

Detroit Edison

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. ~~R9308158-01R~~

LIBER 06244PG378

R9308158-01R

0032094

LIBER 06276PG528

On December 3, 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:

BCE Properties L.C., a Michigan Limited Liability Company, 2600 W. Big Beaver Rd, Suite 550, Troy, Michigan 48084

"Grantee" is:

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

0045787

~~AMERITECH, a Michigan Corporation, 444 Michigan Ave, Detroit, Michigan 48226~~

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

Part of the Northeast 1/4 of Section 23, T3N, R14E, Chesterfield Township, Macomb County, Michigan, being more fully described as: Beginning at a point on the North line of said Section 23, distant N 89°35'58" West 797.14 feet from the Northeast corner of said Section 23; thence S 00°28'15" West 300.00 feet; thence N 89°35'58" West 150.00 feet; thence N 00°28'15" East 300.00 feet to a point on the North line of said Section 23; thence along said North line of Section 23, S 89°35'58" East 150.00 feet to the point of beginning, except the North 60.00 feet for 23 Mile Road.

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

A six (6) foot wide easement is shown on drawing R9308158-01R attached hereto.

- 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 below signature)

Grantor:(type or print name below signature)

BCE PROPERTIES L.C.
a Michigan Liability Company

x Connie S. Berens
Connie S. Berens

94 MAR 29 PM 3: 36

Michael Gehart
Manager

Diane Agrusa Rampolo
Diane Agrusa Rampolo

CARMELLA SABAUGH
REGISTER OF DEEDS
MACOMB COUNTY, MI

Manager

94 MAR - 1 PH 3: 52

Acknowledged before me in Oakland County, Michigan, on December 3, 1993 by

* Michael Gehart, Manager of BCE Properties L.C., a Michigan Liability Company

DIANE AGRUSA RAMPOLO
NOTARY PUBLIC - OAKLAND COUNTY, MICH.
MY COMMISSION EXPIRES 10-25-94

Notary's Stamp

Notary's Signature

Diane Agrusa Rampolo

Prepared by and Return to: Michael J. McCabe, 43239 Elizabeth Rd., Clinton Township MI 48036

* However, Grantor has the right to pave the right of way area with gravel, asphalt or cement or such other substance as the Grantor shall choose and the Grantor may continue to use the right of way area for any lawful purpose, including ingress or egress and motor vehicle parking. If Grantee removes or damages any such paving, Grantee will replace such paving at Grantee's expense.

BEING RE-RECORDED TO INCLUDE AMERITECH

RECORDED RIGHT OF WAY NO.

453-48

00541028

00541028

00541028

00541028

00541028

APPROVED AS TO FORM 12/21/93 DATE
LEGAL DEPARTMENT *DYANA*

APPLICATION FOR RIGHT OF WAY

DE 963-0911 5-7488 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 10-25-93

LOCATION SECTION 23

APPLICATION NO. R-9308158-01R

CITY OR VILLAGE NEW BALTIMORE

DEPT. ORDER NO. _____

TOWNSHIP CHESTERFIELD COUNTY MALCOMB

O. F. W. NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED 11-

BUDGET ITEM NO. _____

THIS R/W IS 100 % OF TOTAL PROJECT NO. _____ ACCUM. _____ %

INQUIRY NO. _____

JOINT RIGHT OF WAY REQUIRED YES NO
AMERICAN

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED UNDERGROUND CONDUITS AND CONDUITORS
ABOVE GROUND TRANSFORMER

PURPOSE OF RIGHT OF WAY PROVIDE SERVICE PRESENT AND FUTURE

SIGNED [Signature]

OFFICE

DEPARTMENT

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

R/W secured as requested

RECORDED RIGHT OF WAY NO

45878

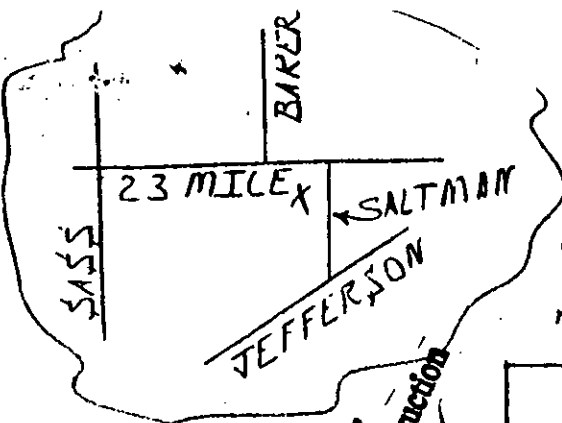
PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE 1 GRANTOR 1

NO. OF PERMITS 1 NO. OF STRUCTURES _____ NO. OF MILES _____ PERMITS TO MBT _____

DATE 3/10/94 SIGNED Michael McCabe

LIBER 06276PG529

LIBER 06244PG379

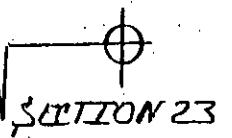


23 MILE ROAD (M-29)

S. 89° 35' 58" E
150'

R.P.O.B.

N.E. CORNER

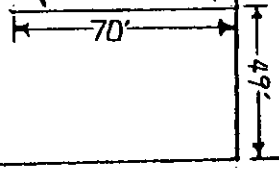


N. 89° 35' 58" W.
797.14

EXIST 60 1/2 R.O.W.

N. 00° 28' 15" E.
300'

S. 00° 28' 15" W.
300'



N. 89° 35' 58" W.
150'

CENTERLINE OF 6 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).

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RW CONTACT
BCE OF MICHIGAN, INC.
650 E. BIG BEAVER
SUITE B
TROY, MICHIGAN 48084
(313) 740 8390
MR. MICHAEL GEHART
PRESIDENT

RECORDED RIGHT OF WAY NO. 45578

Legend		The Detroit Edison Company - Service Planning				
○	Foreign Pole	City or Township	County	Service Center	Comp. Code	Dept. Order No.
○	Exist D.E. Co. Pole	CHESTERFIELD	MACOMB			
●	Proposed Pole	Qtr. & Twp.	Sect No.	Town	Range	Tel Engr & Dist.
●	Exist Anchor	23	3N	14E	J. ROSS	Joint R/W Required
⊕	Proposed Anchor					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
⊕	Tree	CATV Memo#	MBT Memo#		R/W No.	
—	120/240 Volt Line					7308158
—	4800 Volt Line	Circuit			Atlas No.	
—	13,200 Volt Line	NBALT 8434			7308158	
—	40,000 Volt Line	Reason			O.F.W.	
		PROVIDE SERVICE TO 34680 23 MILE			Budget Item No.	
		Planner			Date	
		C. MADDTX			10-25-93	
			Scale			
			NTS			