

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1589

On 12-11, 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:

Heatherwood Venture, a Michigan Co-Partnership, 755 W. Big Beaver Road, Suite 2106, Troy, Michigan 48084

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
The Michigan Bell Telephone Company, a Michigan corporation, 54 North Mill Street, Pontiac, Michigan 48053

"Grantor's Land" is in the City of Troy, Oakland County, described as:

Parcel "B": A parcel of land located in the North one-half (1/2) of Section 8, Town 2 North, Range 11 East, described as: Commencing at the Northwest corner of said Section 8 and extending South 02°22'46" East along the West line of said Section 8, 362.58 feet to a point in the southerly right-of-way line of Interstate Highway 75 (300 feet wide); thence North 87°13'07" East along said southerly right-of-way line, 2370.25 feet to a point in the westerly line of Northfield Hills Condominium Subdivision, Plan No. 159, recorded in Liber 6214, Page 235, Oakland County records; thence South 07°57'43" West along said westerly line, 439.68 feet to a point in the northerly right-of-way line of Northfield Parkway (86 feet wide); thence South 09°46'53" East, 86.00 feet to a point in the southerly right-of-way line of said Northfield Parkway being in the west line of Northfield Hills Condominium Subdivision, Plan No. 161, recorded in Liber 6214, Page 329, Oakland County records; thence South 04°15'06" West along said West line, 782.05 feet; thence South 46°53'17" East, 155.56 feet to the northwesterly line of Whitfield Drive (60 feet wide); thence South 43°06'43" West along said northwesterly line, 12.00 feet; thence South 46°53'17" East, 60.00 feet to the southeasterly line of Whitfield Drive; thence North 43°06'43" East along said southeasterly line, 92.00 feet to the point of beginning; thence North 43°06'43" East along said southeasterly line, 92.00 feet; thence South 46°53'17" East, 129.91 feet; thence South 43°06'43" West, 92.00 feet; thence North 46°53'17" West, 129.91 feet to the point of beginning. Containing 11,952 square feet of land. Part of Sidwell No. 20-08-179(011) 014-NW1/4

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

The westerly Ten (10) feet of the above described property.

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.

#36 REG/DEEDS PAID
0001 OCT.21'92 01:19PM
8891 RMT FEE 2.00

RECORDED RIGHT OF WAY NO. 44053

9.00
2.00 RMT

O.K. — LM

RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
30400 TELEGRAPH ROAD, SUITE 277
BIRMINGHAM, MICHIGAN 48025

LIBER 0170306

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)
Heatherwood Venture, a Michigan Co-Partnership

Susan Skochelak
Susan Skochelak

Kamal H. Shouhayib
By: Kamal H. Shouhayib

Carol S. Beers
Carol S. Beers

Its: Partner

Acknowledged before me in Oakland County, Michigan, on 12/11, 1991 by Kamal H. Shouhayib, partner of Heatherwood Venture, a Michigan Co-Partnership, for the Co-Partnership.

PATRICIA J. RUSTOM
ACTING IN OAKLAND COUNTY, MICH.
NOTARY PUBLIC - MACOMB COUNTY, MICH.
MY COMMISSION EXPIRES 2-17-93

Notary's Stamp

Notary's Signature

Patricia J. Rustom

Prepared by and Return to: James D. McDonald, 30400 Telegraph Road, Suite 277, Birmingham, Michigan 48025

RECORDED RIGHT OF WAY NO. 44053

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RETURN TO
J. D. McDONALD
THE DETROIT EDISON COMPANY
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BIRMINGHAM, MICHIGAN 48025