

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R93033911AR
PROJECT NAME BRANDON CHASE**

On JANUARY 20, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent underground distribution easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

BRIAR HAVEN DEVELOPMENT CORPORATION, A MICHIGAN CORPORATION, 6360 Jackson Road, Suite F, Ann Arbor, Michigan 48103

"Grantee" is:

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

"Grantor's Land" is in the City of Howell, Livingston County, described as:

**** SEE REVERSE SIDE FOR LEGAL DESCRIPTION ****

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

Detroit Edison easements as indicated on Detroit Edison Drawing R93033911AR which is attached hereto and made a part hereof. The width of Right of Way is ten (10) feet.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain 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 buldings 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. **Ground Elevation:** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.
7. **Damages:** If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
8. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

FEB 2 2 55 PM '94
NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI
48843

RECORDED

RECORDED RIGHT OF WAY NO. 45953A

LIBER 1793 PAGE 0440

**Briar Haven Future Development
Legal Description**

A Parcel of land in the SE 1/4 of Section 26, T3N- R4E, City of Howell, Livingston County, Michigan, more particularly described as follows: Beginning at the South East Corner of Section 26, thence N 01°35'32" E, 260.16 feet (recorded as 260.20 feet), thence 221.72 feet along a curve to the left having a central angle of 68°40'10" a radius of 185.00 feet and a long chord bearing N 58°39'16" W, 208.69 feet; thence N 01°39'44" E, 13.05 feet; thence N 82°01'21" W, 255.87 feet; thence N 07°59'02" E, 8.00 feet to the point of beginning; thence N 76°20'27" W, 12.10 feet; thence N 64°16'41" W, 126.34 feet; thence N 41°03'12" W, 120.58 feet; thence N 41°58'56" W, 46.23 feet; thence N 09°54'33" E, 131.03 feet; thence N 00°14'30" W, 69.55 feet; N 09°51'00" W, 66.05 feet; thence N 23°35'20" E, 375.57 feet; thence N 30°05'08" E, 151.63 feet; thence S 87°10'51" E, 92.15 feet; thence S 27°37'40" E, 108.69 feet; thence S 14°09'10" E, 91.00 feet; thence 50.03 feet along a curve to the left having a central angle of 23°29'48" a radius of 122.00 feet and a long chord bearing S 64°07'13" W, 49.68 feet; thence S 38°35'32" E, 82.57 feet; thence S 12°44'54" W, 284.32 feet; thence S 28°35'44" W, 68.86 feet; thence S 07°59'02" W, 128.73 feet, thence N 82°00'58" W, 33.70 feet; thence S 07°59'02" W, 188.03 feet to the point of beginning, containing 5.38 acres more or less. Subject to all easements of record.

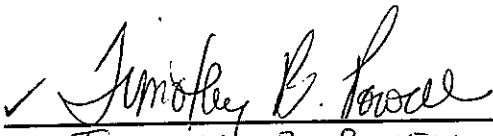
also

Unit 12 of Briarhaven Condominium, according to the Master Deed recorded in Liber 1478, pages 183 through 239, inclusive, and First Amendment to Master Deed recorded in Liber 1499, pages 932 through 938, inclusive, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 29, together with rights in general common elements and limited common elements, as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended. Including the use of the "roadway system" as set forth in Declaration of Non-Exclusive Roadway Easement recorded in Liber 1511, page 558, Livingston County Records.

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

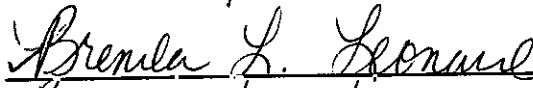
BRIARHAVEN DEVELOPMENT CORPORATION



TIMOTHY B. POWELL



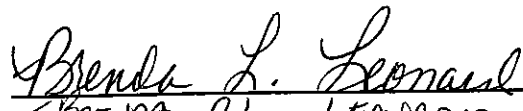
KEVIN J. BELEW, PRESIDENT



BRENDA L. LEONARD

STATE OF MICHIGAN
COUNTY OF Washtenaw

On this 20 day of January, 1994, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Kevin J. Belew whose title is President of Briarhaven Developmet Corporation, a Michigan Corporation, on behalf of the corporation.



