

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. AS-7260

On JUNE 24, 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:

BOARD OF REGENTS OF EASTERN MICHIGAN UNIVERSITY, Eastern Michigan University, Ypsilanti, Michigan 48197

"Grantee" is:

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

"Grantor's Land" is in the City of Ypsilanti, Washtenaw County, described as:

Commencing at the West ¼ corner of Section 5; thence North 00°29' East 83.69 feet to the Point of Beginning; thence North 00°29' East 1504.32 feet; thence South 63°27'38" East 351.54 feet; thence South 71°38'50" East 339.48 feet; thence South 37°57' West 60 feet; thence South 40°27'30" East 134.23 feet; thence Southwesterly 40.17 feet in arc of curve; thence South 36°51'40" East 66 feet; thence South 45°42' West 118.11 feet; thence South 50°55' West 87.18 feet; thence South 38°43' West 120.27 feet; thence South 23°19' West 93.17 feet; thence South 00°29' West 378 feet; thence North 89°30' West 314.28 feet; thence South 02°02' West 77.86 feet; thence North 89°31' East 114.96 feet; thence South 00°29' East 216.0 feet; thence Westerly 1062.33 feet to the Point of Beginning. Part of the Northwest ¼ of Section 5, T3S, R7E.

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

All in accordance with Detroit Edison Drawing AS-7260 and dated 02/05/92, which is attached hereto and made a part hereof. The width of Right of Way is ten (10) 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.

*SEE ATTACHED ADDENDUM.

Witnesses: (type or print name below signature)

SARIE E. HOLD
SARIE E. HOLD

DIANE SCHICK
DIANE SCHICK

Grantor: (type or print name below signature)

BOARD OF REGENTS OF
EASTERN MICHIGAN UNIVERSITY

Patrick J. Doyle
ACTING U.P., BUSINESS AND FINANCE

RECORDED RIGHT OF WAY NO. 43614

Acknowledged before me in Washtenaw County, Michigan, on June 24, 1992 by
Patricia J. Doyle ACTING U.P. BUSINESS AND FINANCE
its Grantor, of Board of Regents of Eastern
Michigan University, a Michigan corporation, for the corporation.

LORETTA NEWMAN
Notary Public, Livingston County, MI
My Commission Expires April 10, 1995

Notary's Stamp _____ Notary's Signature Loretta Newman

Acting in Washtenaw County, Michigan



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

ADDENDUM TO UNDERGROUND EASEMENT
(RIGHT-OF-WAY) NO. AS-7260 AGREEMENT

This Addendum made this 24th day of June, 1992, hereby amends the Underground Easement (Right-of-Way) No. AS-7260 Agreement between the Board of Regents of Eastern Michigan University (Grantor) and the Detroit Edison Company (Grantee), as follows:

1. The following provision is added to the Agreement:

Grantee assumes sole responsibility for damages or injuries resulting from its construction and maintenance of the underground utility line facilities. Further, Grantee agrees to indemnify and save harmless Grantor, its regents, officers, employees and agents from any and all liabilities, claims, demands, rights of action or expenses for injury or damage to persons or property, arising from the construction and maintenance of the underground utility line facilities and/or on account or out of the exercise of the privilege and permission hereby granted.

2. All other provisions of the Underground Easement (Right-of-Way) No. AS-7260 Agreement shall remain in full force and effect.

3. It is agreed that this Indemnification shall not apply in cases where said damages or injuries are the result of negligence of Grantor, its employees or agents.

IN WITNESS WHEREOF, Grantor and Grantee by and through their authorized officers and representatives, have executed this Addendum to Agreement as of the date first above written.

