

**OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9404919-1AR**

On 12-12-, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

LYLE J. HERBST, 6132 CROOKED LAKE ROAD, BRIGHTON, MI 48116

"Grantee" is:

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

"Grantor's Land" is in Genoa Township, Livingston County, described as:

SEE ATTACHED APPENDIX A.

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

AS SHOWN ON ATTACHED DECO DRAWING NO. R-9404919-1AR DATED 11-16-94. WIDTH OF RIGHT OF WAY IS THIRTY (30) FEET.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, cables, transformers and accessories.
2. **Access:** Grantee has the right of access to and from the Right of Way Area.
3. **Building 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. **Trees, Bushes, Branches or Roots:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.
5. **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.
6. **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)

Thomas O'Brien  
THOMAS O'BRIEN

Edward F. Camps  
EDWARD F. CAMPS

Lyle J. Herbst  
LYLE J. HERBST

Acknowledged before me in LIVINGSTON County, Michigan, on Dec 12, 1994 by Lyle J. Herbst.

Notary's Stamp JUDITH SMITH LIVINGSTON Notary's Signature Judith Smith  
(Notary's name, county and date commission expires)  
COUNTY MICHIGAN  
COMMISSION EXPIRES 1-22-97

Prepared by and Return to: Edward F. Camps, Detroit Edison, 1095 Lawson Drive, Howell, Michigan 48843

47356  
RECORDED IN OFFICE OF CLERK OF COURT

APPENDIX "A"

RIGHT OF WAY NO. R-9404919-1AR  
LYLE J. HERBST

LEGAL DESCRIPTION:

SEC 24 T2N, R5E BEG. AT W 1/4 COR, TH S 326 FT, TH N 89\*E TO E LINE OF W 1/2 OF SW 1/4, TH N TO E/W 1/4 LINE, TH N 89\*W TO BEG 1985 CORRECTION.

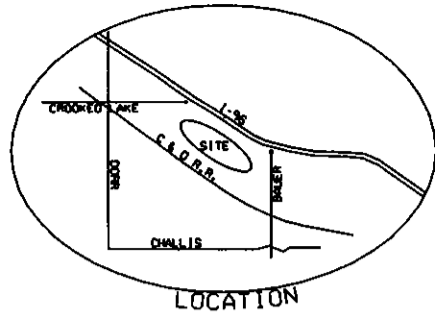
SEC 23 T2N R5E COM N 1/4 COR, TH S53\*E 1591.75 FT TO POB, TH SE'LY ALG S'LY LN I-96 1310 FT, TH S72\*W 634.72 FT, TH S82\*W 863.54 FT, TH N43\*W 679.91 FT, TH N56\*E 1023.6 FT TO POB 24.95 AC M/L PAR C.

SEC 23 T2N R5E BEG E 1/4 COR, TH S86\*W 1327.42 FT, TH N43\*W 775 FT TH N82\*E 863.54 FT, TH N72\*E 634.72 FT, TH S61\*E 357.68 FT, TH S2\*E 192.21 FT, TH N87\*E 60 FT, TH S2\*E 372.52 FT TO POB 24.96 AC M/L PAR D.

SEC 23 T2N R5E COM N 1/4 COR, TH S2\*E 31.58 FT TO POB, TH S53\*E 1591.75 FT, TH S56\*W 1453.65 FT, TH N2\*W 1750 FT TO POB 24.95 AC M/L PAR A.

47356

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH	PERMITS TO:
BY _____	RECORD CENTER _____
DATE _____	R/W FILES _____
DATE WANTED _____	NBT _____
DISTRICT FIELDMAN _____	ORIGINATOR _____
	TOTAL _____

