

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9301264-1TR

On April 29, 1993, 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:

Gerard H. Johnston and Jean Johnston, husband and wife, 31 W. Coulter Rd., Lapeer, Michigan 48446

"Grantee" is:

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

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

Part of the Northeast 1/4 of Section 17, T8N-R10E, described as: Beginning at a point on the North section line, South 89°45'00" West 420.14 feet from the Northeast corner of said Section 17; thence continuing along said line, South 89°45'00" West 412.87 feet; thence South 25°19'16" West 472.91 feet; thence North 89°45'00" East 625.49 feet; thence North 01°23'30" West 426.67 feet to the point of beginning.

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

A 12 ft. strip of land, the centerline of which begins at a point which is South 89°45' West 620.00 feet and South 230.00 feet from the Northeast corner of Section 17, T8N-R10E, thence from said point of beginning continuing South 34 feet, thence in a Southeast direction 250 feet to a point which is South 89°45'00" West 420.14 feet and South 01°23'30" East 426.67 feet and South 89°45'00" West 120 feet from the Northeast corner of Section 17, the point of ending.

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.

RECORDED RIGHT OF WAY NO. 45-192

Witnesses: (type or print name below signature) RECEIVED FOR RECORD

Grantor: (type or print name below signature)

93 NOV -1 PM 12:28
 Edwin A Boller 827 659
 EDWIN A BOLLER
 Ann M. Boller
 Ann M. Boller

GERARD H. JOHNSTON
 Gerard H. Johnston
 JEAN JOHNSTON, HIS WIFE
 Jean Johnston

Acknowledged before me in Lapeer County, Michigan, on APRIL 29, 1993 by Gerard H. Johnston and Jean Johnston, husband and wife.

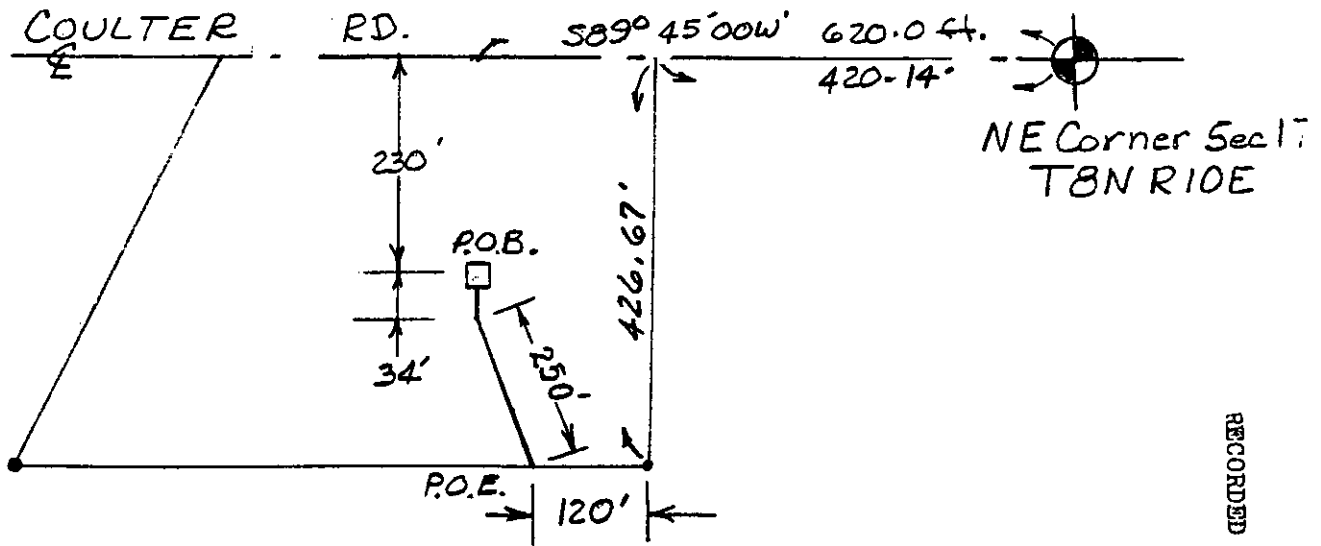
Notary's Stamp **TULLIO ADELINI**
Notary Public, Lapeer County, MI
My Commission Expires Feb. 6, 1994

Notary's Signature Tullio Adolini

MISC D 7.00
ESMT P0009
REMOVT 2.00

APPROVED AS TO FORM 5/20/93 DATE
LEGAL DEPARTMENT DP/A

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT DATA SECURED AS INDICATED ON THIS SKETCH	PERMITS TO:
BY <u>R.C. Rogers</u>	RECORD CENTER <u>1</u>
DATE _____	R/W FILES <u>1</u>
DATE WANTED _____	MBI <u>1</u>
DISTRICT FIELDMAN <u>R.C. Rogers</u>	ORIGINATOR <u>1</u>
	TOTAL <u>1</u>



CENTERLINE OF 12 FOOT WIDE EASEMENT
 Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).

