

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9205470-1A
PROJECT NAME WESTBROOK PARK CONDO'S**

On 12-3, 1992, for the consideration of system betterment, Grantor grants to Grantee a permanent underground distribution easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

MACNEIL SMITH & KATHLEEN A. PHILLIPS, HIS WIFE, 6915 JENNINGS ROAD, ANN ARBOR, MICHIGAN 48105

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226
Michigan Consolidated Gas Company, a Michigan corporation, 500 Griswold, Detroit, Michigan 48226
Columbia Associates, Limited Partnership/DBA/Columbia Cable of Michigan, a Michigan Limited Partnership, 2505 South Industrial Hwy., P.O. Box 998, Ann Arbor, Michigan 48106

"Grantor's Land" is in Northfield Township, Washtenaw County, described as:

*****SEE BACK FOR DESCRIPTION OF PARCEL B, C, & D*****

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

All in accordance with proposed plat which is attached hereto and made a part hereof. (Appendix "B") The width of Right of Way is twelve (12) feet.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain 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. **Ground Elevation:** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.
7. **Damages:** If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
8. **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 below signature)

Kathleen M. Nelson
KATHLEEN M. NELSON

Mary C. Tommonds
MARY C. TOMMONDS

Grantor: (type or print name below signature)

MacNeil Smith
MACNEIL SMITH

Kathleen A. Phillips
KATHLEEN A. PHILLIPS

RECORDED RIGHT OF WAY NO. 43984

Acknowledged before me in WASHTENAW County, Michigan, on DECEMBER 3, 1992 by MacNeil Smith and Kathleen A. Phillips, his wife.

Notary's Stamp Notary Public, Washtenaw County, Michigan
My Commission Expires October 7, 1993 Notary's Signature Kathleen M. Nelson
(Notary's name, county, and date commission expires)

PARCEL "B"

PART OF THE NW ¼ OF SEC 8, T1S, R6E, NORTHFIELD TWP, WASHTENAW CO., MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE E'LY R/O/W LINE OF WHITMORE LAKE RD, DISTANT N 89°45'45" E ALONG THE NORTH LINE OF SAID SEC 8, 703.3 FT, S 2°19' W 1808.68 FT AND S 87°41' E, 50.0 FT FROM THE NW CORNER OF SAID SEC 8; THENCE S 2°19' W, ALONG SAID E'LY R/O/W LINE OF WHITMORE LAKE RD, 273.56 FT; THENCE S 89°06'49" E, 636.09 FT; THENCE N 0°30'58" W, ALONG THE W'LY LINE OF "WHITMORE LAKE SUMMER HOMES SUBD N" (AS RECORDED IN LIBER 4 OF PLATS, PAGE 6, WASHTENAW CO RECORDS), 265.95 FT; THENCE N 88°24'49" W, 622.79 FT TO THE POINT OF BEGINNING, CONTAINING 3.90 ACRES OF LAND, MORE OR LESS.

PARCEL "C"

PART OF THE NW ¼ OF SEC 8, T1S, R6E, NORTHFIELD TWP, WASHTENAW CO, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE E'LY R/O/W LINE OF WHITMORE LAKE RD, DISTANT N 89°45'45" E ALONG THE NORTH LINE OF SAID SEC 8, 703.3 FT, S 2°19' W, 2082.24 FT AND S 87°41' E, 50.0 FT FROM THE NW CORNER OF SAID SEC 8; THENCE S 2°19' W, ALONG SAID E'LY R/O/W LINE OF WHITMORE LAKE RD, 79.0 FT TO A POINT OF CURVE; THENCE S'LY ALONG SAID E'LY R/O/W LINE OF WHITMORE LAKE RD, 194.57 FT ON THE ARC OF A CURVE CONCAVE TO THE WEST, RADIUS 17,237.6 FT, CENTRAL ANGLE 0°38'48", CHORD BEARING S 2°38'24" W, 194.57 FT; THENCE S 89°46'50" E, 650.56 FT; THENCE N 0°30'58" W, ALONG THE W'LY LINE OF "WHITMORE LAKE SUMMER HOMES SUBD N" (AS RECORDED IN LIBER 4 OF PLATS, PAGE 6, WASHTENAW CO RECORDS), 265.95 FT; THENCE N 87°06'49" W, 636.09 FT TO THE POINT OF BEGINNING, CONTAINING 3.97 ACRES OF LAND, MORE OR LESS.

PARCEL "D"

PART OF THE NW ¼ OF SEC 8, T1S, R6E, NORTHFIELD TWP, WASHTENAW CO, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE E'LY R/O/W LINE OF WHITMORE LAKE RD, DISTANT N 89°45'45" E ALONG THE NORTH LINE OF SAID SEC 8, 703.3 FT, S 2°19' W, 2161.24 FT, S 2°38'24" W, 194.57 FT AND S 87°41' E, 50.0 FEET FROM THE NW CORNER OF SAID SEC 8; THENCE S'LY ALONG SAID E'LY R/O/W LINE OF WHITMORE LAKE RD, 273.56 FT ON THE ARC OF A CURVE CONCAVE TO THE WEST, RADIUS 17,237.6 FT, CENTRAL ANGLE 0°54'33", CHORD BEARING S 3°25'04" W, 273.56 FT; THENCE N 89°36'12" E ALONG THE E/W ¼ LINE OF SAID SEC 8, 669.27 FT; THENCE N 0°30'58" W, ALONG THE W'LY LINE OF "WHITMORE LAKE SUMMER HOMES SUBD N" (AS RECORDED IN LIBER 4 OF PLATS, PAGE 6, WASHTENAW CO RECORDS), 265.95 FT; THENCE N 89°46'50" W, 650.56 FT TO THE POINT OF BEGINNING, CONTAINING 4.08 ACRES OF LAND, MORE OR LESS.

RECORDED
WASHTENAW COUNTY, MI

DEC 7 9 28 PM '92

PEGGY M. HAINES
COUNTY CLERK/REGISTER

26/20/92 11:26PM 12/07/92 6133 0333003 6133
DEED
MNR 306

26/20/92 11:26PM 12/07/92 6133 0333003 6133
SRF

10/1/92
[Handwritten signature]

