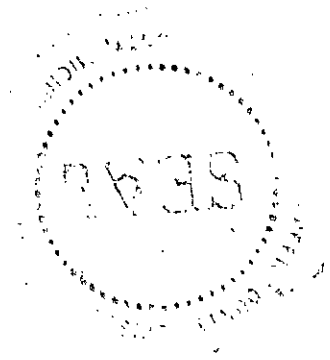


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Melissa DeVaugh
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

Detroit Edison Overhead Easement (Right of Way) No. 177005

On July 20, 1998, 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:

William C. Behnke, Jr., *A single man*
1540 Oregon W., Lapeer, MI 48446, and

W. J. Stacey, Trustee for W. J. Stacey Trust, UA 3-28-83, 535 Hawk High Hill, Metamora, MI 48455

"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 E: Part of the Southeast 1/4 of Section 4, T7N-R9E, Elba Township, Lapeer County, Michigan, described as beginning at a point that is South 00° 20' 14" East 581.16' along the East section line to the centerline of a 66.00' wide Private Road Easement and South 89° 55' 28" West 778.96' along said centerline and on a 600.00' radius curve to the right, chord bearing and distance North 79° 19' 58" West 223.68', central angle 21° 29' 09" along said centerline and on a 1200.00' radius curve to the left, chord bearing and distance North 68° 59' 43" West 17.00', central angle 00° 48' 41" along said centerline from the East 1/4 corner of Section 4, thence continuing on a 1200.00' radius to the left, chord bearing and distance North 80° 38' 58" West 468.14', central angle 22° 29' 47" along said centerline, thence North 00° 03' 09" West 456.69' to the East-West 1/4 line, as occupied, thence North 89° 55' 28" East 459.20' along said occupied East-West 1/4 line, thence South 00° 20' 14" East 533.36' to the point of beginning. Said parcel is together with and subject to rights of ingress and egress in and across a 66' wide private road, as described in "Trails End". Said parcel is also subject to an easement for utility purposes over and across the Northerly 15' of the Southerly 48' of said parcel.

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 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.

RECORDED RIGHT OF WAY 58589

(2) Witnesses: (Type or print name below signature)

X Pam Sutton

Pam Sutton

X Betty Dean

Betty Dean

Grantor: (Type or print name below signature)

William C. Behnke Jr.
William C. Behnke, Jr., a single man

Acknowledged before me in Lapeer County, Michigan, on July 20, 1998, by
William C. Behnke, Jr., A single man.

PAM SUTTON

Notary Public, Lapeer County, MI
My Commission Expires Sept. 17, 1998

Notary's
Stamp

(Notary's name, county, and date commission expires)

Notary's
Signature

Pam Sutton

(2) Witnesses: (Type or print name below signature)

X Rosemary Cole

ROSEMARY COLE

X Frances M. Schroeder

FRANCES M. SCHROEDER

Grantor: (Type or print name below signature)

W. J. Stacey
W. J. Stacey

Acknowledged before me in Lapeer County, Michigan, on 8/6/98, 1998, by
W. J. Stacey, Trustee for W. J. Stacey Trust.

NOTARY PUBLIC STATE OF MICHIGAN
LAPEER COUNTY
MY COMMISSION EXP. NOV. 7, 2002

Notary's
Stamp

(Notary's name, county, and date commission expires)