RECORDED RIGHT OF WAY NO. 45192

LEGEND FOREIGN POLE EXIST D.E. CO. POLE PROPOSED POLE EXIST ANCHOR PROPOSED ANCHOR TREE 120/240 VOLT LINE 4800 VOLT LINE 13,200 VOLT LINE 40,000 VOLT LINE	THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT				
	CITY OR TOWNSHIP <u>MAYFIELD</u>	COUNTY <u>LAPEER</u>	QTR. & TWP. SECT. NO. <u>NE 17</u>	DEPT. ORDER NO.	
	MAP SECT. <u>2-268-588</u>	TOWN <u>8N</u>	RANGE <u>10E</u>	JOINT R/W REQUIRED YES <input type="checkbox"/> NO <input type="checkbox"/>	R/W NO. <u>R-9301264-1TR</u>
	PROJECT NAME <u>U.G. SERV. EASEMENT</u>	TEL. ENG'R & DIST.		PROJ. OR PART NO.	
	CIRCUIT <u>D.C. 8755 FAWN</u>	REASON <u>N.B. 27 COULTER RD. Ed GOLLER</u>		O.F.W. S.O. OR P.E. NO.	
	PLANNER <u>L.M. DEAN</u>	SCALE <u>1"=200'</u>		BUDGET ITEM NO.	
		DATE <u>4-20-93</u>			

The Grantor(s) Joyce M. Strause, the survivor of herself and Roy F. Strause, her deceased husband, whose Death Certificate is recorded in Liber 760, Page 214, Lapeer County Records 31 West Coulter Road, Lapeer, MI 48446

whose address is convey(s) and warrant(s) to Gerard H. Johnston and Jawanda J. Johnston, his wife whose address is 27756 Palmer Lane, Madison Heights, MI 48077

RECEIVED FOR RECORD

93 JAN 18 PM 1:43

LIBER NO. 787 PAGE NO. 733

Melissa Miles REGISTERED CLERK Lapeer County Michigan

FIRST AMERICAN TITLE INSURANCE COMPANY OF THE MID-WEST - BURTON ABSTRACT DIVISION - SERVING YOU SINCE 1888

the following described premises situated in the Township of Mayfield County of Lapeer and State of Michigan:

PARCEL 1: Part of the Northeast quarter of Section 17, Town 8 North, Range 10 East, Mayfield Township, Lapeer County, Michigan, described as beginning at a point on the North Section line. South 89 degrees 45 minutes 00 seconds West 420.14 feet from the Northeast Corner of said Section 17; thence continuing along the said line, South 89 degrees 45 minutes 00 seconds West 412.87 feet; thence South 25 degrees 19 minutes 16 seconds West 472.91 feet; thence North 89 degrees 45 minutes 00 seconds East 625.49 feet; thence North 01 degrees 23 minutes 30 seconds West 426.67 feet to the point of beginning.

Commonly known as 31 West Coulter Road, Lapeer, Michigan 48446 Tax Assessment Roll No: 44-014-017-005-00 for the sum of One Hundred Twenty-nine thousand nine hundred dollars and no cents (\$129,900.00)

subject to easements and building and use restrictions of record and further subject to None

Dated this 15th day of January

19 93

Signed in presence of:

Signed by:

Deborah J. Crittenden

Joyce M. Strause

* Deborah J. Crittenden

Joyce M. Strause

Asher N. Tilkhan

ASHER N. TILKHAN

STATE OF MICHIGAN } ss.

COUNTY OF Lapeer

15th day of January

The foregoing instrument was acknowledged before me this 19 93

by Joyce M. Strause

Deborah J. Crittenden

* Deborah J. Crittenden

Notary Public, Lapeer County, Michigan

My commission expires: March 13, 1996

County Treasurer's Certificate Office of The Treasurer of Lapeer County, Michigan 1-18 19 93

I hereby certify that there are no tax liens or other claims against the State of any individual, partnership, corporation, trust, or other entity, and all taxes on same are paid for the period to the date of this certificate, as shown on the records in my office.

County Treasurer

City Treasurer's Certificate

Post of Interest Taxation 143.00

When Recorded Return To:

Gerard H. Johnston

(Name)

31 W. Coulter (Street Address)

Lapeer, MI 48446 (City and State)

Send Subsequent Tax Bills To:

SAME

Drafted By: Nancy Murphy Mac-Clair Properties Inc. Business Address 2401 W. Genesee Lapeer, MI 48446

Tax Parcel # 44-014-017-005-00

Recording Fee \$9.00

Transfer Tax \$143.00

* TYPE OR PRINT NAMES UNDER SIGNATURES.

47-060-025

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING FIRST AMERICAN TITLE INSURANCE COMPANY OF THE MID-WEST

RECORDED RIGHT OF WAY NO. 45192