

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9202586-01

On 7-8, 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:

Devon Properties Limited Partnership, 49636 Van Dyke, Utica, Michigan 48087
Spring Valley Enterprises, a Michigan Limited Partnership, 49636 Van Dyke, Utica, MI 48087
CWB Properties Limited Partnership, 49636 Van Dyke, Utica, Michigan 48087

"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
Harron Cablevision, a Delaware Corporation, 55800 New Haven Road, New Haven, MI 48048

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

"See Appendix A attached hereto"

RECORDED IN MACOMB COUNTY
RECORDS AT: 10:27A.
AUG - 4 1992



CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RECORDED RIGHT OF WAY NO. 43598

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

A ten (10) foot wide easement as shown on DECO drawing # R-9202586-01 attached hereto and made a part hereof.

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 Michael J. McCabe

DEVON PROPERTIES LIMITED PARTNERSHIP
a Michigan Limited Partnership

MICHAEL J. McCABE

x Susan A. Putrycus

SUSAN A. PUTRYCUS

BY:

DALE WELLS
GENERAL PARTNER
DALE WELLS

Acknowledged before me in MACOMB County, Michigan, on 7/8, 1991 by DALE WELLS, GENERAL PARTNER OF DEVON PROPERTIES LIMITED PARTNERSHIP, a Michigan Limited Partnership, FOR THE LIMITED PARTNERSHIP.

MICHAEL J. McCABE
Notary Public, Macomb County, MI
My Commission Expires Feb. 4, 1996

Notary's Stamp

Notary's Signature

Michael J. McCabe

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48038

APPROVED AS TO FORM 7/15/92 DATE
LEGAL DEPARTMENT SPADA

RECORDED RIGHT OF WAY NO. 43548

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

CWB PROPERTIES LIMITED PARTNERSHIP
a Michigan Limited Partnership

x *Michael J. McCabe*
MICHAEL J. McCABE

x *Susan A. Putrycus*
SUSAN A. PUTRYCUS

BY:

[Signature]
DALE WELLS GENERAL PARTNER

Acknowledged before me in Macomb County, Michigan, on 7/8, 1992 by DALE WELLS, GENERAL PARTNER
OF CWB PROPERTIES LIMITED PARTNERSHIP, a Michigan Limited Partnership, FOR THE
LIMITED PARTNERSHIP.

MICHAEL J. McCABE
Notary Public, Macomb County, MI
My Commission Expires Feb. 4, 1996

Notary's Stamp

Notary's Signature

Michael J. McCabe

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48038

RECORDED RIGHT OF WAY NO. 43598

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

x *Michael J. McCabe*

x *Susan A. Putrycus*
MICHAEL J. McCABE
SUSAN A. PUTRYCUS

SPRING VALLEY ENTERPRISES
a Michigan Limited Partnership

[Signature]
BY: *[Signature]*
General Partner DALE WELLS

Acknowledged before me in Macomb County, Michigan, on 7/8, 1992 by DALE WELLS, GENERAL PARTNER
OF SPRING VALLEY ENTERPRISES, a Michigan Limited Partnership, FOR THE
LIMITED PARTNERSHIP

MICHAEL J. McCABE
Notary Public, Macomb County, MI
My Commission Expires Feb. 4, 1996

Notary's Stamp

Notary's Signature

Michael J. McCabe

Prepared by and Return to: Michael J. McCabe, 15600 19 Mile Road, Mt. Clemens, MI 48038

APPENDIX A

LIBER 05523 PG 562

Parcel "A"

A parcel of land located in the S.E. 1/4 of the N.E. 1/4 of Section 28, T4N, R12E, Washington Township, Macomb County, Michigan, described as: Commencing at the East 1/4 corner of Section 28; thence N. 00°20'43" W, 237.00 feet along the centerline of Campground Road which is the East line of Section 28 to the point of beginning; thence S. 89°27'09" W., 1064.43 feet; thence N. 23°21'09" E., 823.49 feet to a point in the pond; thence following the next two courses through the pond S. 73°38'22" E., 68.71 feet; thence S. 64°05'43" E., 100.00 feet; thence S. 25°54'17" W., 133.00 feet to a point in the centerline of a drain; thence S. 64°05'43" E., 710.00 feet to a point on the centerline of Campground Rd which is the East line of Section 28; thence S. 00°20'43" E. 253.00 feet along the East line of Section 28, to the point of beginning.

