

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R9202592-01R

On May 26, 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".

"Grantor" is:

W & J Lehner Corporation, 22900 Wellington Crescent, Mt. Clemens, MI 48043
Lawrence & June Wiegand, husband and wife
Don Whitmore
Pasquale Acciavatti

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan Corporation, 444 Michigan Ave, Detroit, MI 48226

"Grantor's Land" is in Chesterfield Twp, Macomb County, Michigan described as:

Lots 26,27,28,29,30 and 31 of Amended Plat of Lots 1 through 31, both inclusive, and Lots 107,108,109,110,111,188,189,190 and 191, Madison Manor Subdivision, according to the plat thereof as recorded in Liber 77, pages 9 and 10, of Plats, Macomb County Records, also part of the Northwest 1/4 of Section 31, T3N, R14E, Chesterfield Twp, Macomb County, Michigan, described as: Commencing at the Northwest corner of Lot 31, Amended Plat of Lots 1 through 31, both inclusive and Lots 107,108,109,110,111,189,190 and 191 of Madison Manor Subdivision; thence North 23°22'00" East 243.40 feet along the Easterly sideline of Gration Avenue; thence South 67°04'30" East 150.00 feet; thence North 22° 55' 30" East 63.25 feet; thence South 89° 56' 17" East 149.21 feet; thence South 223.11 feet; thence West 408.54 feet along the Northerly line of Madison Manor Subdivision to the point of beginning.

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

A six (6) foot wide easement as shown on DECO Drawing No. R9202592-01R attached hereto and made a part hereof.

RECORDED IN MACOMB COUNTY
RECORDS AT: 12:03 P.
JUN 12 1992

Edna [Signature]
CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

- 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.

RECORDED RIGHT OF WAY NO.

43078

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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 under signature)

Grantor:(type or print name under signature)

Joan C. Smith
JOAN C. SMITH

x Rosanne V. Johnson
ROSANNE V. JOHNSON

x Debra A. Hamme
DEBRA A. HAMME

x Roland Wiegand
ROLAND WIEGAND

W & J Lehner Corporation
a Michigan Corporation

BY: John D. Lehner Pres.
JOHN D. LEHNER, PRESIDENT

Lawrence Wiegand
Lawrence Wiegand

June Wiegand
June Wiegand, wife

Acknowledged before me in Washtenaw County, Michigan, on 5/26, 1992 by Lawrence Wiegand and June Wiegand, husband and wife.

Notary's Stamp My Commission expires 12/14/92 Notary's Signature Debra A. Hamme

Acknowledged before me in Washtenaw County, Michigan, on 5/26, 1992 by JOHN D. LEHNER, PRESIDENT OF W & J LEHNER CORPORATION, a MICHIGAN CORPORATION. For the Corporation

Notary's Stamp My Commission expires 12/14/92 Notary's Signature Debra A. Hamme

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48043

RECORDED RIGHT OF WAY NO. 43078

Witnesses:

[Signature]
RICHARD CRAFF
Lauren Russell
LAUREN RUSSELL

Grantor:

[Signature]
Don Whitmore, a single man

Acknowledged before me in Macomb County, Michigan, on 5/26, 1992 by Don Whitmore, a single man.

Notary's Stamp My commission expires August 7, 1993

Notary's Signature [Signature]

Witnesses:

[Signature]
RICHARD CRAFF
Lauren Russell
LAUREN RUSSELL

Grantor:

[Signature]
Pasquale Acciavatti
[Signature]
Mary Ann Acciavatti, wife

Acknowledged before me in Macomb County, Michigan, on 5/26, 1992 by PASQUALE R. ACCIAVATTI AND MARY ANN ACCIAVATTI, HIS WIFE.

