

93036886

L126348PA868

EASEMENT AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. D-1291

On June, 1992, for the consideration of system betterment, Grantor grants to Grantee a revocable easement to place a Transformer on Grantor's Land ("Easement") and an underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

St. James Lutheran Church of Grosse Pointe, Michigan, a Michigan nonprofit corporation, 170 McMillan Road, Grosse Pointe Farms, MI 48236.

"Grantee" is collectively:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, MI 48226 and Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, MI 48226.

Grantor's Land" is in the City of Grosse Pointe Farms, Wayne County, Michigan described as:

Lot 212 of Radnor Park Subdivision of parts of P.C.s 584 and 258 sometimes called 558, Village of Grosse Pointe Farms as recorded in Liber 65, Page 1 of Plats, Wayne County Records.

Transformer is collectively:

The transformer and switching cabinet with respect to which Grantor hereby gives Grantee an easement to locate on Grantor's Land in the Right of Way Area on a cement pad having dimensions of approximately 6' X 12'.

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

The northerly 20.0 feet of the southerly 77.0 feet of the easterly 20.0 feet, as measured along and parallel with the adjacent 30 foot wide public drive.

1. **Purpose:** The purpose of this Easement and Right of Way is to allow Grantee to locate the Transformer on Grantor's Land in the Right of Way Area and to construct, reconstruct, modify, add to, operate and maintain underground utility line facilities

93036886

93 FEB 12 PM 12:52 RECORDED RIGHT OF WAY NO. 43947
FOREST L. YOUNG
REGISTER OF DEEDS
WAYNE COUNTY MI

43947
M
26
E
M

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 Transformer and 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 Transformer. 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.

8. **Relocation:** On ninety (90) days' written notice from Grantor and for good reason, in Grantor's sole discretion, Grantee shall relocate Grantee's Transformer to make way for improvements on Grantor's land. Relocation shall be to a location within the Right of Way Area which is agreeable to both parties or to an alternate right of way area on Grantor's land. Any costs for such relocation shall be paid by the City of Grosse Pointe Farms, a

RECORDED RIGHT OF WAY NO. 43947

Michigan municipal corporation, as provided in Resolution 90-054, passed by its City Council on March 19, 1990.

Witnesses:

Mark K. Wilson
Mark K. Wilson
Elaine M. Michling
Elaine M. Michling

Grantor:

St. James Lutheran Church of Grosse Pointe, Michigan
By: Thomas W. Couser
THOMAS W. COUSER

Acknowledged before me in Wayne County, Michigan on June 1, 1992 by Thomas W. Couser, the President of St. James Lutheran Church of Grosse Pointe, Michigan, a Michigan nonprofit corporation, for the corporation.

ELAINE M. MICHLING
Notary's Stamp
Notary Public, Macomb County, MI
My Commission Expires June 15, 1994
Acting in Wayne County

Notary's Signature Elaine M. Michling

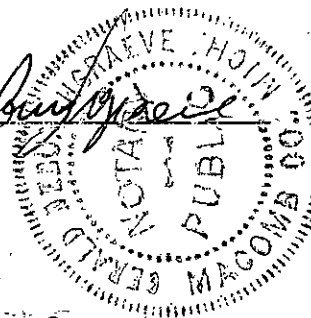
ACKNOWLEDGED AND AGREED TO:

City of Grosse Pointe Farms
By: Richard G. Solak
RICHARD G. SOLAK

Acknowledged before me in Wayne County, Michigan on January 4, 1993, 1992 by Richard G. Solak, the City Manager of the City of Grosse Pointe Farms, Michigan, a Municipal corporation, for the corporation.

GERALD DEBURGHGRAEVE
Notary's Stamp
NOTARY PUBLIC - MACOMB COUNTY, MICH.
MY COMMISSION EXPIRES 10-23-95
Acting in Wayne County

Notary's Signature Gerald Deburghgraeve



Prepared by & Return to:
George H. Hathaway
2000 Second Avenue
Detroit, MI 48226

RECORDED RIGHT OF WAY NO. 43947

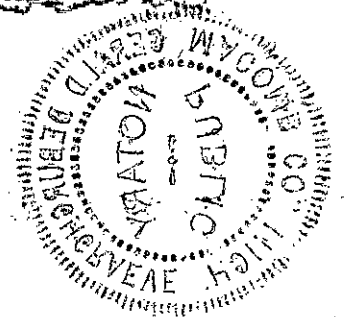
D072042

APPROVED AS TO FORM 1/20/93 DATE
LEGAL DEPARTMENT SPR

STAY
MORTGAGE OF 1983

SECOND VALUE DEPOSITE MI 18558

RECORDED IN DEPT. OF REVENUE
STATE OF MICHIGAN
SERIAL 18558-18558



MI Commission Expires 12/31/93
David Bernard, Notary Public, MI
EVANIE W. MICHIGAN

02/12/93 27436 REMO FEE 2.00
02/12/93 27436 MORTG 17.00