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LIBER NO. 788 PAGE NO. 384-386 LIBER 788 PAGE 384

OVERHEAD & UNDERGROUND EASEMENT (RIGHT OF WAY) # R-9201063

On NOVEMBER 24, 1992, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead and underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way" AREA.

"Grantor" is:

North Branch Area Schools, A Michigan Municipal Corporation, 6600 Brush St., North Branch, Michigan 48461

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in North Branch Township, Lapeer County, described as:

Part of the West 1/2 of the Southeast 1/4 of Section 4, T9N-R11E, described as beginning at a point on the South Section line that is North 89°32'01" East 333.55 feet from the South 1/4 corner of said Section 4; thence continuing North 89°32'01" East 976.53 feet; thence along the East line of said West 1/2 of the Southeast 1/4 as occupied, North 00°08'47" East 1294.48 feet; thence South 89°52'31" West 981.82 feet; thence South 00°05'19" East 1300.29 feet to the point of beginning. Also, Parcel 1: The West 20 acres of the West 1/2 of the Southeast 1/4, Section 4, T9N-R11E, except the North part thereof described as: North and South 1231.92 feet and East and West the full width of the 20 acre strip and further excepting the P.O. & N.R.R. right of way. Also, Parcel 2: Section 4, T9N-R11E, Commencing 17 feet West of the Southwest corner of the Southeast 1/4, Section 4, thence North 1400 feet, thence East 75 feet; thence South 133 feet, thence West 25 feet, thence South 1267 feet, thence West 50 feet to the point of beginning. Excepting from Parcel 2 the North 37 feet of the South 1298 feet of the East 17 feet of the East 1/2 of the Southwest 1/4 of Section 4, T9N-R11E.

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

A 20 foot wide easement across part of the South 1/2 of Section 4, T9N-R11E, being further described by its centerline as: Commencing at the South 1/4 corner of said Section 4; thence South 89°32'01" West 13.82 feet along the South line of said Section 4, also being the centerline of Elm Creek Rd. to the point of beginning; thence North 00°39'24" East 63.16 feet; thence North 00°35'05" East 456.96 feet; thence North 01°39'42" East 330.30 feet; thence North 06°27'33" East 397.22 feet; thence North 06°21'56" East 149.40 feet to a point of ending on the North line of the North Branch Area Schools property. Also commencing at the South 1/4 corner of said Section 4; thence North 89°32'01" East 35.45 feet along the South Line of said Section 4, also being the centerline of Elm Creek Rd. to the point of beginning; thence North 00°35'26" East 40.31 feet to a point known hereafter as point "A"; thence North 65°22'24" West 53.86 feet to a point of ending on the centerline of the above described easement. Also a 6.0 foot wide easement being 3.0 feet on each side of the following described centerline; Beginning at said point "A"; thence North 00°35'26" East 35.0 feet to a point of ending.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead and 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. 44573

Witnesses: (type or print name below signature)

Grantor: (type or print name below signature)

Gary Adelini

Donald A. Gleeson

Donna L. Kohler

Donna L. Kohler
Tony Adelini

Donald A. Gleeson

Acknowledged before me in Lapeer County, Michigan, on 11-24, 1992 by Donald Gleeson, Superintendent of the North Branch Area Schools, A Michigan Municipal Corporation.

DONNA L. KOHLER
Notary Public, Lapeer County, MI
My Commission Expires Mar. 19, 1996

Notary's Stamp

Notary's Signature

Donna L. Kohler

Prepared by and Return to: Tony Adelini, 1075 Suncrest Dr., Lapeer, Michigan 48446/SEB

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44573

APPROVED AS TO FORM 11/25/92 DATE
LEGAL DEPARTMENT D/RAH

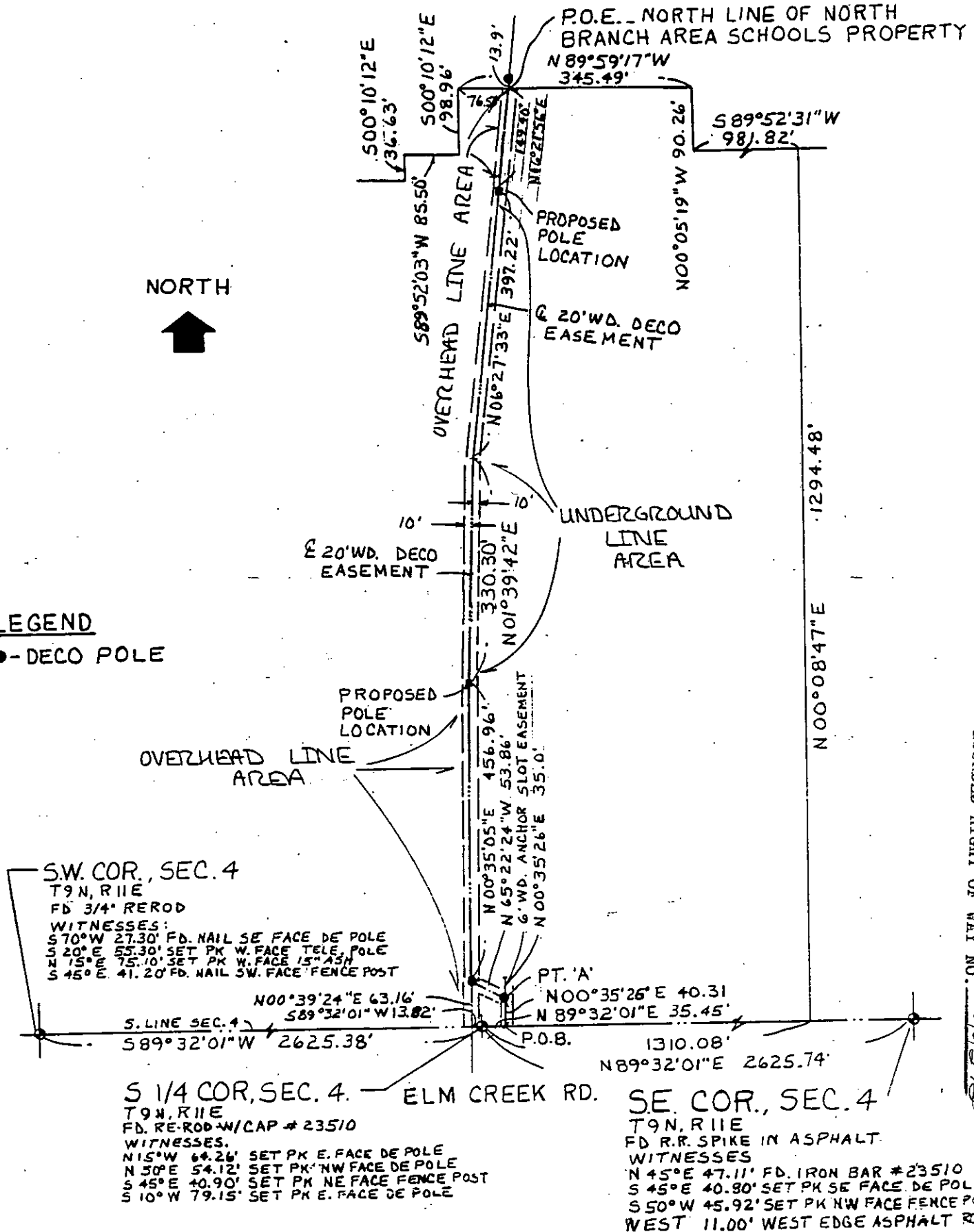
ATTACHMENT "A"

NORTH



LEGEND

● - DECO POLE



RECORDED RIGHT OF WAY NO. 4573