Parcel "B"

A parcel of land located in the S.E. 1/4 of the N.E. 1/4 of Section 28, T4N, R12E, Washington Township, Macomb County, Michigan described as: Commencing at the East 1/4 corner of Section 28; thence N. 00°20'43" W, 237.00 feet along the centerline of Campground Rd which is the East line of Section 28; thence S. 89°27'09" W, 1064.43 feet to the point of beginning; thence continuing S. 89°27'09" W, 300.00 feet to a point on the East line of "Carriage Hills Sub No. 4, as recorded in Liber 60, Pages 5, 6 and 7, of the Macomb County Records; thence N. 00°03'17" W, 1109.31 feet along the East line of "Carriage Hills Sub No. 4; thence N. 89°37'06" E, 435.00 feet; thence S. 00°22'54" East 335.00 feet to a point in the pond; thence following the next two courses through the pond N. 89°37'06" E, 125.00 feet; thence S. 73°38'22" East, 68.00 feet; thence S. 23°21'09" W, 823.49 feet to the point of beginning.

Parcel "D"

Land in the N.E. 1/4 and the S.E. 1/4 of Section 28, T4N, R12E, Washington Township, Macomb County, Michigan described as: Beginning at the East 1/4 corner of Section 28; thence S. 00°35'22" E, 175.35 feet along the East line of Section 28 which is the centerline of Campground Road; thence S. 89°27'09" W, 285.00 feet; thence S. 31°31'18" W, 529.84 feet; thence S. 89°27'09" W, 1379.88 feet; thence N. 00°58'28" W, 620.00 feet to a point on the E-W 1/4 line of Section 28; thence N. 89°01'32" E. 585.07 feet along the E-W 1/4 line of Section 28 which is the South line of Carriage Hills Sub No. 4; thence N. 00°03'17" W, 237.01 feet along the East line of Carriage Hills Sub No. 4; thence N. 89°27'09" E 1079.43 feet; thence S. 00°20'43" E, 237.00 feet to a point on the E-W 1/4 line; thence N. 89°27'09" E, 285.00 feet along the E-W 1/4 line to the point of beginning.

Parcel "E"

Land in the S.E. 1/4 of Section 28, T4N, R12E, Washington Township, Macomb County, Michigan, described as: Commencing at the East 1/4 corner of Section 28; thence S. 00°35'22" E, 175.35 feet along the East line of Section 28 which is the centerline of Campground Road to the point of beginning; thence S. 00°35'22" E, 175.00 feet along the East line of Section 28 which is the centerline of Campground Road; thence S. 31°31'18" W, 2727.24 feet along the Northwesterly line of the Grand Trunk Western Railroad to a point on the South line of Section 28; thence N. 89°58'33" W, 1342.37 feet along the South line of Section 28 to the South 1/4 corner of Section 28; thence N. 00°41'09" E, 2018.55 feet along the N-S 1/4 line of Section 28; thence N. 89°01'32" E, 800.56 feet; thence N. 89°27'09" E, 1379.88 feet thence N. 31°31'18" E., 529.84 feet; thence N. 89°27'09" E., 285.00 feet to the point of beginning.

RECORDED RIGHT OF WAY NO.

43598

APPLICATION FOR RIGHT OF WAY

DE 563-0411 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

Michael T McCabe

JUL 02 1992

DATE June 26, 1992

LOCATION S. W. Part of Parcel A & B & across
Parcels D & E

APPLICATION NO. R-9202586-01

DEPT. ORDER NO. A-73938

CITY OR VILLAGE

O. F. W. NO.

TOWNSHIP Washington COUNTY Macomb

BUDGET ITEM NO.

DATE BY WHICH RIGHT OF WAY IS WANTED 7-17-92

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 10 ft. recorded U.G. easement on private property
in a North Westerly & Southeasterly direction across Parcels B, A & D thence
Northerly, Southerly direction on Parcels D & E

PURPOSE OF RIGHT OF WAY For proposed & future D.E. Co. facilities.

SIGNED *R.J. Bureau*

Macomb Division-Shelby OFFICE

Service Planning DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 43598

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 8-31-92 SIGNED *Michael T McCabe*

