

OVERHEAD AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. 17922/2

On DECEMBER 1, 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

"Grantor" is:

Bobenal Investments, Inc., a Michigan corporation, 221 W. Lake Lansing Road., Suite 101, East Lansing, MI 48823

"Grantee" is:

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

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

Being a part of the Northeast 1/4 of said Section 21, Commencing at the East 1/4 corner of Section 21, T6N-R12E, thence South 86°18'50" West 1,044.56 feet along the East-West 1/4 line of said Section 21; thence along the Easterly right of way of Van Dyke Road (M-53) 284.68 feet along the arc of a 2,814.79 foot radius non-tangential circular curve to the right, chord bearing North 39°57'35" West 284.56 feet for a PLACE OF BEGINNING; thence the following two courses: continuing along the Easterly right of way of Van Dyke Road (M-53) 136.53 feet along the arc of a 2,814.79 foot radius circular curve to the right, chord bearing North 35°38'55" West 136.52 feet, and North 34°17'00" West 113.47 feet; thence South 89°17'42" East 277.00 feet along the South line of Lot 1 of "Barnes Acres" as recorded in Liber 3 of Plats, Page 32, Lapeer County Records, Lapeer County, Michigan; thence South 00°26'29" East 200.00 feet; thence South 89°28'05" West 135.00 feet to the Place of Beginning.

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

A 12' wide easement 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.

48222
RECORDED RIGHT OF WAY NO.

RECEIVED FOR RECORD

96 FEB 12 PM 2:50

LIBER NO. 936 PAGE NO. 432
Michigan Deeds 434

REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

L-920P-254

Witnesses: (type or print name below signature)

Grantor: (type or print name below signature)

[Handwritten Signature]
Janine man Deville

[Handwritten Signature]
Jerome L. Fine (SECRETARY)

[Handwritten Signature]
GARY W. KENNEY

Acknowledged before me in Ingham County, Michigan, on December 1, 1995
by Jerome L. Fine, Secretary, Bobenal Investments, Inc., a Michigan corporation.

JOLENE M. FREEMAN
Notary Public, Clinton County, MI
My Commission Expires Apr. 25, 1998
Acting in Ingham County, MI

Notary's Stamp

Notary's Signature

[Handwritten Signature]
Jolene M. Freeman

Prepared by and Return to: Gary W. Kenney, 1075 Suncrest Drive, Lapeer, MI 48446/jmm

RECORDED RIGHT OF WAY NO. 48222

RECORDS RIGHT OF WAY NO. *ee8h*

EXHIBIT A

North

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). EASEMENT TO EXTEND FROM THE NEW POLE LOCATION SHOWN, ON AND ACROSS THE GRANTORS LAND, TO THE TRANSFORMER LOCATED ON THE EAST PROPERTY LINE.

R/W SECURED

MC DONALD'S
894 VAN DYKE N.

ALMONT IGA

NOTES:
FI - FOUND IRON.
OVERHEAD AND UNDERGROUND
EQUIPMENT INVOLVED.

| | |
|-------------------------------------------------------------------------------------------|------------------|
| REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH | |
| BY | <u>12-1-95</u> |
| DATE | <u>ASAP</u> |
| DATE WANTED | <u>G. KENNEY</u> |
| DISTRICT FIELDMAN | |
| PERMITS TO: | |
| RECORD CENTER | <u>1</u> |
| R/W FILES | <u>1</u> |
| MBT | <u>0</u> |
| ORIGINATOR | <u>1</u> |
| TOTAL | <u>1</u> |

| | | | |
|--------------------------------------------------------|--------------------|-------------|-----------------|
| THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT | | | |
| CITY OR TWP. | COUNTY | TWP SEC QTR | DEPT. ORDER NO. |
| ALMONT VILL | LAPEER | 21 | |
| MAP SECT. | TOWN | RANGE | JOINT R/W REQ'D |
| 1-343-522 | 6N | 12E | NO |
| PROJECT NAME | TEL. ENGR. & DIST. | | R/W NO. |
| MC DONALDS PERM | NONE | | 17922/2 |
| TOWNSHIP | SERVICE CENTER | COMP. CODE | MAILING CITY |
| ALM | LAP | UC | ALM |
| CIRCUIT | | | CATV MEMO# |
| 304 ALMONT 4.8KV | | | O.F.W. |
| REASON | | | BUDGET ITEM NO. |
| NEW COMM SERV 894 VAN DYKE N | | | 5ML0A-MAB |
| PLANNER | SCALE | DATE | |
| G. STOCKMAN | 1" = NONE' | 10-27-95 | |

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



E 1 / 4 COR SEC 21

JPL 17922

| | |
|--------|-------|
| MISC D | 11.00 |
| ESMT | P0009 |
| REMONT | 2.00 |