

Clay Top. 11-  
Sec. 33  
NE 1/4

Underground Easement (Right of Way) No. 28964-2

On MAY 20, 1996, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area."

CLERK REGISTER  
ST. CLAIR COUNTY  
RECEIVED FOR RECORD

"Grantor" is:

Wesley Simons, Sr. and Mary Agnes Simons, husband and wife, 8595 Stone Road, Algonac, Michigan 48001

"Grantee" is:

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

JUL 11 1996  
LIBER 1525 PAGE 372-373 TIME 12:20 PM  
Marilyn Dunn

"Grantor's Land" is in Clay Township, St. Clair County, described as:

A parcel of land located in and being a part of the Northeast 1/4 of Section 33, Town 3 North, Range 16 East, Clay Township, St. Clair County, Michigan, and being more particularly described as follows: Commencing at the Northeast corner of Section 33; thence North 89 degrees, 27 minutes, 45 seconds West 1044.00 feet along the North line of Section 33 to the point of beginning; thence South 0 degrees 31 minutes 13 seconds West 303.00 feet; thence South 89 degrees 27 minutes 45 seconds East 170.00 feet; thence South 0 degrees 31 minutes 13 seconds West 1049.01 feet; thence North 89 degrees 25 minutes 39 seconds West 334.70 feet; thence North 01 degree 18 minutes 46 seconds East 1351.93 feet to the North line of Section 33; thence along said line South 89 degrees 27 minutes 45 seconds East 146.00 feet to the point of beginning. Parcel # 74-14-033-2011-000.

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

As shown on the attached Right Way Drawing No. 28964-2, dated 4-23-96. The easement is ten (10) feet wide.

- Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- Access:** Grantee has the right of access to and from the Right of Way Area.
- 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.
- Excavation:** Under 1974 Public Act 53, you must call MISS DIG (1-800-482-7171) before excavating in the Right of Way Area.
- 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 can 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 will not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
- 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.
- 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)

A. Renee Pike  
A. Renee Pike

Wesley Simons, Sr.  
Wesley Simons, Sr.

Diane Kaatz  
Diane Kaatz

Mary Agnes Simons  
Mary Agnes Simons, his wife

Acknowledged before me in St. Clair County, Michigan, on May 20th, 1996 by Wesley Simons, Sr. and Mary Agnes Simons, husband and wife.

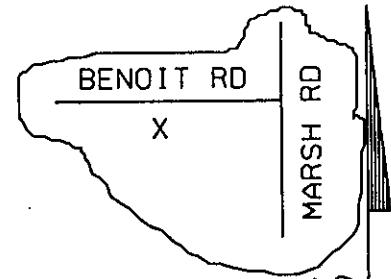
Notary's Stamp: A. Renee Cuthbertson, Notary Public, St. Clair County, MI, My Commission Expires: 3/24/99. Notary's Signature: A. Renee Cuthbertson  
(Notary's name, county, and date commission expires) A. Renee Cuthbertson

