

OVERHEAD AND UNDERGROUND EASEMENT NO. 38853

On May 9, 1996, 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:

Mark A. Johnson and Rebecca L. Johnson, husband and wife, 4020 Klam Rd., Columbiaville, MI 48421

"Grantee" is:

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

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

Part of the Southwest 1/4 of Section 35, T9N-R9E, described as beginning at a point that is North 02°00'00" West 386 feet along the West section line and North 88°00'00" East 332 feet and North 01°25'00" West 34 feet and North 88°00'00" East 322 feet from the Southwest corner of Section 35; thence continuing North 88°00'00" East 435 feet; thence South 02°00'00" East 200.28 feet; thence South 88°00'00" West 435 feet; thence North 02°00'00" West 200.28 feet to the point of beginning. Together with a 33 foot wide drive easement, the North line of which is described as beginning at a point on the West section line that is North 02°00'00" West 386 feet from the Southwest corner of Section 35; thence North 88°00'00" East 654 feet to a point of ending. Also being subject to any restrictions, easements and/or right of ways of record.

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 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.

Witnesses:(type or print name below signature)

Marvin B Strong
 MARVIN B. STRONG

Daniel R Dornier
 DANIEL R. DORNIER

Grantor:(type or print name below signature)

Mark A Johnson
 MARK A. JOHNSON

Rebecca L Johnson
 Rebecca L. JOHNSON

49595
RIGHT OF WAY NO.

Acknowledged before me in Lapeer County, Michigan, on May 9, 1996 by Mark A. Johnson and Rebecca L. Johnson, husband and wife.

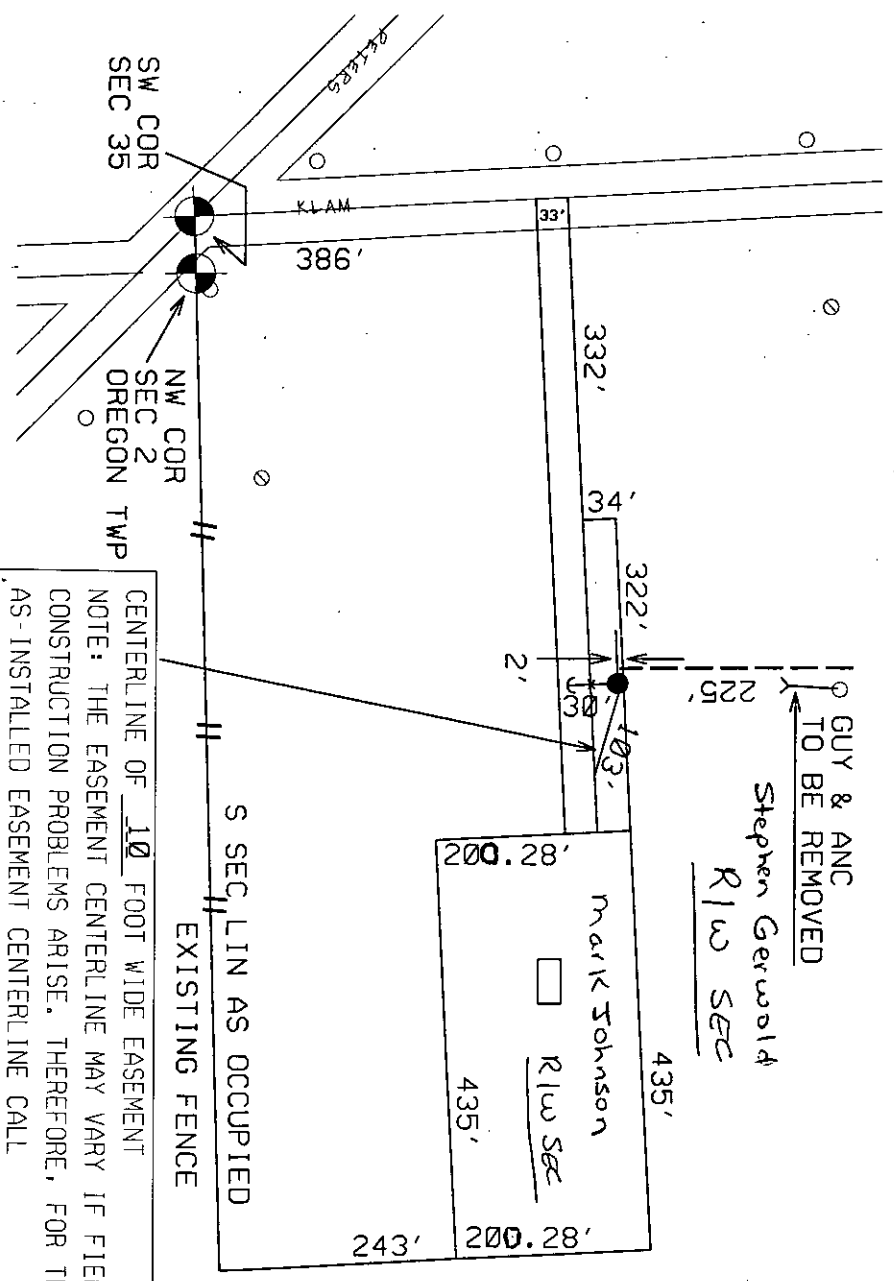
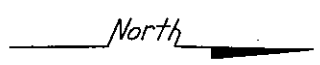
Notary's Stamp SANDI GLESENKAMP
NOTARY PUBLIC - LAPEER COUNTY, MI
MY COMMISSION EXPIRES 04/04/00

Notary's Signature Sandi Glesenkamp

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

RECORDED
INDEXED
MAY NO. 49595

56567 OH NVA TO ENDR REGRND



CENTERLINE OF 10 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).

EXHIBIT A

JPL 38853/20

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT

LEGEND	
○	EXIST. O.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

CITY OR TWP.	MARATHON	COUNTY	LAPPEER	TWP SEC	QTR	DEPT. ORDER NO.
MAP SECT.	2-250-600	TOWN	9N	35	SW	A-90341
PROJECT NAME	JOHNSON RES	RANGE	9E	JOINT R/W REQ'D		R/W NO.
TOWNSHIP	MTN	TEL. ENGR. & DIST.				38853/5
SERVICE CENTER	LAP	COMP. CODE	UC	MAILING CITY		MBT MEMO#
CIRCUIT	8816 BERGEN			COL		
REASON	OH & UG R/W SERV NEW RES 4072 KLAM RD					0.F.W.
PLANNER	SUZANNE M. FAIRCHILD					BUDGET ITEM NO.
						DATE
						4-24-96