

OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9201011-1T

On November 2, 1992, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Wal-Mart Stores, Inc., a Delaware Corporation, 702 S.W. 8th Street, Bentonville, Arkansas 72716

"Grantee" is:

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

"Grantor's Land" is in Lapeer City, Lapeer County, described as:

A parcel of land in the West 1/2 of Section 4, T7N-R10E, more particularly described as follows: Commencing at the West 1/4 corner of Section 4, T7N-R10E, thence South 87° 58' 51" East along the East and West 1/4 line of said section, 1148.64 feet, and South 07° 38' 00" West 18.51 feet to a point on the centerline of M-21 (State Highway) so-called, said point also being the point of beginning of this description, thence from the point of beginning North 07° 38' 00" East 460.51 feet; thence North 87° 07' 00" West 250.00 feet; thence North 07° 38' 00" East 169.79 feet; thence North 02° 07' 11" East 346.09 feet; thence South 83° 46' 01" East 802.11 feet; thence South 01° 39' 36" West 986.45 feet to a point on the center of said M-21; thence along a non-tangent curve to the left having a radius of 3819.72 feet, a central angle of 09° 20' 35", and a chord bearing and distance of North 81° 41' 04" West 622.18 feet to the point of beginning.

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

The Easterly 20 feet of the Southerly 340 feet of the grantor's land and the Northerly 20 feet of the Southerly 295 feet. **(OF GRANTOR'S LAND) OR EASTERLY 60 FEET**

- 1. Purpose** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, 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. Trees, Bushes, Branches or Roots** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.
- 5. 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.
- 6. Successors** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

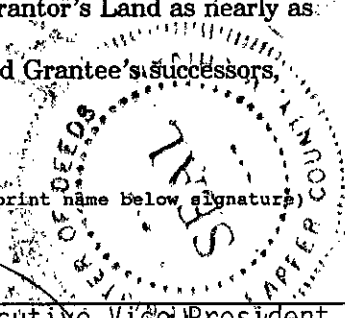
Witnesses: (type or print name below signature)

Grantor: (type or print name below signature)

Bruce Kemmet
Bruce Kemmet

Steven P. Lane
STEVEN P. LANE

Thomas P. Seay
Thomas P. Seay, Executive Vice President
Wal-Mart Stores, Inc.



RECEIVED FEB 25 1993
93 JUL -9 PM 12:41

LIBER NO. 810 PAGE NO. 823
1992 Melissa Miles
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

Acknowledged before me in Benton County, Michigan, on November 2, 1991 by Thomas P. Seay, Executive Vice President of Wal-Mart Stores, Inc., a Delaware Corporation.

Notary's Stamp _____ Notary's Signature *Loretta L. Johnson*

My Commission Expires July 19, 1993

7.00
P0009 2.00

MISC D
ESMT
REMOVT

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

The Grantor(s) **ARTHUR AND BESS HURAND, HUSBAND AND WIFE**, whose address is
1515 LINWOOD, FLINT, MI 48503
 convey(s) and warrant(s) to **WAL-MART STORES, INC., A DELAWARE CORPORATION**,
 whose address is **702 S.W. 8TH STREET, BENTONVILLE, AR 72716**

the following described premises situated in the **CITY**
 of **LAPEER**, County of **LAPEER**
 and State of Michigan:

(SEE ATTACHED LEGAL DESCRIPTION)

for the sum of **FOUR HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$450,000.00)**

subject to easements and building and use restrictions of record

Dated this 11th day of **SEPTEMBER**, 19 92

Signed in presence of:
Calyin Gatesman
 • **Calyin Gatesman**
Jenny Hartacre
 • **Jenny Hartacre**

Signed by:
Arthur Hurand
 • **ARTHUR HURAND**
Bess Hurand
 • **BESS HURAND**

STATE OF MICHIGAN
 DEPT. OF TREASURY
 TAXATION
 RECEIVED
 1992 SEP 15 11:43 AM
 LIBER NO. 770 PAGE NO. 446
 Melissa Miles 447
 REGISTER OF DEEDS
 LAPEER COUNTY, MICHIGAN

STATE OF MICHIGAN, }
 COUNTY OF GENESEE } SS.

