

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9407118-2AR

On 7-28-, 1995, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

GARDNER BUILDING AND DEVELOPMENT, INC., A MICHIGAN CORPORATION, 205 BEAVER STREET, 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:

SEC 35 T3N R5E E 1/2 OF SW 1/4, EXC BEG AT 1/4 COR, TH W 210 FT N 414.85 FT, E 210 FT, S 414.85 FT TO POB, LEAVING 78AC ML.

Occult
EFC

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

AS SHOWN ON ATTACHED DECO DRAWING NO. R-9407118-2AR DATED 12-16-94. WIDTH OF RIGHT OF WAY IS TWELVE (12) FEET.

- 1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground 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. **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.
- 7 **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)

Edward F. Camps
EDWARD F. CAMPS

Georgia E. Fields
Georgia E. Fields

Grantor:(type or print name below signature)
Kimara J. Gardner
President Kimara J. Gardner

Acknowledged before me in LIVINGSTON County, Michigan, on 7-28, 1995

by KIMARON J. GARDNER, its PRESIDENT, Gardner Building and Development, Inc., a Michigan corporation, for the corporation.

EDWARD FRANK CAMPS
Notary Public, Livingston County, MI
My Commission Expires July 24, 1999

Notary's Stamp _____ Notary's Signature *Edward F. Camps*

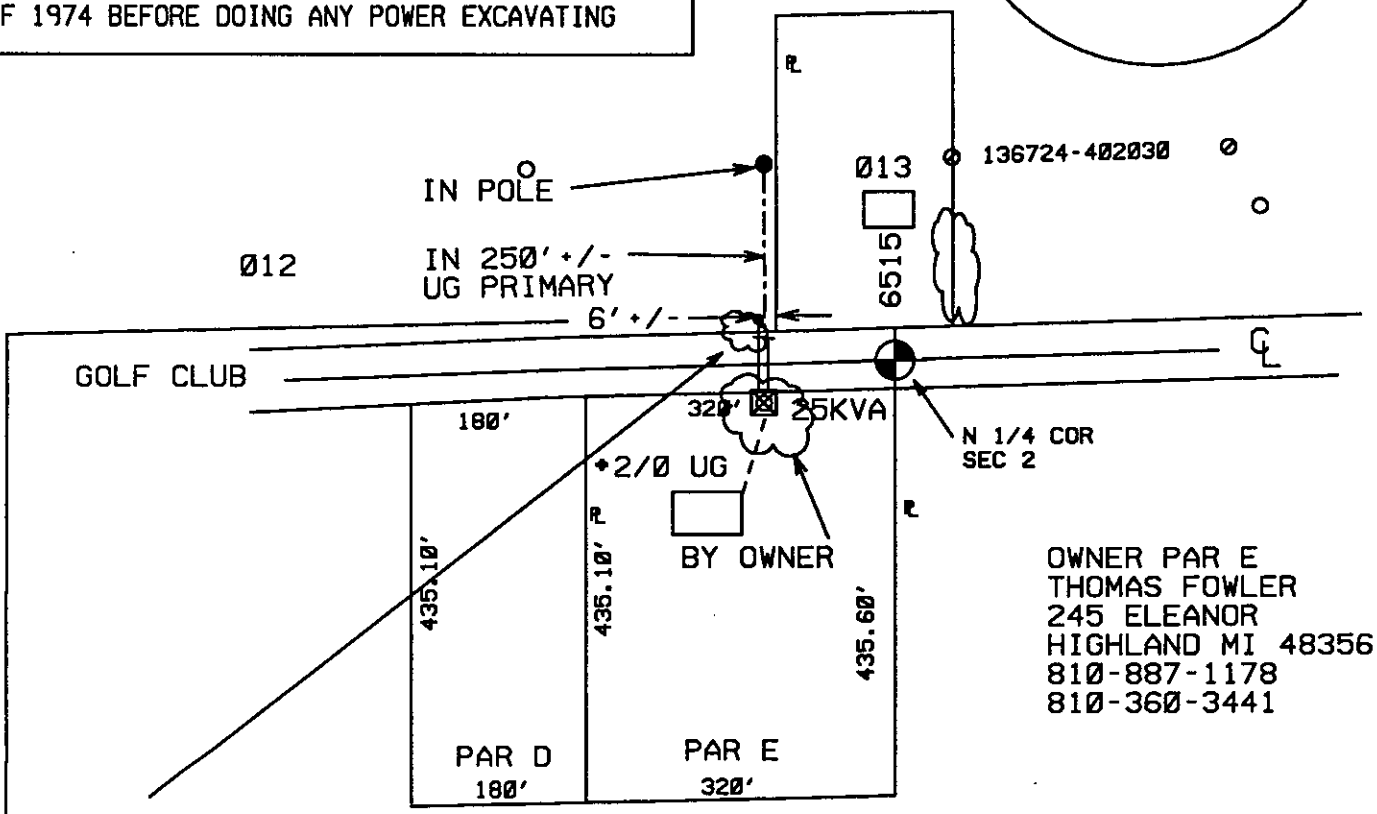
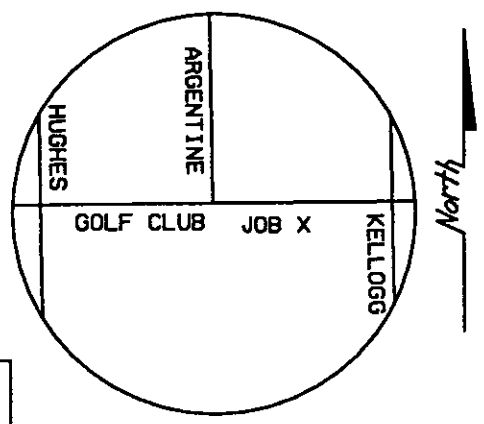
Prepared by and Return to: Edward F. Camps, Detroit Edison, 1095 Lawson Drive, Howell, Michigan 48843

47506A

RECORDED
JUL 26 1 44 PM '95
NANCY HAVILAND
REGISTRAR OF DEEDS
LIVINGSTON COUNTY, MI
48043

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



47506

RIGHT OF WAY REQUIRED TO CUT AND TRIM ALL TREES 15' ~~20'~~ EACH SIDE OF PROPOSED POLE LINE. PLUS RIGHT OF WAY TO CUT ANY TREE CONSIDERED BY EDISON TO BE HAZARDOUS TO THE LINE

CENTERLINE OF 12 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).

JPL 9407118

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

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
CITY OR TWP. GENOA	COUNTY LIVINGSTON	TWP SEC QTR 2 -	DEPT. ORDER NO. A-47123
MAP SECT. 2-136-400	TOWN RANGE T3N RR5	JOINT R/W REQ'D NO	R/W NO. R-9407118-2AR
PROJECT NAME THOMAS FOWLER		TEL. ENGR. & DIST. -	MBT MEMO#
TOWNSHIP GEN	SERVICE CENTER HWL	COMP. CODE UC	MAILING CITY HWL
CIRCUIT -			CATV MEMO#
REASON NEW HOME			O.F.W.
PLANNER AL CRUTHERS PH • 548-6455	SCALE 1" = 200'	BUDGET ITEM NO. 5MHOA-MAM	
		DATE 12-16-94	