

**UNDERGROUND DISTRIBUTION EASEMENT NO. R-9402045
PROJECT NAME Highview Drive**

On ~~June 29~~ ^{JULY 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 called the "Right of Way Area".

"Grantor" is:

David Caldwell and Terri Caldwell, husband and wife, 546 Washington, 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:

Section 36, T8N-R10E, Commencing at the Southwest 1/4 of Section 36, Beginning at the Southwest corner of Section 36; thence North 88°34'26" East 1317.75 feet along the South line of Section 36, thence North 01°17'32" West 1991.04 feet to the point of beginning; thence South 45°02'12" West 566.31 feet to the East line of Highview Drive, thence along the East line of Highview Drive Northwesterly along a nontangent curve concave to the West, having a central angle of 137-14-40, radius of 50.0 feet, arc length of 119.77 feet and whose chord is North 18°31'13" West 93.12 feet, thence North 09°10'01" West 965.19 feet to the East-West 1/4 line of Section 36; thence North 88°35'47" East 569.44 feet along the East-West 1/4 line of Section 36; thence South 01°17'32" East 655.09 feet to the point of beginning.

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

See Exhibit "A" which is attached hereto and made a part hereof.

- 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 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.

RECORDED RIGHT OF WAY NO. 46035

Witnesses: (type or print name below signature)

RECEIVED FOR RECORD

Grantor: (type or print name below signature)

Patricia Redkin
PATRICIA REDKIN

94 AUG -4 PM 12:50

David Caldwell
DAVID CALDWELL

LIBER NO. 368 PAGE NO. 511
Michigan State 513

Nancy Orlikowski
NANCY ORLIKOWSKI

REGISTER OF DEEDS
LAPEER COUNTY MICHIGAN

Terri Caldwell
TERRI CALDWELL, HIS WIFE

Acknowledged before me in Lapeer County, Michigan, on July 11, 1994 by David Caldwell and Terri Caldwell, husband and wife.

Notary's Stamp PATRICIA REDLIN Notary's Signature Patricia Redlin
Comm expires: 4-10-96
Lapeer, County, Michigan

Prepared by and Return to: Betty J. Dean, 1075 Suncrest Dr., Lapeer, Michigan 48446/SEB

RECORDED RIGHT OF WAY NO. 46035

APPROVED AS TO FORM 7/19/94 DATE
LEGAL DEPARTMENT GMU/MPH

The Grantor(s) DAVID E. LEESE AND JUSTINE M. LEESE, HIS WIFE.

RECEIVED FOR RECORD

whose address is 145 Harbor PkE, ORTONVILLE, MI; 48462

94 MAY -14 AM 11:00

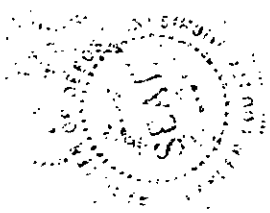
convey(s) and warrant(s) to DAVE CALDWELL AND TERRI CALDWELL, HIS WIFE.

LIPER NO. 252 FILE NO. 1-2

whose address is 546 Washington Street, Lapeer, MI 48446

RECORDED IN PUBLIC RECORDS OF MICHIGAN

the following described premises situated in the TOWNSHIP of MAYFIELD County of LAPEER and State of Michigan:



SEE ATTACHED LEGAL DESCRIPTION

for the sum of THIRTY ONE THOUSAND AND NINE HUNDRED AND NO/100(\$31,900.00)

subject to easements and building and use restrictions of record and further subject to the acts or omissions of parties other than the Grantor subsequent to the date of December 17, 1993, that being the date of an executory Land Contract in fulfillment whereof this Deed is given.

Dated this 15th day of April, 1994

Signed by;

Signed in presence of:

Shelley Brecht
Shelley Brecht
Jennifer Rossman
Jennifer Rossman

David E. Leese
David E. Leese
Justine M. Leese
Justine M. Leese

STATE OF MICHIGAN
County of Lapeer

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
Dept. of Taxation MAY-4'94 35.20

The foregoing instrument was acknowledged before me this 15th day of April, 1994 by David E. Leese and Justine M. Leese, his wife.

