

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9314011-1
PROJECT NAME - High Pointe No. 2 Site Condo**

On March 11, 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 and certain Right of Way Area.

"Grantor" is:

Shyers Group, Inc., a Michigan Corporation,
1097 Union Lake Road, White Lake, Michigan 48386,

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226
The Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Ave., Detroit, Michigan 48226

"Grantor's Land" is in the Township of Commerce, Oakland County, described as:

See attached Appendix "A" for description. Sidwell No. 17-33-400-030-010.

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

The exact location of said easements shall be shown on a drawing to be recorded Ninety (90) days after construction. The Right-of-Way is Ten (10) feet in width.

- 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 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 destroy 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.

\$ 9.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION
11 MAY 94 9:46 A.M. RECEIPT# 25A
PAID RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

\$ 11.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION
5 APR 95 1:45 P.M. RECEIPT# 133B
PAID RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

ON THE RIGHT OF WAY NO. 46015 RECORDED RIGHT OF WAY NO. 46015

Witnesses:(type or print name below signature)

LARRY Sapelek
LARRY SAPELAK
Margaret J. Woychowski
Margaret J. Woychowski

Grantor:(type or print name below signature)

Shyers Group, Inc., a Michigan Corporation
George Badalutz
By: George Badalutz
Its: Treasurer

O.K. - LM

Acknowledged before me in Oakland County, Michigan, on March 11, 1994 by George Badalutz, the Treasurer of Shyers Group, Inc., a Michigan Corporation, for the Michigan Corporation.

Notary's Stamp MARGARET J. WOYCHOWSKI
Notary Public, Oakland County, MI
My Commission Expires June 5, 1995
Notary's Signature Margaret J. Woychowski
(Notary's name, county, and date commission expires)

Prepared by Omer V. Racine, 30400 Telegraph Road, Suite 210, Birmingham, Michigan 48025/kad

10033

O.K. - J.S.

APPENDIX "A" LIBER 15332 PG 331

A part of the Southeast one-quarter (1/4) of Section 33, Town 2 North, Range 8 East, Commerce Township, Oakland County, Michigan, being more particularly described as follows:

Commencing at the center one-quarter (1/4) corner of Section 33, Town 2 North, Range 8 East, thence South 00°22'00" East along the North and South one-quarter (1/4) line 1304.58 feet; thence South 88°20'30" East 1332.68 feet to the point of beginning; thence North 00°36'59" West 787.48 feet, thence North 90°00'00" East 86.00 feet; thence South 00°36'59" East 786.79 feet; thence North 89°05'00" East 569.03 feet; thence South 00°35'00" East 657.26 feet; thence North 89°12'00" West 554.38 feet; thence South 00°39'00" East 664.90 feet to a point on the South line of Section 33; thence South 89°32'00" West along said South line, also the nominal centerline of Pontiac Trail, 100.00 feet; thence North 00°39'00" West 1304.77 feet to the point of Beginning. Containing 13.06 acres more or less. Being subject to field survey, all easements and rights-of-ways, if any. Sidwell No. (17-33-400-030-010)

(17-33-400-030-010)

the above legal is now known as:

High Pointe

OCCP # 684

Units 37-48 + part of general common element 9000684

- 17-33-476-001 - Unit 37
- 002 - Unit 38
- 003 - Unit 39
- 004 - Unit 40
- 005 - Unit 41
- 006 - Unit 42
- 007 - Unit 43
- 008 - Unit 44
- 009 - Unit 45
- 010 - Unit 46
- 011 - Unit 47
- 17-33-476-012 - Unit 48

RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF OAKLAND MICHIGAN
INDEXED IN THE PUBLIC RECORDS OF THE COUNTY OF OAKLAND MICHIGAN
4/60/15

ITS [unclear] [unclear] [unclear]

ITS [unclear] [unclear] [unclear]

817-8111

817-8111

~~Return to:~~
~~O.V. [unclear]~~
~~The Detroit Edison Company~~
~~3040 Telegraph Road, Rm. 277~~
~~Bingham Farms, MI 48025~~

~~Return to:~~
~~O.V. [unclear]~~
~~The Detroit Edison Company~~
~~3040 Telegraph Road, Rm. 277~~
~~Bingham Farms, MI 48025~~

RETURN TO:
TERRY L. BENEDICT
THE DETROIT EDISON COMPANY
56500 GRAND RIVER
NEW HUDSON, MI 48165

