

Sec. 26

OVERHEAD AND UNDERGROUND EASEMENT (R/W) NO. R-9500093-02

On 8/24, 1995, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead and underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of

"Grantor" is:

Joseph D. Linck, a single man, 5182 Hasslick Rd., North Branch, MI 48461

"Grantee" is:

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

"Grantor's Land" is in North Branch Township, Lapeer County, Michigan described as:

PARCEL "A": Part of the East 1/2 of the Northwest 1/4 of Section 26, T9N-R11E, described as beginning at a point on the North section line that is WEST 636.15 feet from the North 1/4 corner of said Section 26; thence South 00°17'21" East 609.83 feet; thence North 88°40'47" West 145.98 feet; thence South 02°17'50" West 618.55 feet; thence South 42°47'22" East 113.66 feet thence South 89°43'51" West 579.45 feet; thence along the West line of said East 1/2 of the Northwest 1/4, North 00°06'13" West 439.45 feet; thence EAST 175.00 feet; thence North 00°06'13" West 871.20 feet; thence along the North section line, EAST 497.26 feet to the point of beginning. Subject to and including rights of ingress and egress over "Easement" as described herein.

EASEMENT: An easement for ingress and egress, 66 feet in width, being part of the East 1/2 of the Northwest 1/4 of Section 26, T9N-R11E, the centerline of which is described as beginning at a point on the North section line that is WEST 669.15 from the North 1/4 corner of said Section 26; thence South 00°17'21" East 576.07 feet; thence North 88°40'47" West 111.48 feet; thence South 02°17'50" West 651.55 feet; thence South 42°47'22" East 113.66 feet to the point of termination.

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

Shown on 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 overhead and 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.

RECORDED RIGHT OF WAY NO. 47709

RECEIVED FOR RECORD

95 NOV 30 PM 3: 59

LIBER NO. 926 PAGE NO. 959

Melissa DeVaugh 961

REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Ronald Wanamaker
 Ronald Wanamaker

Sandra Kayl
 Sandra Kayl

Joseph D. Linck
 Joseph D. Linck, A single
 man

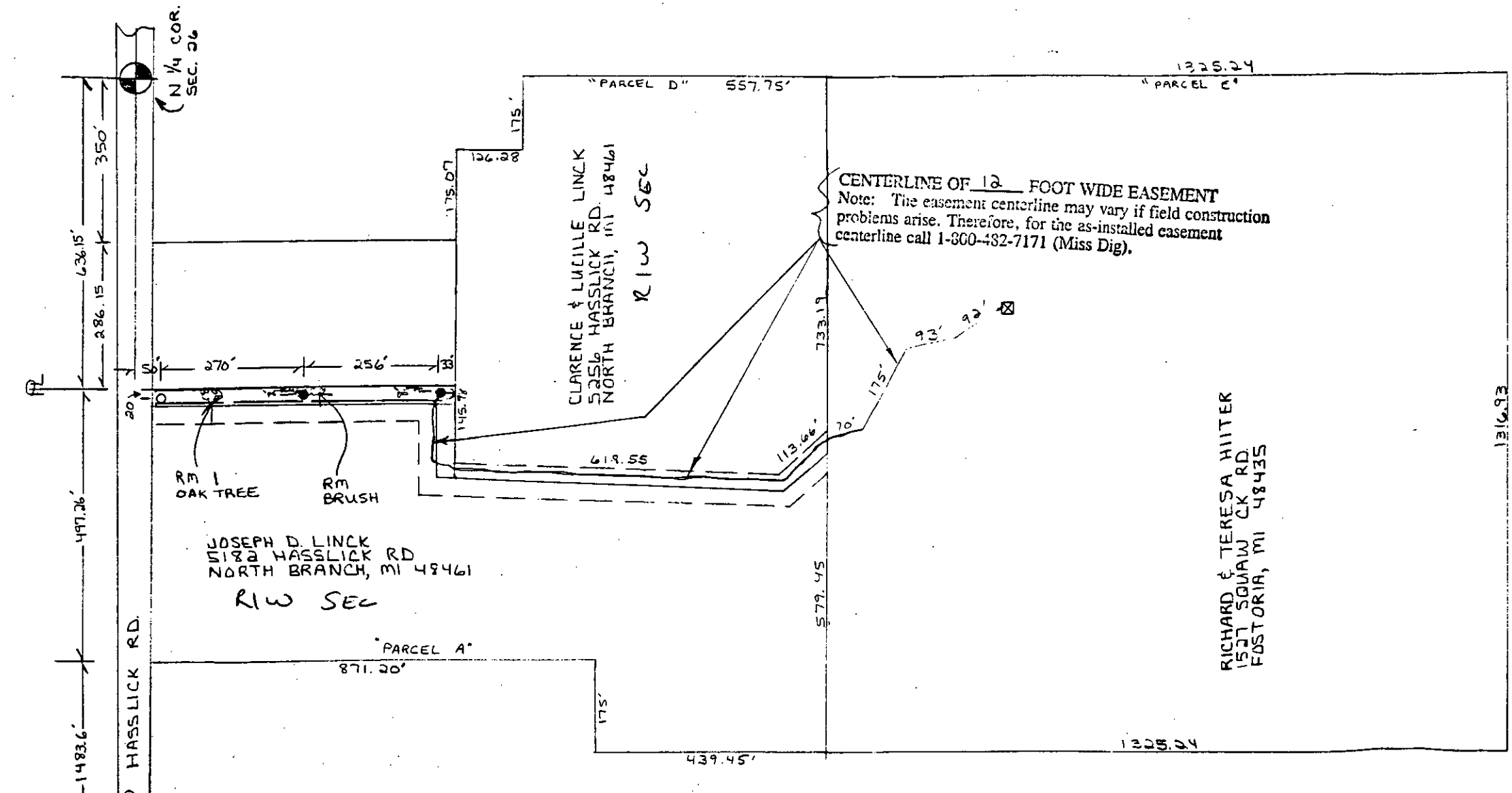
Acknowledged before me in North Branch, Michigan, on Aug 24, 1995 by Joseph D. Linck, a single man.