Shelley Brecht
Shelley Brecht
Notary Public, Lapeer County, Michigan
My commission expires; September 16, 1994

County Treasure's Certificate

City Treasure's Certificate

When recorded return to;
Grantee CITIZENS FEDERAL
P. O. Box 5012
Port Huron, MI 48061-5012

Send Subsequent Tax Bills To;
Grantee

Drafted by;
Shelley Brecht
3820 S. Lapeer Rd
Metamora MI 48455

Tax Parcel #

Recording Fee \$14.00
13.00

Transfer Tax \$35.00
35.20

RECORDING SECTION OF L.A.P. NO. 46035

UB0856 MFC0002

PARCEL D: Part of the Southwest 1/4 of Section 36, T8N, R10E, Mayfield Township, Lapeer County, Michigan, being described as: Commencing at the Southwest corner of Section 36; thence North 88°34'26" East 1317.75 feet along the South line of Section 36; thence North 01°17'32" West 1992.04 feet to the point of beginning; thence South 45°02'12" West 566.31 feet to the East line of Highview Drive; thence along the East line of Highview Drive Northwesterly along a nontangent curve concave to the West having a central angle of 137°14'40", a radius of 50.00 feet, an arc length of 110.77 feet and whose chord is North 18°31'13" West 93.12 feet; thence North 09°10'01" West 965.19 feet to the East and West 1/4 line of Section 36; thence North 88°35'47" East 569.44 feet along the East and West 1/4 line of Section 36; thence South 01°17'32" East 655.09 feet to the point of beginning. Together with and subject to an 80' X 80' ingress-egress easement described as: Commencing at the Southwest corner of Section 36, T8N, R10E, Mayfield Township, Lapeer County, Michigan; thence North 83°34'20" East 1317.75 feet along the South line of Section 36; thence North 01°17'32" West 1049.02 feet (previously measured and recorded as 1050.99 feet); thence South 88°30'00" West 627.31 feet (previously measured and recorded as 628.10 feet) to the East line of Highview as platted in "Tin-Dall No. 2" Subdivision in Liber 5 of Plats, Page 10, Lapeer County Records; thence North 01°30'00" West 155.16 feet (previously measured and recorded as 155.39 feet) along the East line of Highview; thence along a tangent curve concave to the East having a central angle of 30°00'00", a radius of 107.00 feet, an arc distance of 87.44 feet and whose long chord is 86.45 feet along the East line of Highview; thence North 28°30'00" East 339.69 feet (previously measured and recorded as 339.97 feet) along the East line of Highview for a point of beginning; thence South 61°30'00" East 7.00 feet; thence North 28°30'00" East 80.00 feet; thence North 61°30'00" West 80.00 feet; thence South 28°30'00" West 80.00 feet; thence South 61°30'00" East 73.00 feet to the point of beginning.