Notary's Stamp My commission expires August 7, 1993

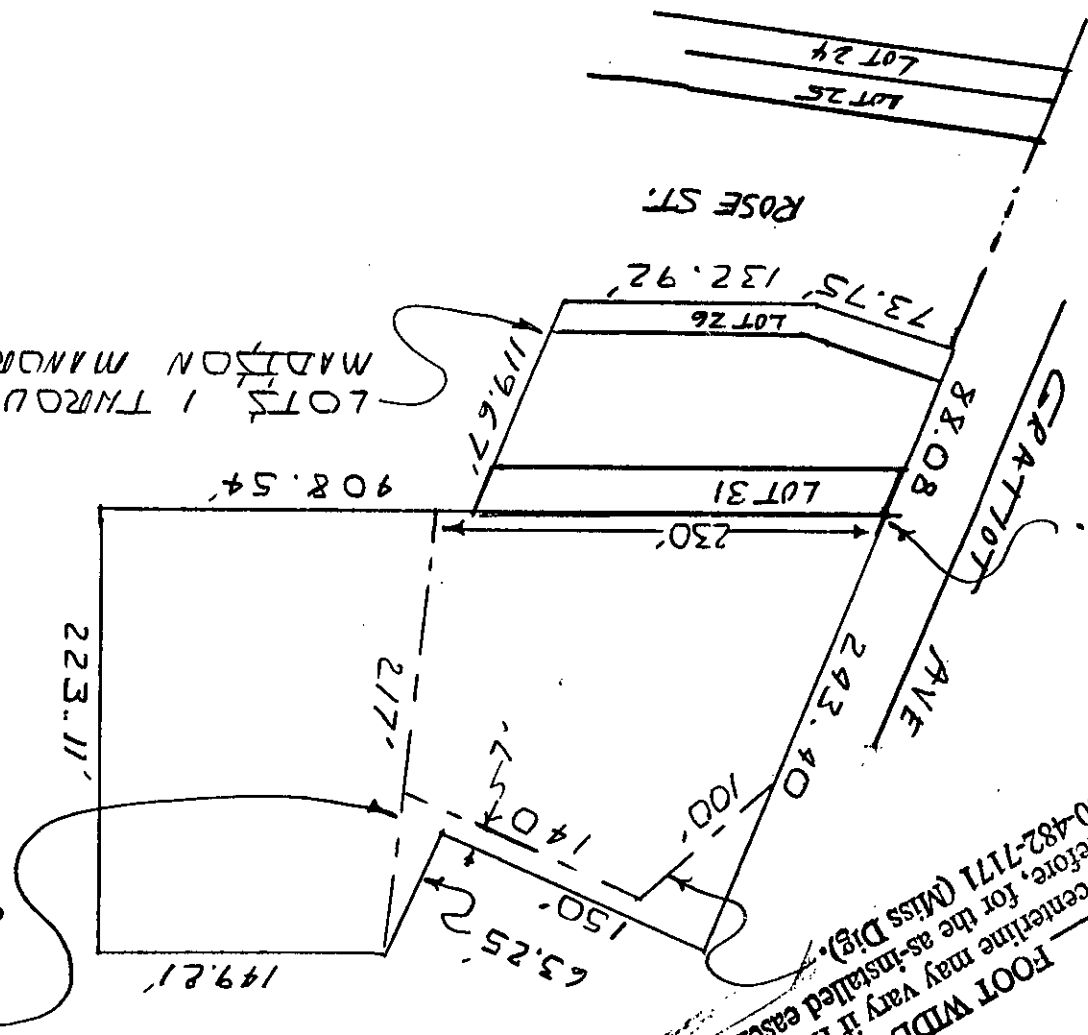
Notary's Signature [Signature]

Prepared by & Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48044

RECORDED RIGHT OF FAX NO. 43078

LIBER 054748464

LOTS 1 THROUGH 31
MADISON MANOR SUBDIVISION



FOOT WIDE EASEMENT
 CENTERLINE OF
 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).

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4-15-92 DRAWING NO. R9202592-01R
 BY G. MADIX
 R/W FOR OAKWOOD SHOPPING PLAZA
 4610 - 46720 GRATIOT

NO. 71

APPLICATION FOR RIGHT OF WAY

DE 903-0811 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 4-15-92

LOCATION GRATIOT AND ROSE ST.

APPLICATION NO. R202592-01A

SECTION 31 T3N. R14E

DEPT. ORDER NO. _____

CITY OR VILLAGE _____

O. F. W. NO. _____

TOWNSHIP CHESTERFIELD COUNTY MICOMB

BUDGET ITEM NO. 2MB03-MDB

DATE BY WHICH RIGHT OF WAY IS WANTED 5-11-92

INQUIRY NO. _____

THIS R/W IS 100 % 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 UNDERGROUND CONDUITS AND CONDUCTORS, ABOVE GROUND TRANSFORMERS.

PURPOSE OF RIGHT OF WAY PROVIDE SERVICE PRESENT AND FUTURE

SIGNED Chris Mahoy

OFFICE _____

DEPARTMENT _____

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 43078

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 1

DATE 7-21-92 SIGNED Michael DiCello