

Overhead Easement (Right of Way) No. 41223-5

On JULY 19, 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:

KIRK AND SHERRY WATTS, 25606 BRUMAR, CHESTERFIELD MI. 48050

"Grantee" is:

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

"Grantor's Land" is in COTTRELLVILLE TOWNSHIP, ST. CLAIR County, described as:

BEG S88* 53' W 1350.56 FT FROM INT 1/4 COR, TH S88* 53' W 170 FT, TH N1* 15' 55" W 1341.71 FT, TH N89* 0' 30" E 170 FT, TH S1* 15' 55" E 1341.34 FT TO BEG. SECTION 4 T3N-R16E

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

THE SOUTH 12 FEET OF SAID LAND ALONG AND ADJACENT TO THE PLANK RD. R/W AND ALSO THE WEST SIX FEET OF SAID LAND.

- 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 are allowed in the Right of Way Area without Grantee's prior written consent.
4. 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.
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 will 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 and assigns.

Witnesses: (Type or print name below signature)

Grantor: (Type or print name below signature)

Carol G. Sexton
CAROL G. SEXTON
John A. Sudara
JOHN A. SUDARA

Kirk Watts
SHERRY A. WATTS his wife

Acknowledged before me in ST. CLAIR County, Michigan, on JULY 19, 1996 by KIRK AND SHERRY A. WATTS husband and wife

PHILIP J. BALON
Notary Public, St. Clair County, MI
My Commission Expires June 23, 1997
Notary's Stamp Notary's Signature

Prepared by and Return to: PHIL BALON R/W 3223 RAVENSWOOD RD. MARYSVILLE MI. 48040 810-364-2011

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RECORDED RIGHT OF WAY 494817

