

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9205039-01

On August 13, 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:

Fritz Builders, Inc., a Michigan Corporation, 64441 Van Dyke, Romeo, Michigan 48065

"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
Comcast Cablevision, a Delaware Corporation, 6065 Wall Street, Sterling Heights, MI 48077

"Grantor's Land" is in Bruce Township, Macomb County, Michigan described as:

Parcel 2: Part of Lot 32, Supervisor's Plat No. 1, part of the Northwest 1/4 of Section 35, Town 5 North, Range 12 East, Bruce Township, Macomb County, Michigan as recorded in Liber 16, page 41 of Plats, Macomb County Records, described as: Commencing at the Northwest corner of Lot 32; thence South 00 degrees 09 minutes 30 seconds East, 83.00 feet along the West line of Lot 32 to the point of beginning; thence North 89 degrees 50 minutes 30 seconds East 150.00 feet; thence South 00 degrees 09 minutes 30 seconds East, 83.00 feet; thence South 89 degrees 50 minutes 30 seconds West, 150.00 feet; thence North 00 degrees 09 minutes 30 seconds West, 83.00 feet along the West line of Lot 32 to the point of beginning.

RECORDED RIGHT OF WAY NO. 43386

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

A six (6) foot wide easement as shown on drawing R-9205039-01 attached hereto.

RECORDED IN MACOMB COUNTY
RECORDS AT: 2:43
AUG 31 1992

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.

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)

x Helen L. Ball
Helen L. Ball

FRITZ BUILDERS, INC.
a Michigan Corporation

x Steven H. Fritz
Steven H. Fritz

BY: Jeffrey H. Fritz V.P.
Jeffrey H. Fritz Vice President

RECORDED RIGHT OF WAY NO. 43386

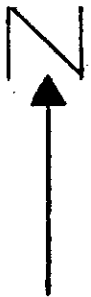
Acknowledged before me in MACOMB County, Michigan, on AUG. 13 1992, ~~1991~~ by JEFFREY H. FRITZ, VICE PRESIDENT OF FRITZ BUILDERS, INC., A MICHIGAN CORPORATION. FOR THE CORPORATION.