The foregoing instrument was acknowledged before me this 11th day of **SEPTEMBER**, 19 92, by **ARTHUR AND BESS HURAND, HUSBAND AND WIFE**.

Linda Ann S. Rasmier

LINDA ANN S. RASMER
 Notary Public, **GENESEE** County,
 Michigan
 My commission expires: **11/06/95**

County Treasurer's Certificate

City Treasurer's Certificate

When Recorded Return To:
Attn: Michael B. Ingham
WAL-MART STORES, INC.
 (Name)
702 S.W. 8TH STREET
 (Street Address)
BENTONVILLE, AR 72716
 (City and State)

Send Subsequent Tax Bills To:
WAL-MART STORES, INC.
702 S.W. 8TH STREET
BENTONVILLE, AR 72716

Drafted By:
ROBERT M. HURAND
ATTORNEY AT LAW
 Business Address:
2760 EAST LANSING DRIVE, #4
P.O. BOX 1798
EAST LANSING, MI 48826
(517) 336-9009

Tax Parcel # _____ Recording Fee _____ Transfer Tax 495.00

* TYPE OR PRINT NAMES UNDER SIGNATURES

RECORDED RIGHT OF WAY NO. 44928

34661

212 SILVER LAKE ROAD
FENTON, MICH. 48430
313 750-0100
313-743-7770

MEMBERS OF:
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS
MICHIGAN SOCIETY OF PROFESSIONAL ENGINEERS
MICHIGAN SOCIETY OF REGISTERED LAND SURVEYORS
AMERICAN SOCIETY OF CIVIL ENGINEERS
AMERICAN CONGRESS ON SURVEYING AND MAPPING
MICHIGAN ENVIRONMENTAL HEALTH ASSOCIATION
NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION

PHILIP W. WITTHAMPT, P.E., A.L.S.
ALBERT C. BONHO, L.S.

June 8, 1992

REVISED LEGAL DESCRIPTION
OF THE LAPEER WAL-MART SITE

A parcel of land in the W 1/2 of Section 4, T7N-R10E, City of Lapeer, Lapeer County, Michigan, more particularly described as follows: Commencing at the W 1/4 corner of Section 4, T7N-R10E, thence S 87°58'51" E along the E&W 1/4 line of said section, 1148.64 feet, and S 07°38'00" W 18.51 feet to a point on the centerline of M-21 (State Highway), so-called, said point also being the POINT OF BEGINNING of this description, thence from the POINT OF BEGINNING N 07°38'00" E 460.51 feet; thence N 87°07'00" W 250.00 Feet; thence N 07°38'00" E 169.79 feet; thence N 02°07'11" E 346.09 feet; thence S 83°46'01" E 802.11 feet; thence S 01°39'36" W 986.45 feet to a point on the center line of said M-21; thence along a non-tangent curve to the left having a radius of 3819.72 feet, a central angle of 09°20'35", and a chord bearing and distance of N 81°41'04" W 622.18 feet to the POINT OF BEGINNING. Said parcel containing 15.64 acres of land and being subject to M-21 (State Highway) and all easements and restrictions of record if any.

- 20-83-401-040-00
- 20-83-405-040-00 ✓
- 20-83-406-040-00
- 20-83-407-040-00

Clerk of the Treasurer of Lapeer County, Michigan
9-15-1992
I hereby certify that there are no tax liens or debts held by the State of any individual against the within description, and all taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office.

County Treasurer

44928 _____ RECORDED RIGHT OF WAY NO.

