

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R9110881-01R

On 9-10, 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:

K.E.R.N. Company, a Michigan Co-Partnership, 6400 Mt. Elliott, Detroit, MI 48211

"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 Washington Township, Macomb County, Michigan described as:

Commencing at the South 1/4 Post of Section 22, T4N, R12E,; thence North 02°24'17" East 657.93 feet to the point of beginning; thence continuing North 02°24'17" East 122.0 feet; thence North 32°33'15" East 564.25 feet along the Southerly Right of Way line of Van Dyke Road; thence North 89°16'12" East 993.7 feet; thence South 0°50'47" West 606.20 feet; thence South 89°49'19" West 1293.45 feet to the point of beginning.

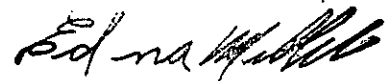
RECORDED RIGHT OF WAY NO. 43736

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 No. R-9110881-01R attached hereto and made a part hereof.

RECORDED IN MACOMB COUNTY
RECORDS AT: 8:35A.M.

SEP 24 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)

Michael J. McCabe
MICHAEL J. McCABE

K.E.R.N. COMPANY
a Michigan Co-Partnership

Debra A. Corbin
DEBRA A. CORBIN

By *Eugene R. Zapczynski*
Partner EUGENE R. ZAPCZYNSKI

Acknowledged before me in _____ County, Michigan, on _____, 1991 by _____ husband and wife.

Notary's Stamp _____ Notary's Signature _____

Acknowledged before me in _____ County, Michigan, on 9-10-1992 by Eugene R. Zapczynski.
Partner K.E.R.N. COMPANY, a MICHIGAN CO-PARTNERSHIP FOR THE COMPANYSHIP

SHERI L. FARRIER
Notary's Stamp Notary Public, Macomb County, MI
My Commission Expires 11-4-92

Notary's Signature *Sheri L. Farrier*

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

RECORDED RIGHT OF WAY NO. 43736

APPLICATION FOR RIGHT OF WAY

DE 943-0811 8-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 4-7-92

LOCATION 61400 Van Dyke

APPLICATION NO. R-9110881-01

CITY OR VILLAGE _____

O. F. W. NO. _____

TOWNSHIP Washington COUNTY Macomb

BUDGET ITEM NO. _____

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

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' Wide Joint Easement with Michigan Bell Telephone as shown on attached drawing.

PURPOSE OF RIGHT OF WAY To provide service to Corbin Driving Range, C.F. #B-2142.

SIGNED A. Gandy

OFFICE _____

DEPARTMENT _____

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

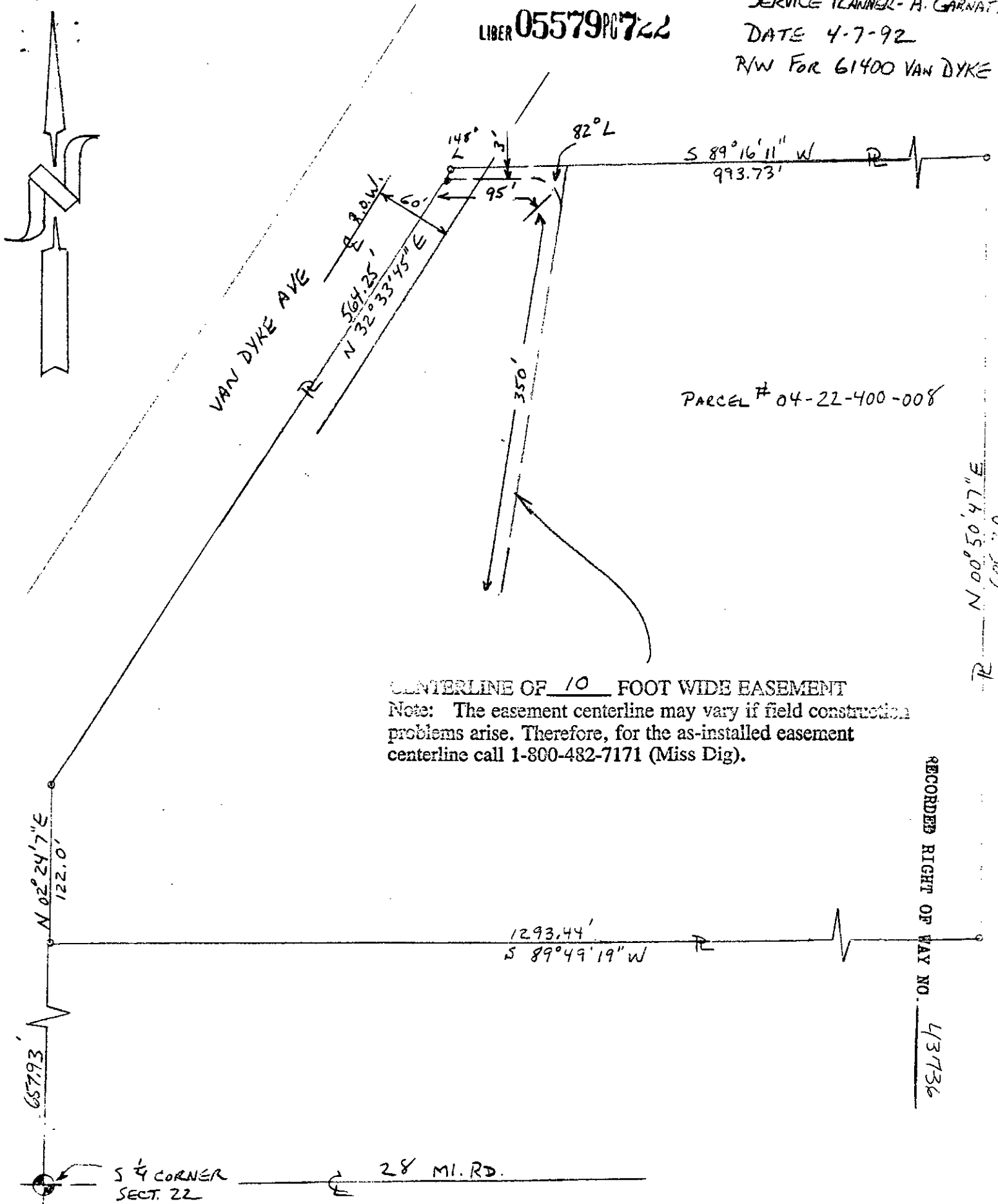
RECORDED RIGHT OF WAY NO. 43736

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 10-21-92 SIGNED Michael McCall

LIBER 05579 PG 722



CENTERLINE OF 10 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).

RECORDED RIGHT OF WAY NO. 43736