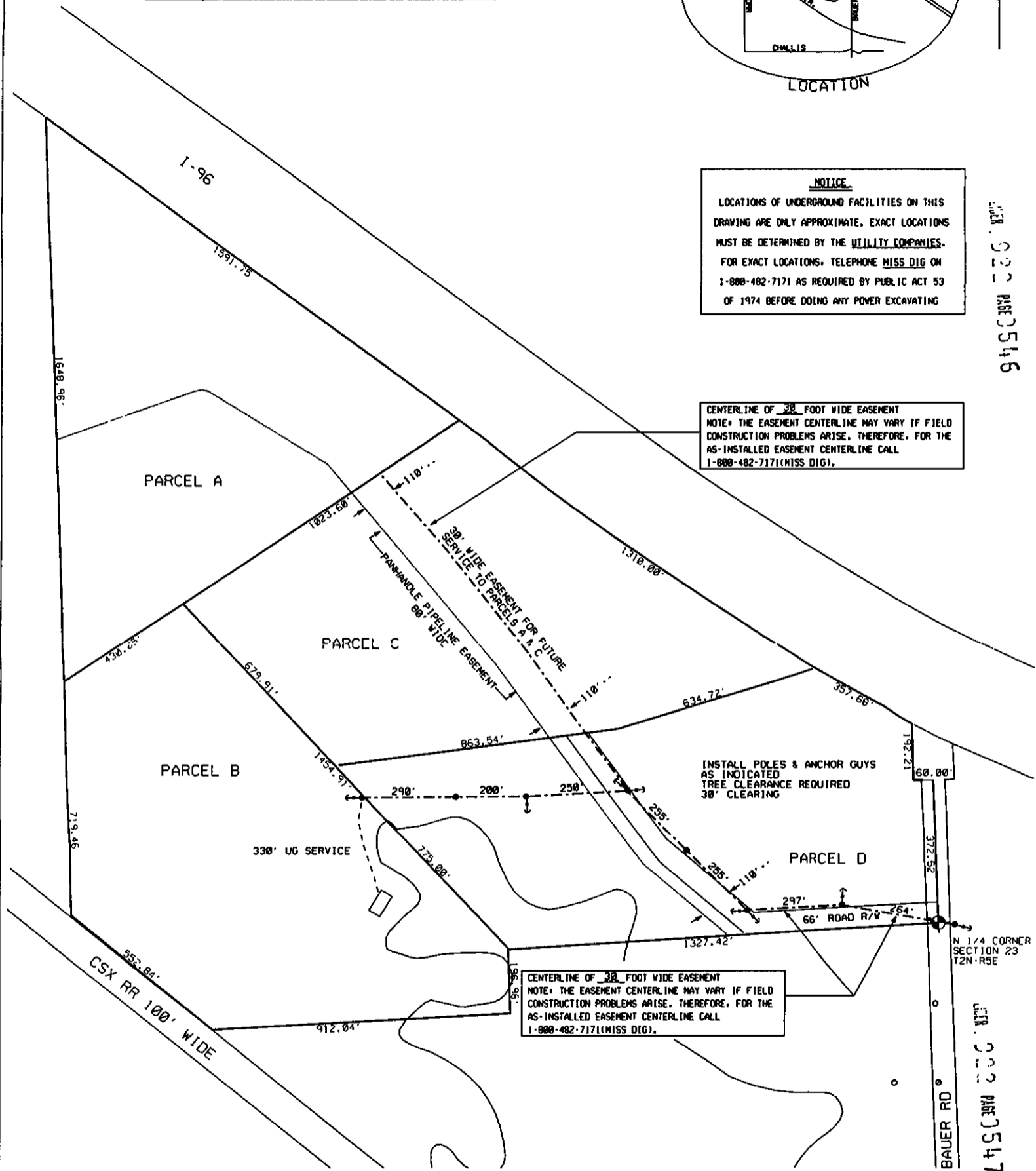


North

**NOTICE**  
 LOCATIONS OF UNDERGROUND FACILITIES ON THIS DRAWING ARE ONLY APPROXIMATE. EXACT LOCATIONS MUST BE DETERMINED BY THE UTILITY COMPANIES. FOR EXACT LOCATIONS, TELEPHONE MISS DIG ON 1-800-482-7171 AS REQUIRED BY PUBLIC ACT 53 OF 1974 BEFORE DOING ANY POWER EXCAVATING

PLAN 022 PART 546

CENTERLINE OF 30' 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).