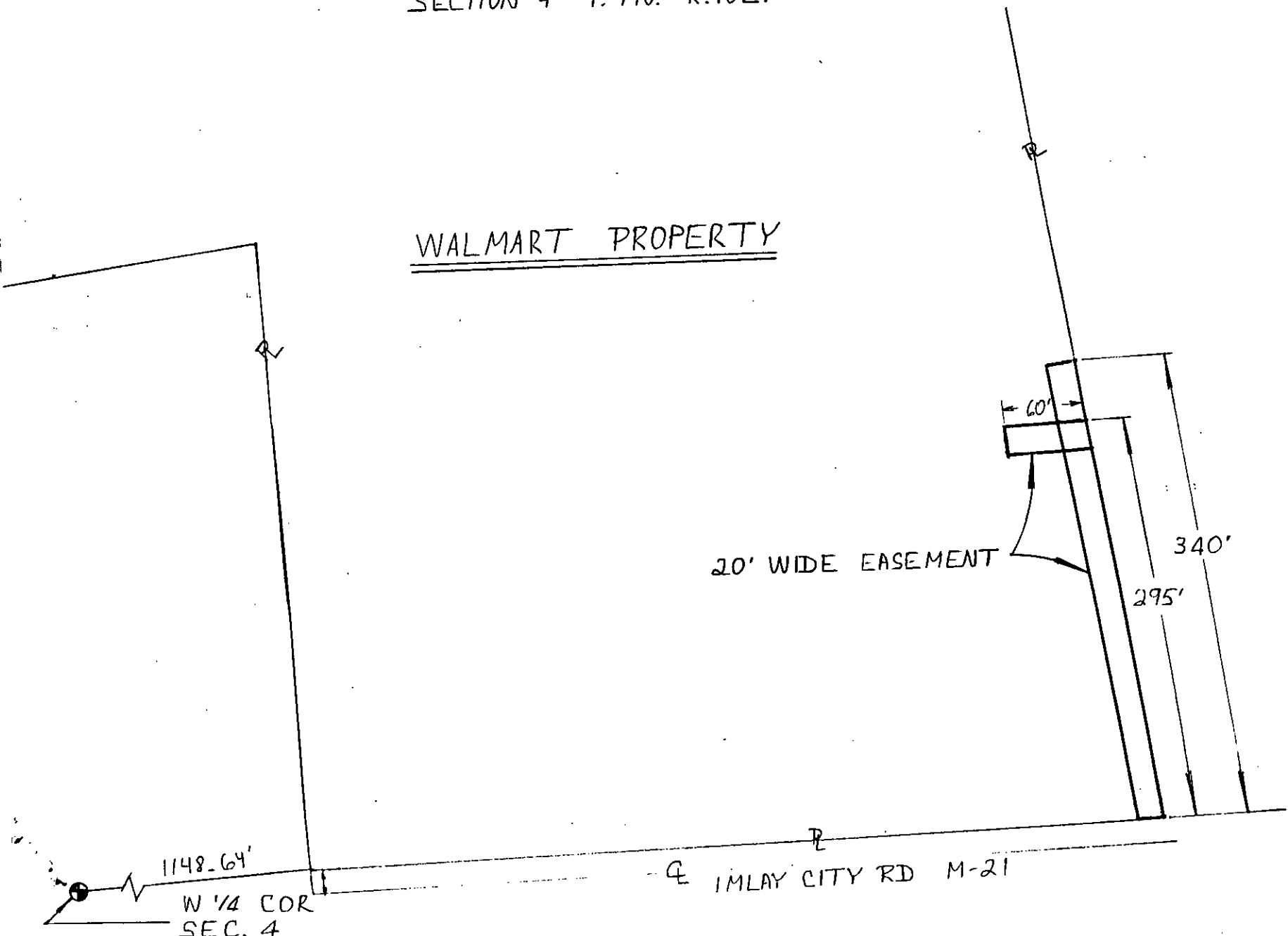
RECORDED RIGHT OF WAY NO. 44928

R/W #R-9201011-1T

CITY OF LAPEER
SECTION 4 T.7N.-R.10E.



WALMART PROPERTY



1148.64'
W 1/4 COR
SEC. 4

IMLAY CITY RD M-21

20' WIDE EASEMENT

60'

295'

340'