

OVERHEAD EASEMENT (RIGHT OF WAY) NO. 29175/2

On JAN. 24, 1996, 1996, 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:

Kurtz Gravel Company, a Michigan corporation,, G-5300 North Dort Highway, Flint, MI 48506

"Grantee" is:

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

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

Part of the Northwest 1/4 Section 12, T7N-R9E, described as beginning at a point on the West section line that is South 02°13'53" East 644.00 feet from the Northwest corner of Section 12; thence continuing South 02°13'53" East 450.00 feet along the West section line; thence North 87°46'07" East 862.75 feet; thence North 02°13'53" West 660.78 feet to the South line of the Grand Trunk Western Railroad; thence South 74°02'23" West 888.12 feet along the South line of the railroad to the point 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 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. 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. 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.

RECORDED RIGHT OF WAY NO. 4827

Witnesses: (type or print name below signature) **Grantor:** (type or print name below signature)

Stephanie R. Kline 96 FEB 12 PM 1:43
Christine M. Durant LIBER NO. 936 PAGE NO. 416
 DAVID L. KURTZ, Treasurer
 REGISTER OF DEEDS
 LAPEER COUNTY MICHIGAN

Acknowledged before me in GENESEE County, Michigan, on JAN. 24, 1996 by Kurtz Gravel Company, a Michigan corporation, by DAVID L. KURTZ, Treasurer

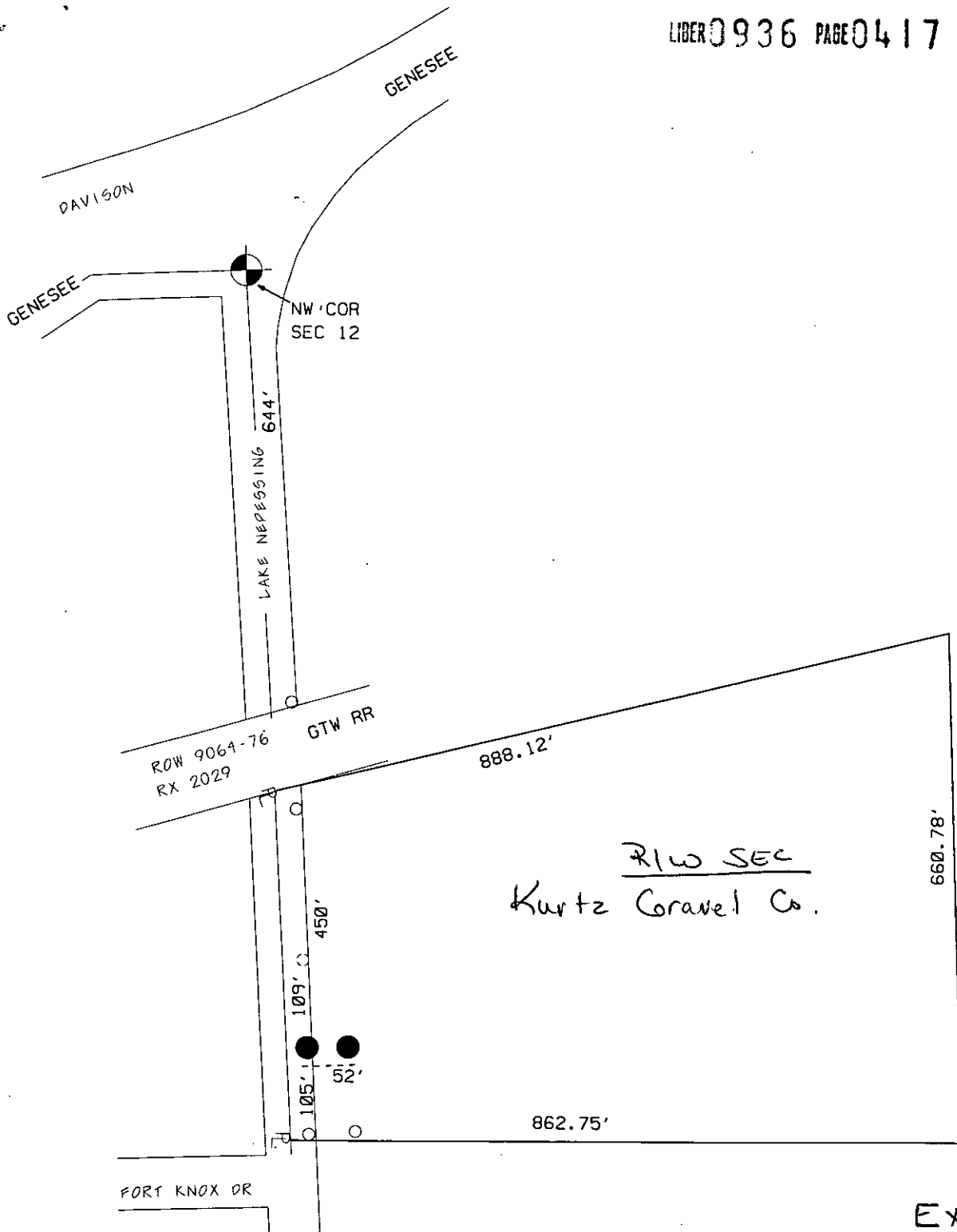
Notary's Stamp KATHRYN A. THORSBY Notary Public, Genesee County, Michigan My Commission Expires 2-18-2000 *Kathryn A. Thorsby*

Liber 899 p 291

LIBRARY OF THE
CONGRESS
PHOTODUPLICATION SERVICE

7B

North



RECORDED RIGHT OF WAY NO. 48277

EXHIBIT 'A'
JPL 29175/17

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.	COUNTY	TWP SEC QTR	DEPT. ORDER NO.	
ELBA	LAPEER	12 NW	A-90162	
MAP SECT.	TOWN RANGE	JOINT R/W REQ'D	R/W NO.	
1-259-562	7N 9E		29175/2	
PROJECT NAME	TEL. ENGR. & DIST.		MBT MEMO#	
KURTZ GRAVEL				
TOWNSHIP	SERVICE CENTER	COMP. CODE	MAILING CITY	CATV MEMO#
ELB	LAP	UC	LAP	
CIRCUIT			O.F.W.	
8788 LAPEER	13.2			
REASON			BUDGET ITEM NO.	
R/W, OHL EXT, 261 LK NEPESSING, FRONT				
PLANNER	SCALE	DATE		
SUZANNE M. FARICHILD	1" = 200'	1-17-96		

MISC D	9.00
ESMT	P0009
REXONT	2.00