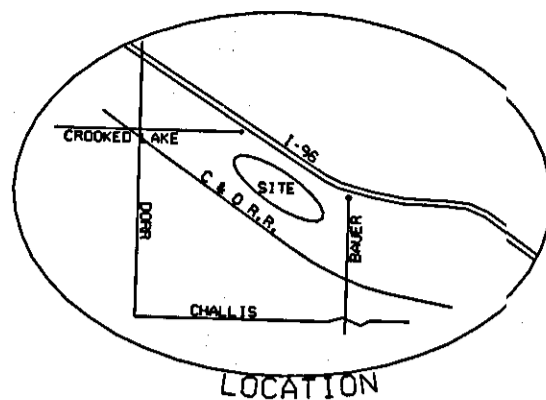


PLAN 022 PART 547

JPL 9404919

<b>LEGEND</b> ○ EXIST. D.E.CO. POLE ● PROPOSED POLE ○ FOREIGN POLE ○ EXIST. ANCHOR ○ PROPOSED ANCHOR ○ TREE - - - 120/240 V LINE - - - 4800 V LINE - - - 15,200 V LINE - - - 40,000 V LINE	THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
	CITY OR TWP.	COUNTY	TWP SEC QTR	DEPT. ORDER NO.
	GENOA	LIVINGSTON	23 NE	A-47044
	MAP SECT.	TOWN RANGE	JOINT R/W REQ'D	R/W NO.
	2-136-380	T2N R5E		R-9404919-1AR
	PROJECT NAME	TEL. EMGR. & DIST.		NBT MEMO#
	TOITH RESIDENCE			
	TOWNSHIP	SERVICE CENTER	COMP. CODE	MAILING CITY
	GEN	HWL	UC	BTN
	CIRCUIT			CATV MEMO#
			O.F.W.	
REASON	BUDGET ITEM NO.			
PROVIDE SERVICE TO PARCELS A, B, C & D				
PLANNER	SCALE	DATE		
T.R. ROWE	1"=300'	11-16-94		

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH		PERMITS TO:	
BY _____	RECORD CENTER _____	R/W FILES _____	MBT _____
DATE _____	ORIGINATOR _____	TOTAL _____	
DATE WANTED _____			
DISTRICT FIELDMAN _____			



**NOTICE**  
 LOCATIONS OF UNDERGROUND FACILITIES ON THE DRAWING ARE ONLY APPROXIMATE. EXACT LOCATIONS MUST BE DETERMINED BY THE UTILITY COMPANIES FOR EXACT LOCATIONS. TELEPHONE MISS DIG ON 1-800-482-7171 AS REQUIRED BY PUBLIC ACT 5 OF 1974 BEFORE DOING ANY POWER EXCAVATING