MY COMMISSION EXPIRES MARCH 21, 1995

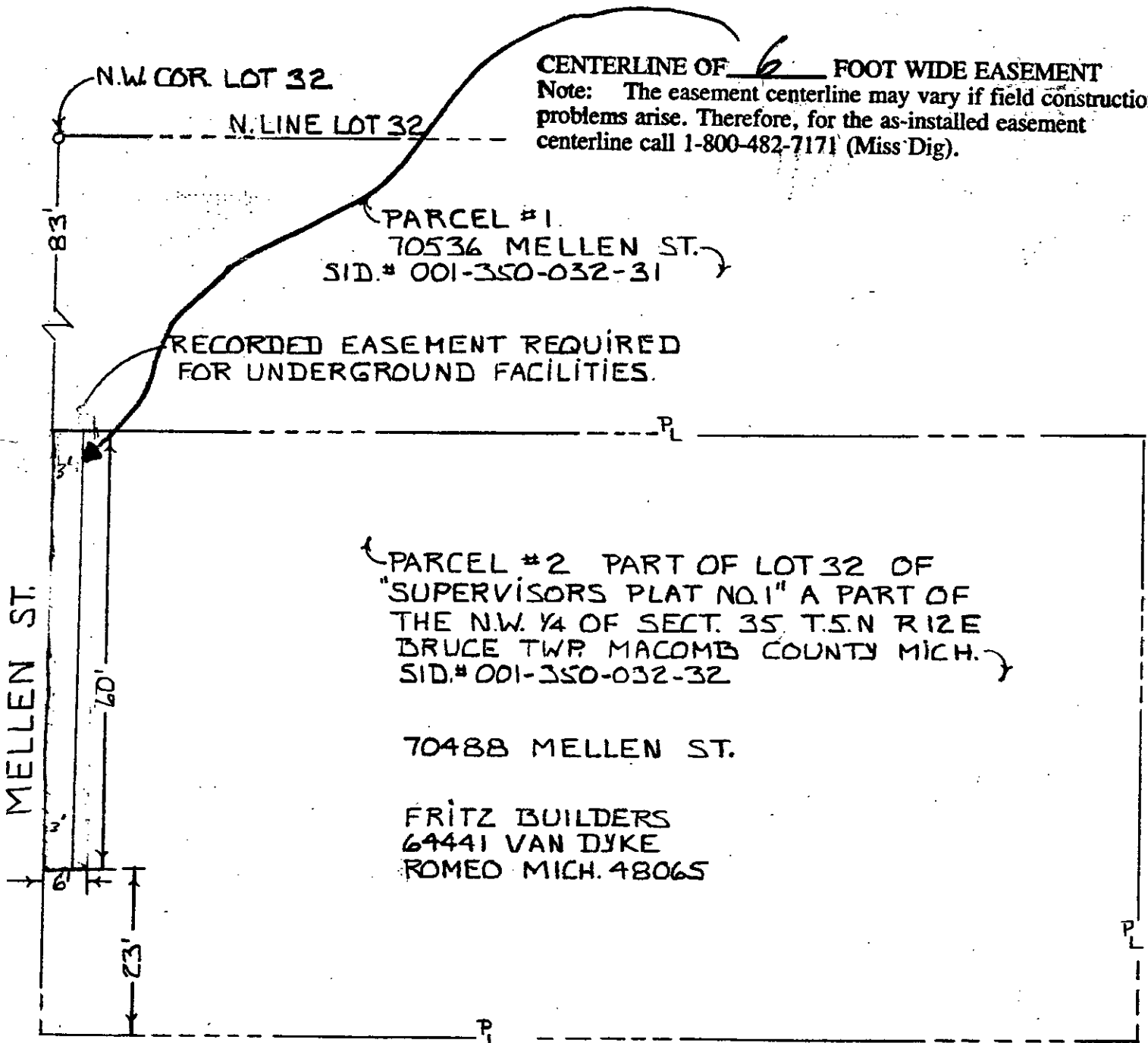
Notary's Stamp _____ Notary's Signature Helen L. Ball
HELEN L. BALL, MACOMB COUNTY, MI.

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Clinton Township, MI 48035

APPROVED AS TO FORM 8/20/92 DATE
LEGAL DEPARTMENT JMA



DRAWING NO. R-9205039-01R BY J. BAUM
R/W FOR FEED TO 70488 + 70536 MELLEN ST.
7-23-92



CENTERLINE OF 6 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).

N.W. COR. LOT 32

N. LINE LOT 32

PARCEL #1
70536 MELLEN ST.
SID.# 001-350-032-31

RECORDED EASEMENT REQUIRED
FOR UNDERGROUND FACILITIES.

PARCEL #2 PART OF LOT 32 OF
"SUPERVISORS PLAT NO.1" A PART OF
THE N.W. 1/4 OF SECT. 35 T.5.N R.12E
BRUCE TWP MACOMB COUNTY MICH.
SID.# 001-350-032-32

70488 MELLEN ST.

FRITZ BUILDERS
64441 VAN DYKE
ROMEO MICH. 48065

MELLEN ST.

RECORDED RIGHT OF WAY NO. 43386

APPLICATION FOR RIGHT OF WAY

DE 963-0811 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE July 29, 1992

LOCATION 70488 Mellen St.

APPLICATION NO. R-9205039-01R

CITY OR VILLAGE Romeo

DEPT. ORDER NO. A-73946

TOWNSHIP Bruce COUNTY Macomb

O. F. W. NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED 8-7-92

BUDGET ITEM NO. _____

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

INQUIRY NO. _____

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 Recorded Easement for Underground Facilities.

PURPOSE OF RIGHT OF WAY Serve 70488 & 70536 Mellen St.

SIGNED _____

OFFICE _____ DEPARTMENT _____

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

RECORDED RIGHT OF WAY NO. 43386

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 1

DATE 9-23-92 SIGNED Michael M. Cole *cabl*