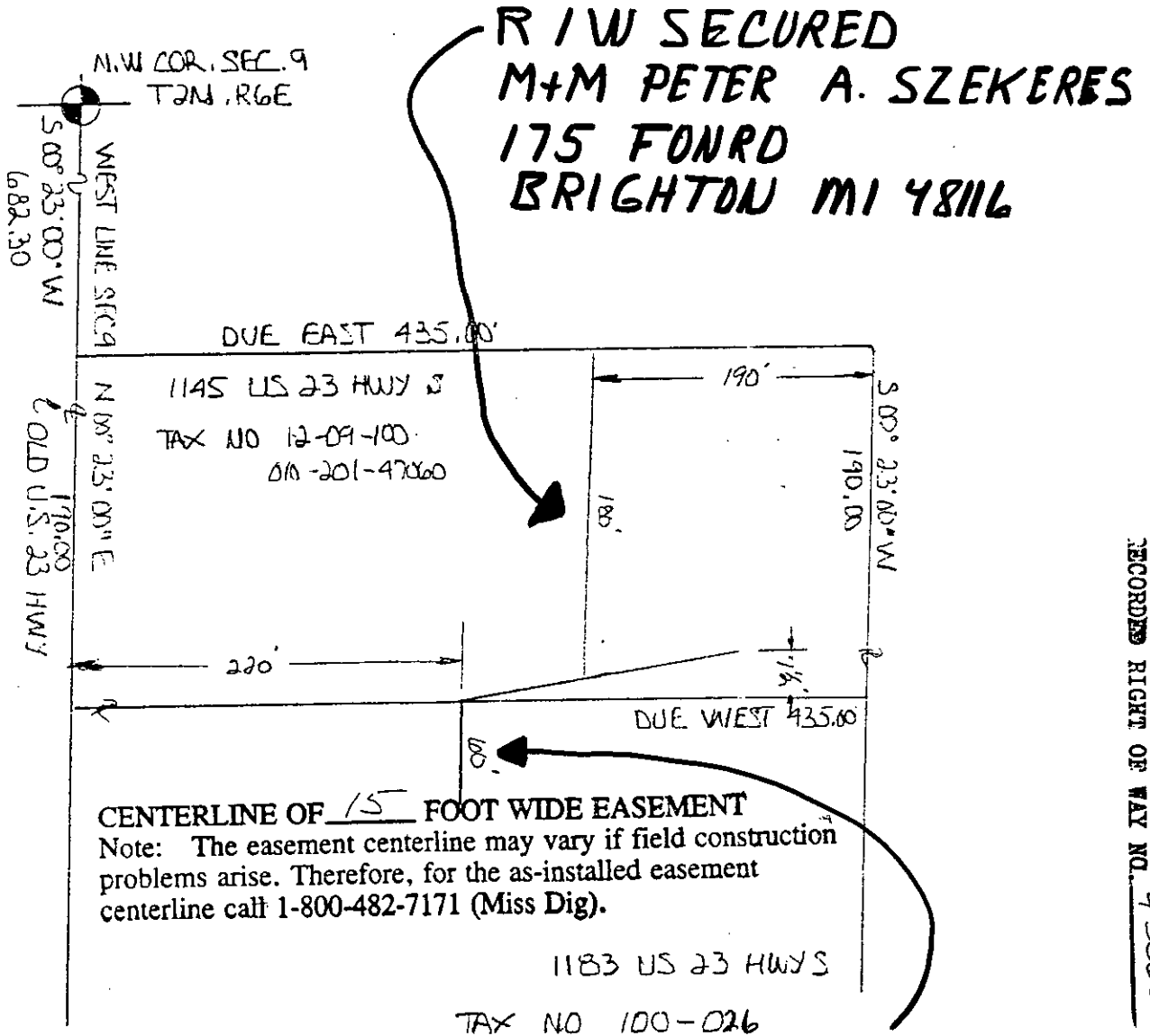
Notary's Signature
Richard Longwish

attorney Livingston County, MI

8-28-91

DRAWING NO HS-4439 BY R. LORENC

R/W FOR 1145 US 23 HWY 3'



RECORDED RIGHT OF WAY NO.