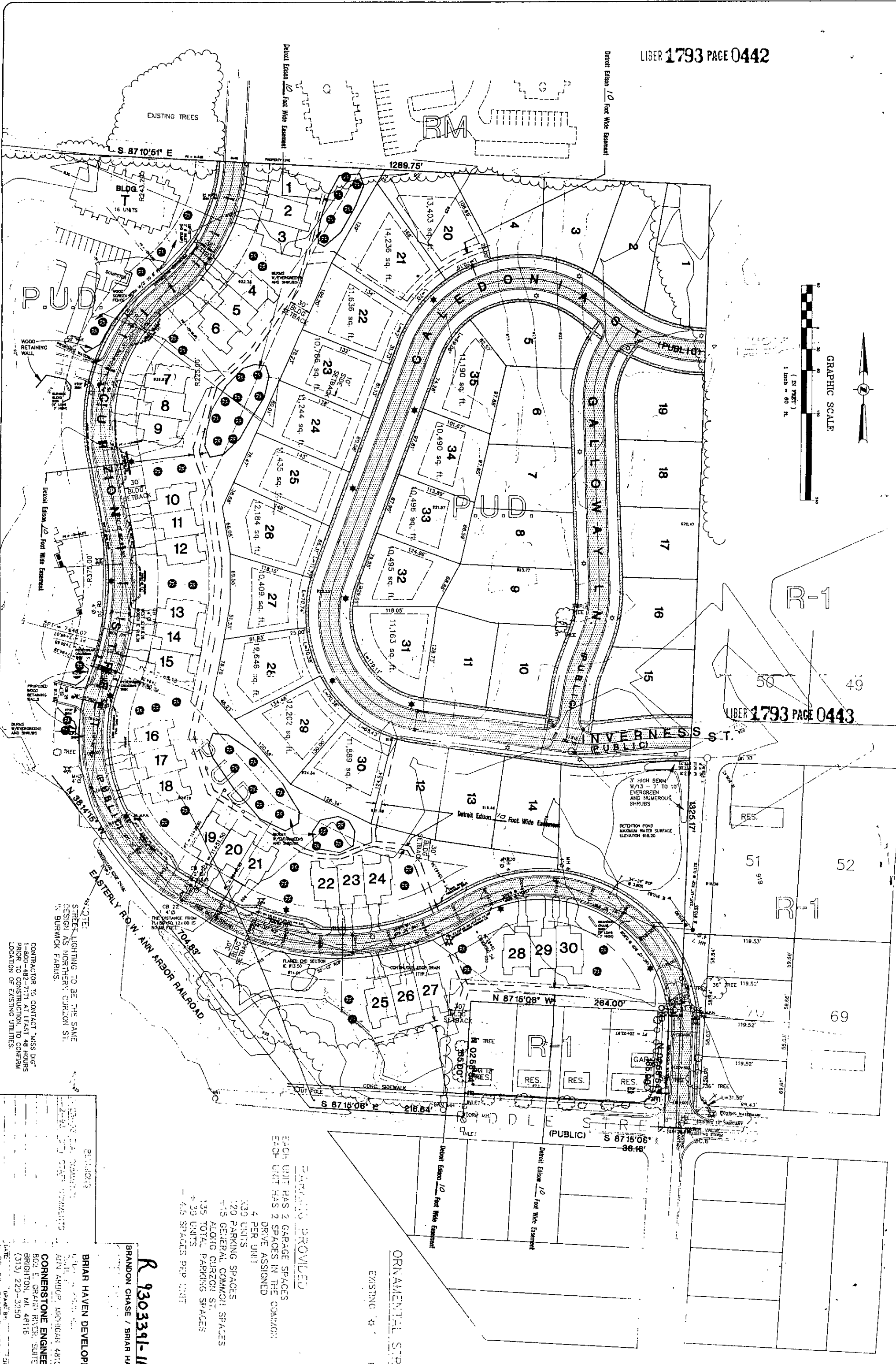
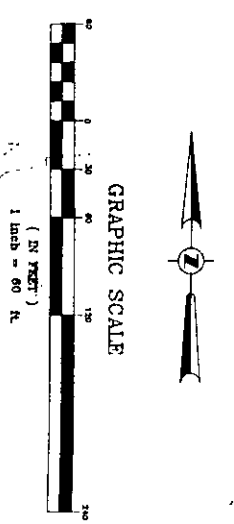
BRENDA L. LEONARD
Notary Public, Lenawee County, Michigan

My commission expires: November 28, 1994

BRENDA L. LEONARD
Notary Public, Lenawee County, MI
My Commission Expires Nov. 28, 1994
Acting in Washtenaw County, MI

LIBER 1793 PAGE 0441

123 5 22 11 21



CONTRACTOR TO CONTACT MASS DGC
1-800-482-7171 AT LEAST 48 HOURS
PRIOR TO CONSTRUCTION TO CONFIRM
LOCATION OF EXISTING UTILITIES.

PARKING PROVIDED
EACH UNIT HAS 2 GARAGE SPACES
EACH UNIT HAS 2 SPACES IN THE COMMON
DRIVE ASSIGNED
4 PER UNIT
120 PARKING SPACES
130 GENERAL COMMON SPACES
ALONG CURZON ST.
135 TOTAL PARKING SPACES
= 4.5 SPACES PER UNIT

R 9303391-IAR
BRANDON CHASE / BRIAR HAVEN
BRIAR HAVEN DEVELOPMENT
CORNSTONE ENGINEERING
802 E. GRAHAM RIVER, SUITE 105
BRIGHTON, MI 48116
(313) 223-3250
APR 11
SERV. PLAN

ORNAMENTAL STREET
EXISTING PROP