EASTERN MICHIGAN UNIVERSITY
(Grantor)

THE DETROIT EDISON COMPANY
(Grantee)

By: *P. S. Doyle*
Patrick S. Doyle

By: *Michael T. Riley*
Michael T. Riley

Its: Acting V.P. Business and Finance

Its: Director, Ann Arbor Service Center

WITNESSES

WITNESSES

Sabine E. Hold
SABINE E. HOLD

Richard Longquist
RICHARD Longquist

Diane Schick
DIANE Schick

Robert C. Hall
ROBERT C. HALL

APPROVED AS TO FORM 6-29-92 DATE
LEGAL DEPARTMENT *[Signature]*

RECORDED RIGHT OF WAY NO. 43614

888-333-3333

1. 2. 3.

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

APPROVED AS TO FORM _____ DATE _____
LEGAL DEPARTMENT _____

To (Supervisor, RE & R/W) RICHARD LONGWISH	For RE & R/W Dept. Use	Date Received	DE/Bell/C.P. No
Division ANN ARBOR	Date 2-6-92	Application No. AS-7260	

We have included the following necessary material and information:

Material:

- A. Proposed Subdivision
 1. copy of complete final proposed plat - All pages
 or
 B. Other than proposed subdivision (condo., apts. mobile home or other)
 1. Property description.
 2. Site plan.
 3. title information (deed, title commitment, contract with title commitment, or title search).

Note: Do not submit application for URD easements until all above material has been acquired.

REPORT OF REAL ESTATE AND RIGHTS & BENEFITS TO DEPT. OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH

BY <u>Richard Longwish</u>	RECORD CENTER <u>1</u>
DATE <u>7/20/92</u>	R/W FILES <u>1</u>
DATE WANTED _____	MBT <u>1</u>
DISTRICT FIELDMAN <u>Richard Longwish</u>	ORIGINATOR <u>1</u>
	TOTAL <u>1</u>

Information

1. Project Name GERGANOFF SUBDIVISIONS	County WASHTENAW
City/Township/Village CITY OF YPSILANTI	Section No. 5

Type of Development

<input type="checkbox"/> Proposed Subdivision	<input type="checkbox"/> Apartment Complex	<input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Mobile Home Park	<input checked="" type="checkbox"/> Other

2. Name of Owner EASTERN MICHIGAN UNIV.	Phone No. 487-4194
Address YPSILANTI MI. 48197	

Owner's Representative BILL SMART - PHYSICAL PLANT	Phone No. 487-4194
Date Service is Wanted 3-06-92	

