

Ellen T. W. J.
Dec. 17

OVERHEAD AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. 19785

On DECEMBER 12, 1995, 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 Way Area".

"Grantor" is:

Gerald L. Powell and Cheri A. Powell, husband and wife, 5241 East Cold Water, Lot 238, 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:

PARCEL "D": Section 17, T7N-R9E, Commencing 347.91 feet South and 855.40 feet Northeasterly along the center of Genesee Rd. from the Center of Section; thence continuing along the center of Genesee Rd. 314.25 feet; thence South 378.55 feet; thence South 58°41'23" West 203.37 feet; thence South 554.38 feet; thence South 68°12'53" West 246.37 feet; thence North 453.17 feet; thence East 116.39 feet; thence North 546.82 feet 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 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. 48279

RECEIVED FOR RECORD

Witnesses: (type or print name below signature)

Grantor: (type or print name below signature)

96 JAN 24 AM 9:44

LIBER NO. 934 PAGE NO. 61

Francine J. Keys
FRANCINE J KEYS

REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

Gerald L. Powell
GERALD L. POWELL

Leila K. Hathaway
LEILA K HATHAWAY

Cheri A. Powell
CHERI A. POWELL (HIS WIFE)

Acknowledged before me in GENESEEE County, Michigan, on DECEMBER 12, 1995 by Gerald L. Powell and Cheri A. Powell, husband and wife.

Notary's Stamp FRANCINE J KEYS Notary's Signature *Francine J. Keys*
FRANCINE J KEYS

L-906-P730

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

EXHIBIT "A"

CENTER OF SECTION 17, T7N-R9E
 FOUND 1' PIPE 1.75' E. OF CL MAPLE LEAF ROAD
 N. 60° W. 30.00' NAIL IN 16" BOX ELDER N. 40° W.
 54.95' CHISELED MARK W. END 9.5' C.M.P.



MAPLE LEAF
 S. 00° 35' 06" E.
 347.91'

GENESEE

IN POLE, CONDUCTORS,
 GUYS & ANCHORS.

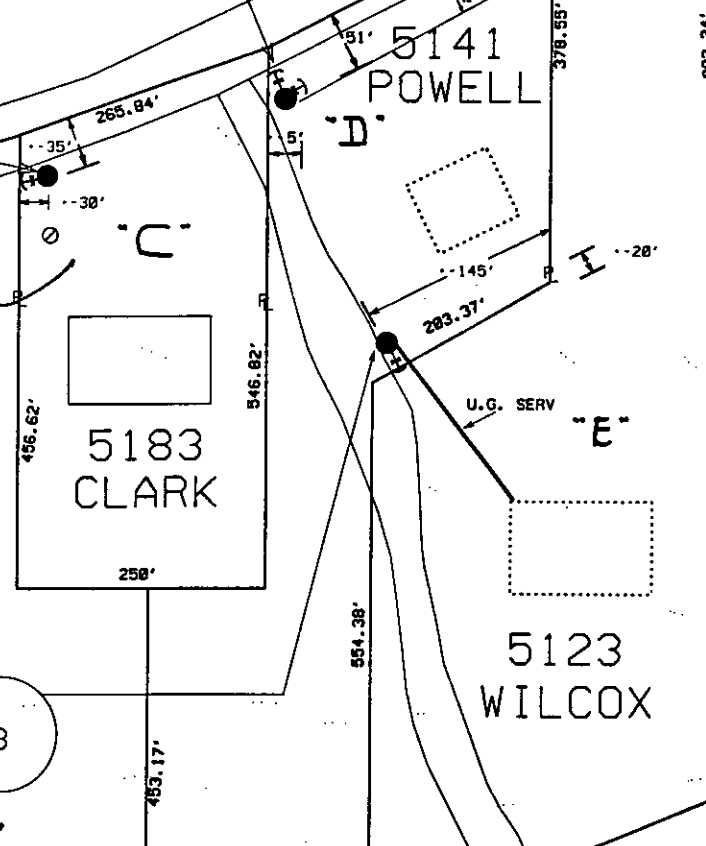
12' OH
 ELECTRICAL
 UTILITY EASEMENT

1
 IN POLE, CONDUCTORS,
 GUY & ANCHOR

R/W SECURED
 JAMES FIELDER &
 KENT MEREDYK

"D"
 R/W SECURED
 GERALD & CHERI POWELL

"E"
 R/W SECURED
 CLIFF & SANDRA WILCOX



RECORDED RIGHT OF WAY NO. 48879

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SERVICES AS INDICATED ON THIS SHEET	POINTS TO:
BY: <u>G. KENNY</u>	DESIGNED: <u>3</u>
DATE: <u>11-19-95</u>	R/W FILES: <u>3</u>
DATE ISSUED:	NET: <u>0</u>
DISTRICT:	ORIGINATOR: <u>3</u>
	TOTAL: <u>3</u>

IN POLE, CONDUCTORS,

JPL 19785/687

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
CITY OR TWP. ELBA	COUNTY LAPEER	TWP SEC QTR 17 E	DEPT. ORDER NO. A-90006
MAP SECT. 1-238-552	TOWN RANGE 7N 9E	JOINT R/W REQ'D	R/W NO.
PROJECT NAME POWELL /WILCOX	TEL. ENGR. & DIST.		MBT MEMO#
TOWNSHIP LAP	SERVICE CENTER LAP	COMP. CODE UC	MAILING CITY LAP
CIRCUIT D.C. 302			CATV MEMO#
REASON NEW BUSINESS			O.F.W.
PLANNER K.R. TE BEAU			BUDGET ITEM NO. 5MGOA-MAB
	SCALE 1" = 200'		DATE 11-30-95

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

MISC D	9.00
ESMT	P0009
REMONT	2.00