

**OVERHEAD AND UNDERGROUND EASEMENT NO. R-9205770-1TR**

REGISTERED OFFICE  
LAPEER COUNTY MICHIGAN

On NOVEMBER 10, 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 **AREA**".

**"Grantor" is:**

Glenn E. Forester and Susan J. Forester, husband and wife, 83 Elba Road S., Lapeer, Michigan 48446

**"Grantee" is:**

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

**"Grantor's Land" is in Elba Township, Lapeer County, described as:**

West 40 acres of the following: Commencing at Northeast corner of Northwest 1/4 of Section 9, T7N, R9E, thence South along North & South quarter line of said section to road or highway known as Nepessing St., thence Westerly along said Nepessing St. to East boundary line of Village of Elba, thence Northerly along the said Easterly line to Northeasterly corner of said Plat, thence Westerly along North boundary of said Plat to a point on last mentioned line 20 rods Easterly of Northwesterly corner of said Plat, thence North parallel with West section line of said Section 24 rods, thence Westerly parallel with said line of said Plat to West section line of said Section, thence North along said section line to a point 26 2/3 rods South of Northwest corner of said Section, thence East parallel with North section line 12 rods, thence North parallel with West line of said Section 26 2/3 rods to North line of Section, thence East along North line of said Section to place of beginning, Except from said 40 acres a piece of land in Northeast corner thereof, containing 4 acres being 16 rods on the highway East and West and extending 40 rods back from the road North and South, also EXCEPT commencing at a point 24 rods 165 feet North of Northwest corner of Godfrey's Plat, Village of Elba, on section line between Sections 7 and 8, T7N-R9E, thence East 200 feet, thence North 100 feet, thence West 200 feet, thence South on section line 100 feet to beginning, also EXCEPT commencing at a point 24 rods North of Northwest corner of Godfrey's Plat of Village of Elba, on section line between Sections 7 and 8, T7N-R9E, thence East 20 rods, thence North 265 feet, thence West 130 feet, thence South 100 feet, thence West 200 feet, thence South 165 feet to beginning, also EXCEPT commencing at Southeast corner of said description, thence Westerly along the North boundary line of said Village of Elba 207 feet to a stake, thence Northerly 105 feet to a stake, thence Easterly parallel with the North boundary line of said Village of Elba 216 feet to a stake on the East boundary line of said premises, thence South 105 feet to a stake at the point of beginning, also EXCEPT that part of Northwest 1/4 of said Section 8 described as beginning at a point in centerline of M-21 which is South 16.5 feet and South 39° 01' East 360.08 feet from the Northwest corner of Section 8, thence South 89° 01' East 234.82 feet, thence South 00° 34' East 612.2 feet, thence West 240.9 feet, thence North 617.31 feet to place of beginning, also EXCEPT part of Northwest 1/4 of Northwest 1/4 of said Section 8, described as beginning at a point on the centerline of Elba Road which is South 440 feet from the Northwest corner of said Section 8, thence South 88° 35' East along line fence 198 feet, thence North along line fence 424.99 feet to the centerline of Highway M-21, thence South 89° 01' East along said centerline 162.08 feet, thence South 617.31 feet, thence West to centerline of Elba Rd. 360.0 feet, thence North along said centerline 200 feet to place of beginning, also EXCEPT commencing at the Northeast corner of Godfrey's Plat of Village of Elba, thence Westerly along North line of said plat to a point 20 rods Easterly of Northwesterly corner of said plat as a starting point of this description, thence North along the line of said plat 7 2/3 rods, thence Easterly 32 rods 2 1/2 feet to a piece of land owned by Raymond Richie and wife, thence South 6 2/3 rods to North line of said plat, thence Westerly along North line of said plat to the place of beginning, also EXCEPT part of Northwest 1/4 of said Section 8, described as beginning at a point in the centerline of M-21 which is South 16.5 feet and South 89° 01' East 595.9 feet from the Northwest corner of said Section, thence South 89° 01' East 201.34 feet, thence South 00° 34' East 710.01 feet, thence South 89° 01' East 264 feet, thence South 00° 34' East 887 feet, thence South 85° 55' 30" West 465.83 feet, thence North 00° 34' West 1643.46 feet to the place of beginning, also EXCEPT part of Northwest 1/4 of said Section 8, described as commencing at a point on West line of said Section 965.62 feet South of Northwest corner of said Section 8, running thence East 600.9 feet, running thence South 694.34 feet, running thence South 85° 55' 30" West 281.07 feet, running thence North 498.35 feet, running thence West 330 feet to the section line, running thence North 220 feet to the point of beginning, EXCEPT Release of Right of Way to the State of Michigan.

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

10 feet, measured at right angles, on each side of a line described as beginning on the centerline of Elba Road and 940 feet South of the Northwest corner of Section 8; thence running East 280 feet to the point of termination.

RECORDED RIGHT OF WAY NO. 44588

- 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.

**Witnesses:** (type or print name below signature)

**Grantor:** (type or print name below signature)

x Bonnie S. Rattay  
Bonnie S. Rattay

x Glenn E. Forester  
Glenn E. Forester

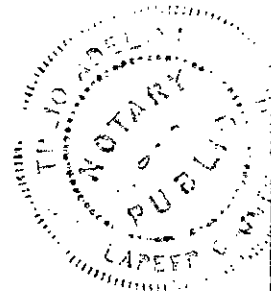
x Lorene Schultz  
Lorene Schultz

x Susan J. Forester  
Susan J. Forester, his wife

Acknowledged before me in Lapeer County, Michigan, on November 10, 1992 by Glenn E. Forester and Susan J. Forester, his wife.

Notary's Stamp TULLIO ADELINI  
Notary Public, Lapeer County, MI  
My Commission Expires Feb. 6, 1994

Notary's Signature Tullio Adelini  
Tullio Adelini



RECORDED RIGHT OF WAY NO. 44588

APPROVED AS TO FORM 11/18/92 DATE  
LEGAL DEPARTMENT [Signature]

NW Cor SEC. 8  
T. 7 N. R. 9 E.

16.5'

DAVISON



8-19-92  
DRAWING No. R-9205770-1TR BY DENNIS KANIGANSKI  
R/W for 71 ELBA RD S. ELBA TWP.  
LAPEER COUNTY

640'

ELBA

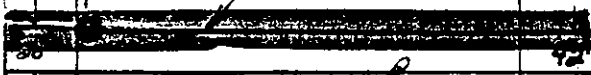
100'  
22562'

71 ELBA RD S'

83 ELBA RD S  
UNDER GROUND  
CENTER 20'  
EASEMENT  
250'

34'

23'



257'

RECORDED RIGHT OF WAY NO. 44588