RECORDED RIGHT OF WAY NO. 49742

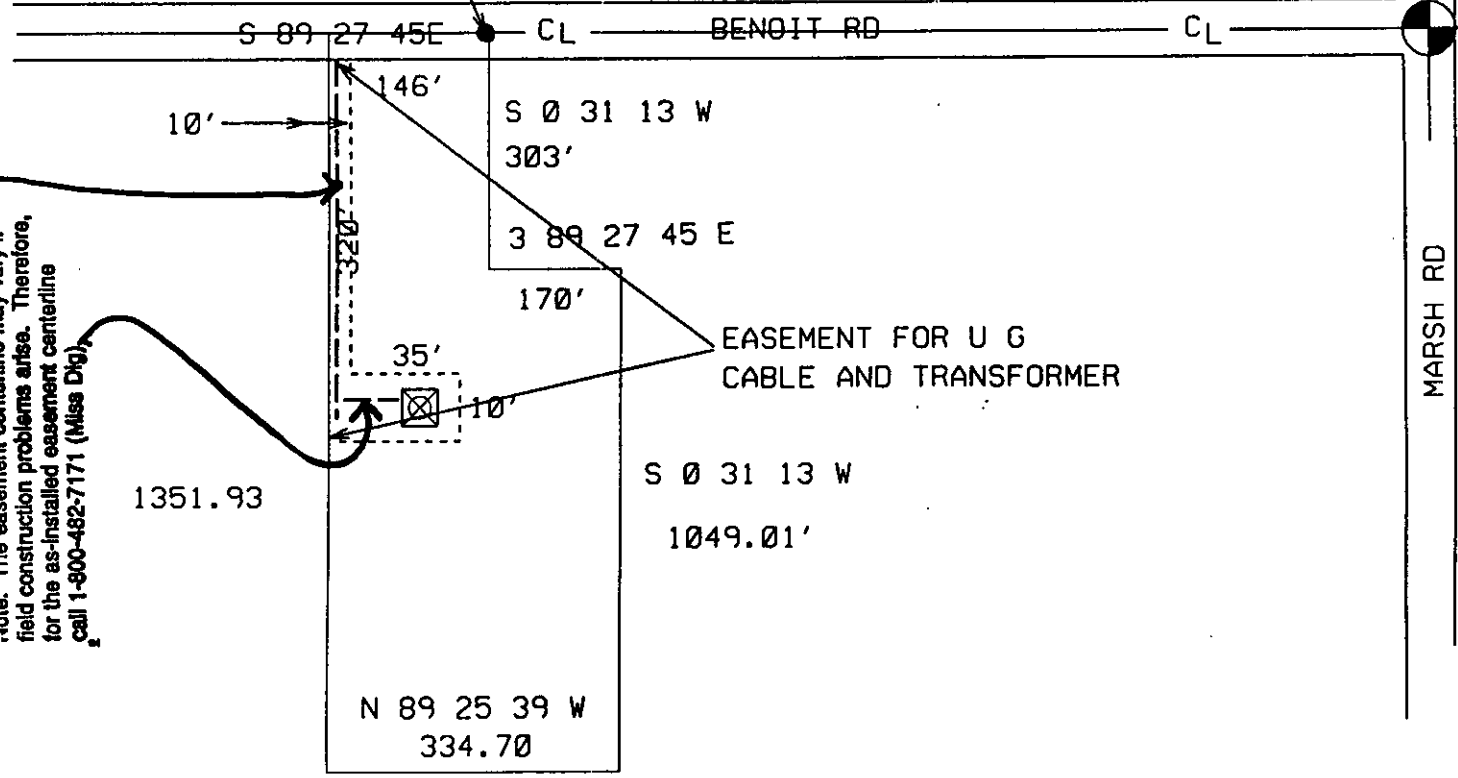
RECORDED RIGHT OF WAY MAP 49742

POINT OF BEGINNING

NORTH 89 27 45 WEST  
1044'



N/E CORNER OF SECT 33



INTERLINE 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 Dtg)

1351.93

N 89 25 39 W  
334.70

S 0 31 13 W  
1049.01'

EASEMENT FOR U G CABLE AND TRANSFORMER

JPL RFW28964

OWNER

WESLEY SIMONS AND  
MARY SIMONS

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. CLAY TWP	COUNTY ST CLAIR	TWP SEC QTR	DEPT. ORDER NO.
MAP SECT. 1-478-424	TOWN RANGE 326	JOINT R/W REQ'D	R/W NO. 28964-2
PROJECT NAME WES WOOD CONDS	TEL. ENGR. & DIST.		MBT MEMO# N/A
TOWNSHIP CLY	SERVICE CENTER	COMP. CODE	MAILING CITY N/A
CIRCUIT 307 ALGONAC			O.F.W.
REASON PUMP FOR WES WOOD CONDS			BUDGET ITEM NO.
PLANNER RJ MROZ	SCALE 1" = N/A'		DATE 4-23-96