4. Entire Project will be developed at one time Yes No

5. Joint easements required — Michigan Bell Telephone Yes No
 — Consumers Power Yes No

a. Name of Other Utilities If Not Michigan Bell Telephone or Consumers Power

b. Other Utility Engineer Names

Addresses

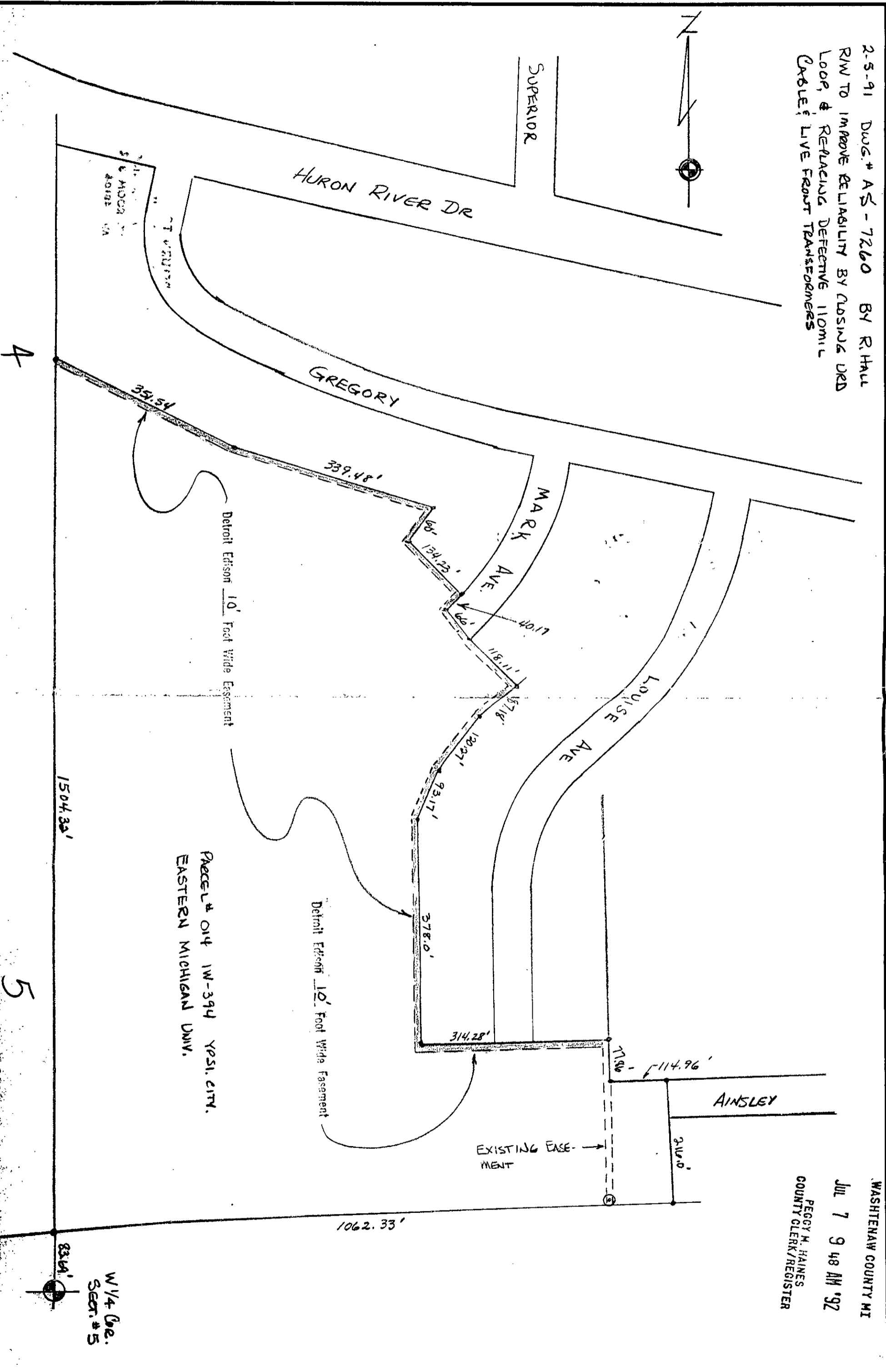
6. Additional Information or Comments
~~REPAIR WORK~~ - P. F. # 464 A, B, C & D RP 110 MIL CABLE
 CLOSE GAP BET. UG AND OH PO. LEAD ON W.S. OF PROP.

Note: Trenching letter attached will be submitted later

Service Planner R. A. Hall	Signed (Service Planning Supervisor) FEB 11 1992
Phone No. 4053	Address L. C. BAILEY

RECORDED RIGHT OF WAY NO. 43614

2-5-91 DUG # AS-7260 BY R. HALL
RW TO IMPROVE RELIABILITY BY CLOSING UED
LOOP, & REPLACING DEFECTIVE 110MIL
CABLE; LIVE FRONT TRANSFORMERS



WASHTEENAW COUNTY MI
JUL 7 9 48 AM '92
PEGGY M. HAINES
COUNTY CLERK/REGISTER

W 1/4 Sec.
SECT # 5

RECORDED RIGHT OF WAY NO.

43614

15.00
2.00

27
Redivided

SSRF 2.00
B333 0333003 7670 9:43AM 7/07/92

NUMB 309 DEED 15.00
B333 0333003 7670 9:43AM 7/07/92

RECORDED
WASHTENAW COUNTY MI
JUL 7 9 48 AM '92
PEGGY N. HAINES
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