

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. S-344

On 1-7-92, 1991, 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:

Dennis Spillane, D.D.S., 4472 Main Street, Brown City, Michigan 48427

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
General Telephone Company, 7362 Davison Road, Davison, Michigan 48423

"Grantor's Land" is in Forester Township, Sanilac County, described as

See Reverse Side - Appendix "A"

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LIBER NO. 497 PAGE NO. 227
ESTHER LEE
REGISTER OF DEEDS
SANILAC CO., MICHIGAN

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

As shown on attached Detroit Edison drawing S-344 dated 10-10-90.

- 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.

RECORDED RIGHT OF WAY NO. 43941

Witnesses:(type or print name below signature)

x Richard F. Collins
Richard F. Collins

x Philip J. Balon
Philip J. Balon

Grantor:(type or print name below signature)

x Dennis T. Spillane DDS
Dennis T Spillane DDS
aka Dennis Spillane DDS
x Teresa A. Spillane
Teresa A. Spillane (his wife)

Acknowledged before me in Lapeer County, Michigan, on Dec 27th, 1991 by Dennis Spillane, D.D.S. and aka Dennis T. Spillane DDS

TERESA A. SPILLANE his wife

JOANNE C. KENNEDY
NOTARY PUBLIC STATE OF MICHIGAN
LAPEER COUNTY
MY COMMISSION EXP. SEPT. 11, 1994

Notary's Stamp

Notary's Signature

Joanne C. Kennedy

See Reverse Side

Appendix "A"

Part of the N 1/2 of the N 1/2 of Sec 21, T13N-R16E, lying East of the East R/W line of Highway U.S. 25, more particularly described as beginning at a point distant N 06°23'30" W 558.09 feet along said East Right-of-Way line from the North line of the plat of GRANDVIEW BEACH, and along a curve to the left, long chord bears N 06°24'22" W 88.41 feet, arc length equals 88.41 feet, radius equals 177,680.14 feet, to the point of beginning, thence along a curve to the left, long chord bears N 06°31'39" W 678.57 feet, thence S 88°33'27" E 427.23 feet, along the South line of the plat of CARRON GABLES SUBDIVISION, to the West shore line of Lake Huron, thence S 13°54'50" E 170.67 feet along an intermediate traverse line, thence S 18°59'21" E 280.05 feet along said intermediate traverse line, thence S 30°36'06" E 436.63 feet along said intermediate traverse line, thence S 09°02'27" E 77.55 feet along an intermediate traverse line, thence N 72°58'19" W 749.43 feet to the POB.

APPROVED AS TO FORM 10/21/92 DATE
LEGAL DEPARTMENT [Signature]