43065

NOTE:
R / W SECURED
WITH RELOCATION
CLAUSE.

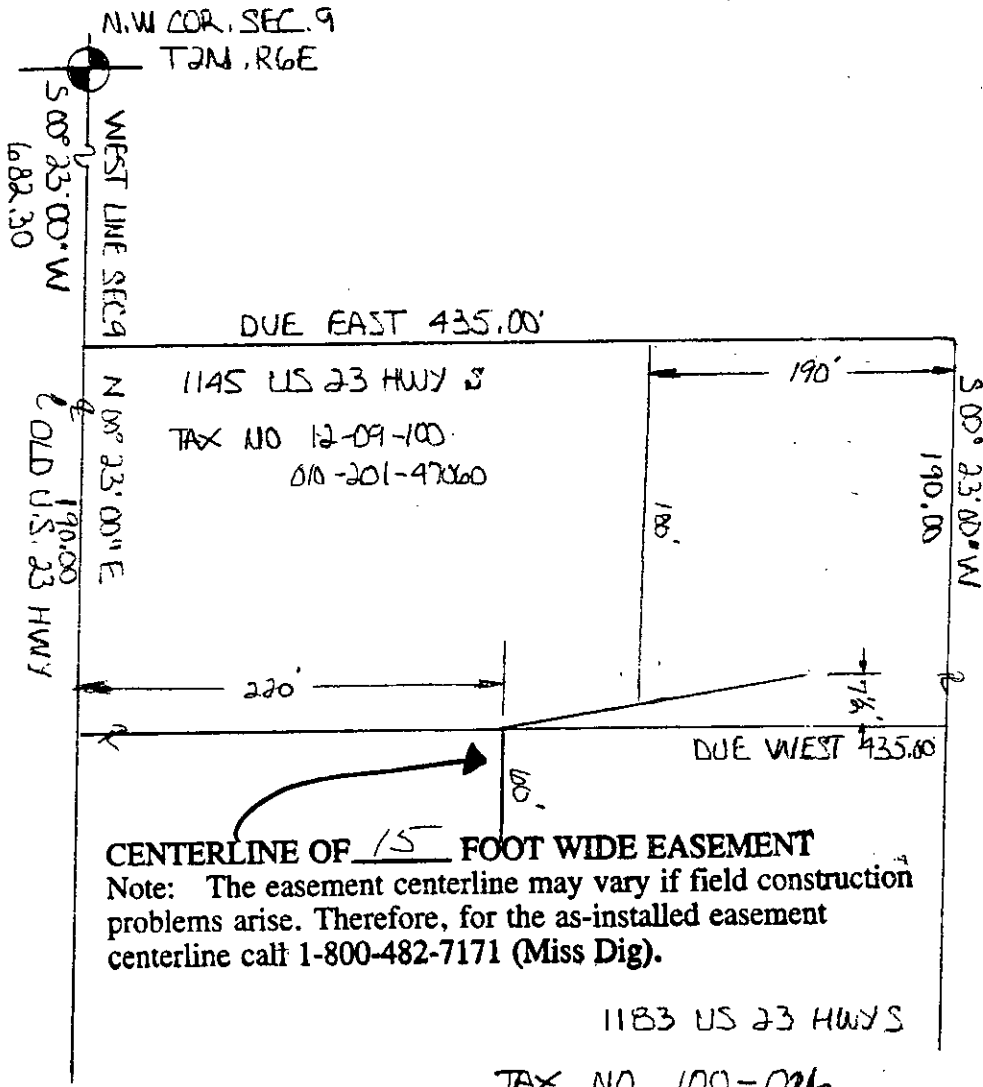
R / W SECURED
MORRISON REAL ESTATE CO.
WM. MORRISON - PRES.
1183 OLD US 23
BRIGTDN MI 48116

12-6-91-BY-R. LONGWISH

8-28-91

DRAWING NO HS-4439 BY R. LORENC

R/W FOR 1145 US 23 HWY S'



RECORDED RIGHT OF WAY NO.

43065

RETURN TO:
RICHARD LONGWISH
THE DETROIT EDISON COMPANY
425 S. MAIN STREET, ROOM 332
ANN ARBOR, MI 48104