



LIBER 676 GE 426

Caseville
See .11

**UNDERGROUND DISTRIBUTION EASEMENT NO. 39284
PROJECT NAME Lost Channel - Pointe West LTD.**

On June 6, 1996, for the consideration of system betterment, Grantor grants to Grantee a permanent underground distribution easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

David L. Clabuesch, A Single Man, and Pointe West, A Michigan Limited Partnership, P.O. Box 200, Pigeon, MI 48755

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226, and GTE East, A Michigan Corporation, 7362 Davison Rd., Davison, MI 48423, and Consumers Power, 2400 Weiss St., Saginaw, MI 48602

"Grantor's Land" is in Caseville Township, Huron County, Michigan described as:

Part of Section 11, T17N-R9E, described as: Commencing at the intersection of the East line of Government Lot 2, Section 11, T17N-R9E, and the Lake Survey Base line; thence South 89°03' West 280.10 feet along the center of Crescent Beach Road to the Southeast corner of the recorded plat of Long Lake Subdivision in Caseville Township, Huron County, Michigan; North 89°03' East 50 feet; thence North 01°30'30" West 142.67 feet to the point of beginning of the following parcel, being Lost Channel Condominium of Pointe West Planned Community; thence North 84°17'55" West 499.64 feet; thence South 01°17'18" East 110.03 feet; thence South 15°35'55" East 93.64 feet; thence South 89°01'31" West 51.67 feet along the Northerly Right of Way of Crescent Beach Road, thence North 15°35'55" West 86.87 feet; thence North 01°17'18" West 122.44 feet; thence North 79°50'21" West 341.31 feet; thence South 00°16'39" East 119.05 feet; thence South 89°43'21" West 596.98 feet; thence North 63°40'16" West 63.77 feet; thence North 08°39'40" West 89.84 feet; thence North 00°17'44" East 147.01 feet; thence North 10°44'26" East 85 feet; thence South 81°02'28" East 258.56 feet; thence South 89°12'56" East 465.78 feet; thence South 72°40'38" East 117.55 feet; thence South 85°19'07" East 420.40 feet; thence South 77°33'18" East 208.77 feet; thence North 30°12'25" East 65.17 feet; to a point on the culvert headwall; thence South 85°27'31" East 12.92 feet to the West line of Shore Drive in Long Lake Subdivision; thence South 01°30'30" West 235.15 feet to the point of beginning.

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

A 10' 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 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. **Ground Elevation:** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.
7. **Damages:** If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
8. **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 49449

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Carol A. Kaufman
Carol A. Kaufman
Krisie S. Fritz
Krisie S. Fritz

David L. Clabuesch
David L. Clabuesch, Individually and as
Managing Partner for Pointe West

Acknowledged before me in Huron County, Michigan, on June 6, 1996 by David L. Clabuesch, General Partner of Pointe West LTD, A Michigan Limited Partnership, for the limited partnership.

Notary's Stamp Carol A. Kaufman Notary's Signature Carol A. Kaufman
Notary Public, Huron County

Commission Expires 7-27-99

Prepared by and Return to: Betty J. Dean, 1075 Suncrest Dr., Lapeer, MI 48446/seg ✓

STATE OF MICHIGAN
HURON COUNTY
RECORDED

29 JUL 96 1:02 P.M.

FRANCES L. HOLDWICK
REGISTER OF DEEDS

RECORDED RIGHT OF WAY 49449