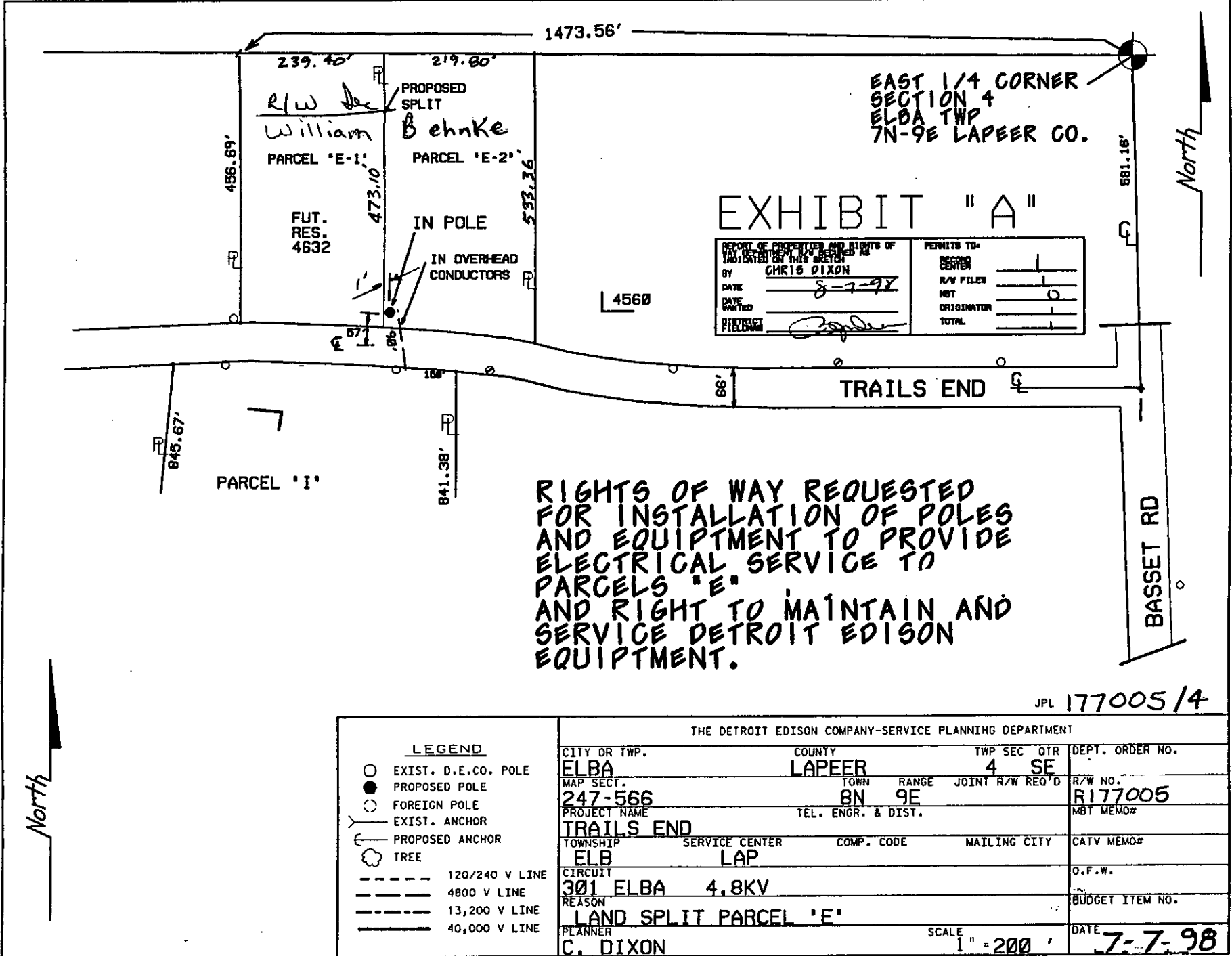
Notary's
Signature

Kimberly J. ...

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

RECORDED RIGHT OF WAY 58589

LIDER 1115 PAGE 0969



EAST 1/4 CORNER
SECTION 4
ELBA TWP
7N-9E LAPEER CO.

EXHIBIT "A"

REPORT OF PROPERTIES AND RIGHTS OF WAY TO BE ACQUIRED BY THIS SPLIT AS INDICATED BY THIS SPLIT	PERMITS TO:
BY CHRIS DIXON	DESIGN <input type="checkbox"/>
DATE 8-7-98	R/W FILED <input type="checkbox"/>
DATE WANTED	NOT <input type="checkbox"/>
PREPARED	ORIGINATOR <input type="checkbox"/>
	TOTAL <input type="checkbox"/>

RIGHTS OF WAY REQUESTED FOR INSTALLATION OF POLES AND EQUIPMENT TO PROVIDE ELECTRICAL SERVICE TO PARCELS 'E' AND RIGHT TO MAINTAIN AND SERVICE DETROIT EDISON EQUIPMENT.

JPL 177005/4

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
CITY OR TWP.	COUNTY	TWP SEC QTR	DEPT. ORDER NO.
ELBA	LAPEER	4 SE	
MAP SECT.	TOWN RANGE	JOINT R/W REQ'D	R/W NO.
247-566	8N 9E		R177005
PROJECT NAME	TEL. ENGR. & DIST.		MBT MEMO#
TRAILS END			
TOWNSHIP	SERVICE CENTER	COMP. CODE	MAILING CITY
ELB	LAP		
CIRCUIT			O.F.W.
301 ELBA 4.8KV			
REASON			BUDGET ITEM NO.
LAND SPLIT PARCEL 'E'			
PLANNER	SCALE	DATE	
C. DIXON	1" = 200'	7-7-98	

- 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