Notary's Stamp Comm. Exp. 10-17-1999 Notary's Signature Ronald Wanamaker

Prepared by and Return to: **Betty J. Dean, 1075 Suncrest Drive, Lapeer, MI 48446/jmm** Lapeer, Co.
 Ronald Wanamaker

RECORDED EUCPA OF MAY NO. 47709

RECORDED RIGHT OF WAY NO. 47720



RICHARD & TERESA HIITER
1527 SQUAW CK RD.
EASTORIA, MI 48435

EXHIBIT 'A'

| | | | |
|---|--|---------------|----------|
| REPORT OF PROPRIETOR AND RIGHTS OF WAY DEPARTMENT HAS BEEN OBTAINED AS INDICATED ON THIS SKETCH | | PERMITS TO: | |
| BY: <i>Janette Jones</i> | | RECORD CENTER | <u>2</u> |
| DATE: 11-3-95 | | RAW FILES | <u>2</u> |
| DATE VISITED: A CAD | | M&T | <u>2</u> |
| DESIGNED: <i>[Signature]</i> | | ORIGINATOR | <u>2</u> |
| CHECKED: <i>[Signature]</i> | | | |

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|---|---|-------------------------|-----------------------|---|
| LEGEND ○ FOREIGN POLE ○ EXIST. D.E. CO. POLE ○ PROPOSED 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. | COUNTY | QTR. & TWP. SECT. NO. | DEPT. ORDER NO. |
| | NORTH BRANCH | LAPPEER | NW 1/4 SEC 26 | |
| | MAP SECT. | TOWN | RANGE | JOINT R/W REQUIRED |
| | 1-313-614 | 9N | 11E | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| | PROJECT NAME | TEL. ENG'R. & DIST. | | |
| | HIITER | | | |
| | CIRCUIT | O.F.W. S.D. OR F.E. NO. | | |
| | D.C. 8808 NRBRN 4.8KV | | | |
| | REASON | BUDGET ITEM NO. | | |
| SERVE 5218 HASSLICK RD. | | | | |
| PLANNER | SCALE | DATE | | |
| JANETTE JONES | 1" = 200' | 7-31-95 | | |

1000000000

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0 2 1

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| MISC D | 11.00 |
| ESMT | P0009 |
| REMOVT | 2.00 |