

Detroit Edison

(LIBER 14755 PG 642)

(94 165257)

LIBER 15614 PG 737

AUG 22 95 157299

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9310960-01R
PROJECT NAME - PROPOSED MACHLAY MEADOWS SITE CONDOMINIUM**

On Nov 3 1993, 1993, 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 Machlay Meadows Site Condominium and called the Right of Way Area.

\$ 1.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION -
RECEIPT# 1038
\$ 2.00 REMONUMENTATION -
RECEIPT# 1918
22 AUG 95 3:57 P.M.
RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

"Grantor" is:

Wayne R. Ball and Virginia R. Ball, Husband and Wife, 3870 Ludwig, Oxford, Michigan

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226
Concord Telecommunications, a Michigan corporation, 2410 Metamora Road, Oxford, Michigan 48371

***"Grantor's Land" is in Oxford Township, Oakland County, Michigan, described as:**

Proposed Machlay Meadows Site Condominium, part of Northeast 1/4 of Section 5, T5N, R10E, beginning at point distance East 753.07 feet from North 1/4 corner; thence East 240 feet; thence South 01°49'00" W 198.05 feet; thence East 264.05 feet; thence South 00°56'35" W 896.12 feet to Northeast corner of 'Seven Oaks Sub No 1'; thence South 89°53'19" W 517.79 feet; thence North 01°49'00" E 1095.48 feet to beginning, also Easterly 115 feet more or less of fol desc parcel beginning at point distance South 01°49'00" W 500 feet from North 1/4 corner; thence East 750 feet; thence South 01°49'00" W 597.05 feet; thence South 89°41'00" W 750.14 feet; thence North 01°49'00" E 601.20 feet to beginning. Sidwell No: 04-05-201-012

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

The exact location of said easement shall be shown on a drawing to be recorded 90 days after construction.

*SAME AS ORIG. N.K.A. MACHLAY MEADOWS CONDO. OCCP # 870 UNITS 1-11
04-05-201-000

- 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.

Witnesses:(type or print name below signature)

Sandra J. Hendrickson
SANDRA J. HENDRICKSON
Terry L. Benedict
TERRY L. BENEDICT

Grantor:(type or print name below signature)

Wayne R. Ball
Wayne R. Ball
Virginia R. Ball
Virginia R. Ball

Acknowledged before me in Lapeer County, Michigan, on November 3, 1993 by Wayne R. Ball and Virginia R. Ball, Husband and Wife.

Notary Public, Genesee County, MI
My Commission Expires Sept. 24, 1994
(Notary's authority, county, and date commission expires)

Notary's Signature Sandra J. Hendrickson

Prepared by and Return to: Terry L. Benedict, 1970 Orchard Lake Road, Sylvan Lake, Michigan 48320/kjk

MARCIA ROMANSKI

O.K. -S.R. OK X G.K.

RECORDED RIGHT OF WAY NO. 46054

910
2.100

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

RETURN TO:
TERRY L. BENEDICT
THE DETROIT EDISON COMPANY
1970 ORCHARD LAKE ROAD
SYLVAN LAKE, MI 48320

12324-881

APPROVED AS TO FORM 5/2/94 DATE
LEGAL DEPARTMENT. WFR

