

APPLICATION FOR RIGHT OF WAY

DE 963-0811 5-7455 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 12-9-92

LOCATION N.W. PART OF SECTION 22

APPLICATION NO. R-92095 89-1M.

CITY OR VILLAGE _____

DEPT. ORDER NO. _____

TOWNSHIP WASHINGTON COUNTY MARCOMB

O. F. W. NO. _____

BUDGET ITEM NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED 12-3-92

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 12 FOOT WIDE RECORDED R/W ON PRIVATE PROPERTY IN A EAST, WEST; NORTH EAST, SOUTH WEST; & NORTH, SOUTH DIRECTION ON PARCEL-2

PURPOSE OF RIGHT OF WAY FOR PROPOSED & FUTURE FACILITIES

SIGNED RJB

OFFICE _____

DEPARTMENT _____

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO. 44367

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 3-17-93 SIGNED Michael M. Cabo MARCOMB

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9209589-1M

A-74021

On 1-26, ¹⁹⁹³~~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:

The Orchards Golf Limited Partnership, 2211 East Jefferson, Suite 680, Detroit, MI 48207

"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
Harron Cablevision, a Delaware Corporation, 55800 New Haven Road, New Haven, Michigan 48048

"Grantor's Land" is in Washington Township, Macomb County, Michigan described as:

The West 1/2 of the West 1/2 of Section 22, Town 4 North, Range 12 East, Macomb County, MI also, The West 22 acres of the Northeast 1/4 of Section 22 and the East 1/2 of the North-west 1/4 of Section 22, except commencing at the North 1/4 corner of said Section 22; thence South 88°17'04" West 1194.32 feet to the Point of Beginning; thence South 01°05' 43" East 350 feet; thence South 88°17'04" West 125 feet; thence North 01°05'43" West 350 feet; thence North 88°17'04" East 125 feet to the point of beginning, all in Town 4 North, Range 12 East, Macomb County, Michigan.

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

A twelve (12) foot wide easement as shown on drawing No. R-9209589-1M attached hereto.

RECORDED RIGHT OF WAY NO. 44367

- 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)

x [Signature]
Michael A. Mutter

The Orchards Golf Limited Partnership
a Michigan limited partnership

The Orchards Golf Limited Partnership

x [Signature]
Margaret Mazzara

BY: [Signature]
BY: Orchards Golf Development Company, General
Ronald K. Dalby, President Partner

Acknowledged before me in Wayne County, Michigan, on 26, 1992 ^{January} 1993 RONALD K. DALBY, PRESIDENT
~~GENERAL PARTNER~~ OF ORCHARDS GOLF DEVELOPMENT COMPANY, GENERAL PARTNER OF
THE ORCHARDS GOLF LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP.

VIRGINIA STERNICKI
Notary Public, Wayne County, MI
My Commission Expires Sept. 10, 1996

Notary's Signature [Signature]

Prepared by and Return to: Michael J. McCabe, 43230 Elizabeth Road, Clinton Twp, MI 48036

APPROVED AS TO FORM 2/1/93 DATE
LEGAL DEPARTMENT [Signature]

RECORDED RIGHT OF WAY NO. 44367

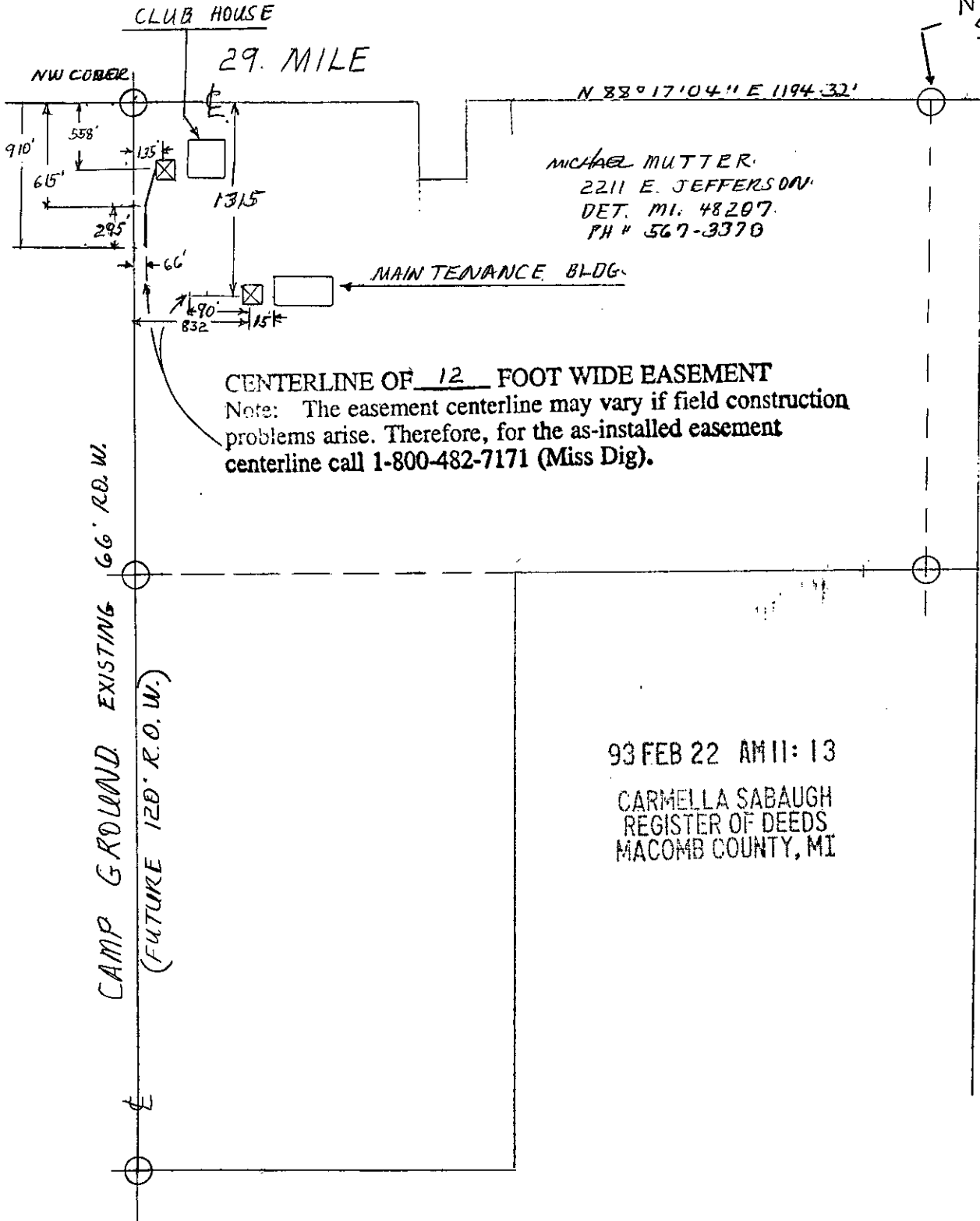
LIBER 0575 3613

12-9-92

DRAWING NO. R-9209589-1M
R/W FOR 62740 CAMP GROUND
THE ORCHARDS GOLF CLUB



N 1/4 CORNER
SECTION 22



RECORDED RIGHT OF WAY NO. 44367