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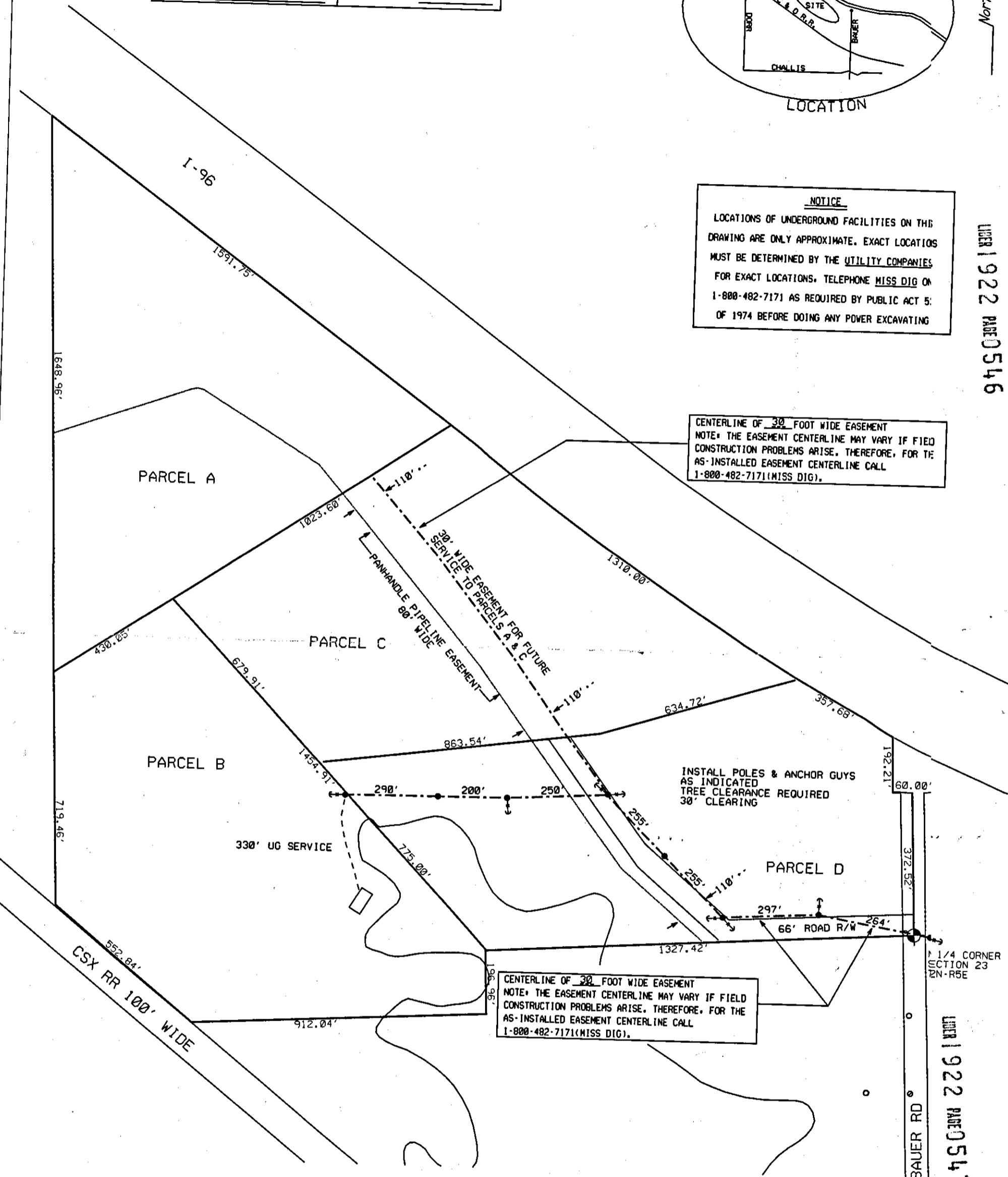
CENTERLINE OF 30' FOOT WIDE EASEMENT  
 NOTE: THE EASEMENT CENTERLINE MAY VARY IF FIELD CONSTRUCTION PROBLEMS ARISE. THEREFORE, FOR THE AS-INSTALLED EASEMENT CENTERLINE CALL 1-800-482-7171 (MISS DIG).

INSTALL POLES & ANCHOR GUYS AS INDICATED  
 TREE CLEARANCE REQUIRED  
 30' CLEARING

CENTERLINE OF 30' 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).

1/4 CORNER SECTION 23 2N-R5E

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LEGEND	
○	EXIST. D.E.CO. POLE
●	PROPOSED POLE
○	FOREIGN POLE
⊥	EXIST. ANCHOR
⊥	PROPOSED ANCHOR
○	TREE
---	120/240 V LINE
---	4800 V LINE
---	13,200 V LINE
---	40,000 V LINE

JPL 9404919

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT

CITY OR TWP. GENOA	COUNTY LIVINGSTON	TWP SEC QTR 23 NE	DEPT. OR DEF NO. A-47014
MAP SECT. 2-136-380	TOWN RANGE T2N R5E	JOINT R/W REQ'D	R/W NO. R-9404919-1AR
PROJECT NAME TOTH RESIDENCE	TEL. ENGR. & DIST.		MBT MEMO#
TOWNSHIP GEN	SERVICE CENTER HWL	COMP. CODE UC	MAILING CITY BTN
CIRCUIT			CATV MEMO#
REASON PROVIDE SERVICE TO PARCELS A, B, C & D			O.F.W.
PLANNER T.R. ROWE			BUDGET ITEMNO.
	SCALE 1" = 300'		DATE 11-16-94

SALES TAXES OF THE STATE

47355+

47356