Office of The Treasurer of Lapeer County, Michigan

Mary J. Smith 19 *94*

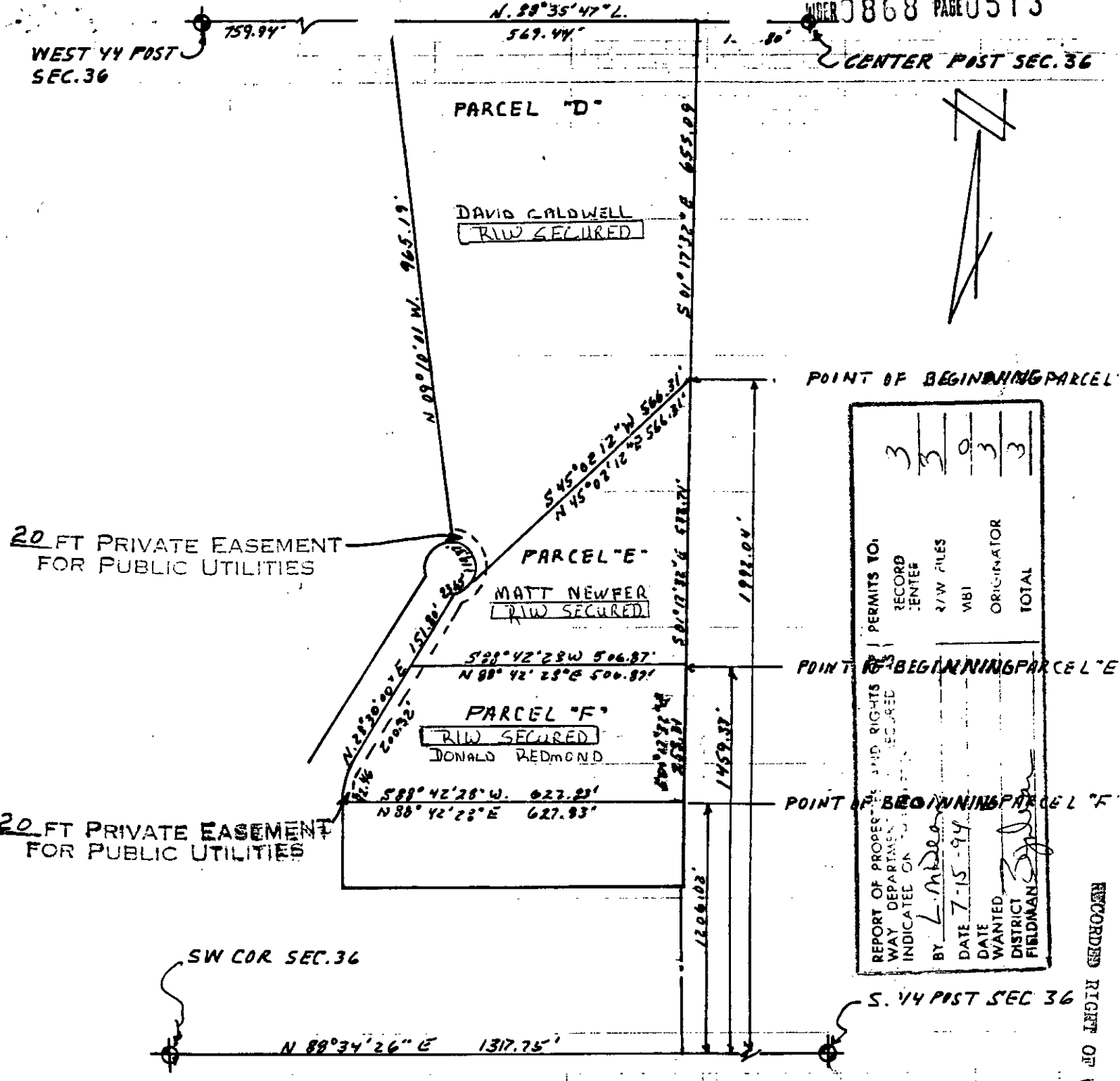
I hereby certify that there are no tax liens or titles held by the State of any individual against the within description, and all taxes on same are paid for five years previous to the date of this instrument, or appears on the records in my office. *Mary J. Smith*
County Treasurer

RECORDED RIGHT OF WAY NO.

46035

WEST 44 POST
SEC. 36

CENTER POST SEC. 36



POINT OF BEGINNING PARCEL

POINT OF BEGINNING PARCEL "E"

POINT OF BEGINNING PARCEL "F"

REPORT OF PROPERTY AND RIGHTS WAY DEPARTMENT SECURED INDICATED ON THIS MAP	PERMITS TO:
BY: L. M. DEAN	RECORD CENTER
DATE: 7-15-94	R/W FILES
DATE WANTED:	MBI
DISTRICT FIELDMAN:	ORIGINATOR
	TOTAL

RECORDED RIGHT OF WAY NO. 46035

LEGEND				
○	FOREIGN POLE			
●	EXIST D.E. CO. POLE			
○	PROPOSED POLE			
Y	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	COUNTY	QTR. & TWP. SECT. NO.	DEPT. ORDER NO.	
MAYFIELD	LACER	36		
MAP SECT.	TOWN	RANGE	JOINT R/W REQUIRED	R/W NO.
	8N	12E	YES <input type="checkbox"/> NO <input type="checkbox"/>	9402045-01R
PROJECT NAME	TEL. ENGR & DIST.		PROJ. OR PART NO.	
URD				
CIRCUIT			O.F.W. S.O. OR P.E. NO.	
8765 LACER 13.2KV				
REASON			BUDGET ITEM NO.	
N.B.				
PLANNER	SCALE	DATE		
L. M. DEAN		05-27-94		