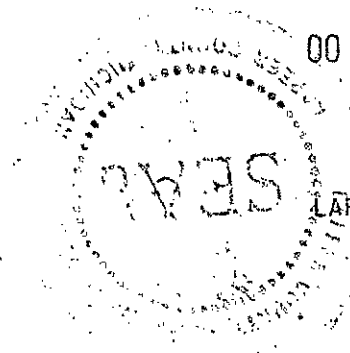
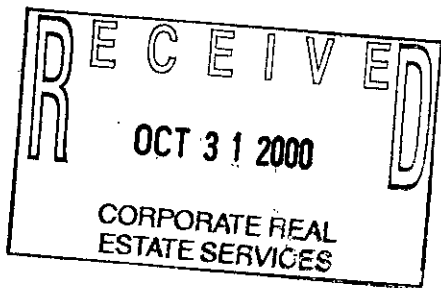


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Melissa De Vaughn
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

Detroit Edison Overhead and Underground Easement (Right of Way) No. 257683

On Nov 17, 1999, 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:

Kurtenbach Investments, LLC, 42840 Merrill, Sterling Heights, MI 48314

"Grantee" is:

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

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

See Attachment "A".

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 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 are allowed in the Right of Way Area without Grantee's prior written consent.
- 4. **Excavation:** Under 1974 Public Act 53, you must call MISS DIG (1-800-482-7171) before excavating 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 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.
- 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 will 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 and assigns.

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

Kurtenbach Investments, LLC
Grantor: (Type or print name below signature)

X Teresa L. Binkley
TERESA L. BINKLEY

X Juan Kurtenbach
JUAN KURTENBACH, manager

X Kathleen Davis
KATHLEEN DAVIS

Acknowledged before me in MACOMB County, Michigan, on 11-17-99, 1999, by Juan Kurtenbach, Manager for Kurtenbach Investments, LLC.

JUAN KURTENBACH
KATHLEEN DAVIS

Notary's Stamp: Notary Public, Macomb County, MI
Commission Expires Mar. 9, 2000

Notary's Signature: Kathleen Davis

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

Prepared by and Return to: BettyJ. Dean, lapsc, 1100 Clark Rd., Lapeer, MI 48446bj

RECORDED R/W FILE NO. R66719

15

ATTACHMENT "A"

Remainder of Property: Property located in the Southwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 19, T10N-R12E, North part of Burnside Township, Lapeer County, Michigan, more particularly described as beginning at a point on the North-South $\frac{1}{4}$ line that is South $01^{\circ} 08' 36''$ West 1330.53' from the North $\frac{1}{4}$ corner of said Section 19, thence along the North line of said Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, North $89^{\circ} 05' 43''$ East 1326.06', thence along the East line of said Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, South $01^{\circ} 12' 37''$ West 1329.63', thence along the East line of said Northwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$, South $01^{\circ} 18' 58''$ West 1327.99', thence along the South line of said Northwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$, South $89^{\circ} 05' 39''$ West 1325.30', thence along said North-South $\frac{1}{4}$ line, North $01^{\circ} 21' 01''$ East 1327.09', thence continuing along said North-South $\frac{1}{4}$ line, North $01^{\circ} 08' 36''$ East 1330.53' to the point of beginning, excepting the Lots 1 through 5 described separately and individually.

Lot 2: Part of property in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 19, T10N-R12E, North part of Burnside Township, Lapeer County, Michigan, the lot being more particularly described as commencing at the center of said Section 19 on the North-South $\frac{1}{4}$ line (which appears to the centerline of Brown School Road), thence South $01^{\circ} 21' 01''$ West 135.45' along said North-South $\frac{1}{4}$ line, thence North $71^{\circ} 37' 53''$ East 66.00' to the point of commencement of a curve to the left of radius 204.42', central angle $52^{\circ} 08' 08''$, length of curve 186.00' (chord length 179.66' on bearing North $45^{\circ} 33' 49''$ East), thence North $19^{\circ} 29' 45''$ East 79.95' to the point of commencement of a curve to the right of radius 173.02', central angle $90^{\circ} 56' 01''$, length of curve 274.60' (chord length 246.67' on bearing North $64^{\circ} 57' 45''$ East), thence South $69^{\circ} 34' 14''$ East 135.36', thence North $14^{\circ} 17' 33''$ West 60.00' to the point of beginning, thence continuing North $14^{\circ} 17' 33''$ West 290.00', thence South $74^{\circ} 17' 33''$ East 350.00', thence South $45^{\circ} 42' 27''$ West 290.00', thence on a curve to the right of radius 60.00' central angle $60^{\circ} 00' 00''$, length of curve 62.83', (chord length 60.00' on bearing North $74^{\circ} 17' 33''$ West), to the point of beginning.

Lot 3: Part of property in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 19, T10N-R12E, North part of Burnside Township, Lapeer County, Michigan, the lot being more particularly described as commencing at the center of said Section 19 on the North-South $\frac{1}{4}$ line (which appears to be the centerline of Brown School Road), thence South $01^{\circ} 21' 01''$ West 135.45' along said North-South $\frac{1}{4}$ line, thence North $71^{\circ} 37' 53''$ East 66.00' to the point of commencement of a curve to the left of radius 204.42', central angle $52^{\circ} 08' 08''$, length of curve 186.00' (chord length 179.66' on bearing North $45^{\circ} 33' 49''$ East), thence North $19^{\circ} 29' 45''$ East 79.95' to the point of commencement of a curve to the right of radius 173.02', central angle $90^{\circ} 56' 01''$, length of curve 274.60' (chord length 246.67' on bearing North $64^{\circ} 57' 45''$ East), thence South $69^{\circ} 34' 14''$ East 135.36', thence North $45^{\circ} 42' 27''$ East 60.00' to the point of beginning, thence continuing North $45^{\circ} 42' 27''$ East 290.00', thence South $14^{\circ} 17' 33''$ East 350.00', thence North $74^{\circ} 17' 33''$ West 290.00', thence on a curve to the right of radius 60.00', central angle $60^{\circ} 00' 00''$, length of curve 62.83', (chord length 60.00' on bearing North $14^{\circ} 17' 33''$ West) to the point of beginning.

Lot 4: Part of property in the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 19, T10N-R12E, North part of Burnside Township, Lapeer County, Michigan, the lot being more particularly described as commencing at the center of said Section 19 on the North-South $\frac{1}{4}$ line (which appears to be the centerline of Brown School Road), thence South $01^{\circ} 21' 01''$ West 135.45' along said North-South $\frac{1}{4}$ line, thence North $71^{\circ} 37' 53''$ East 66.00' to the point of commencement of a curve to the left of radius 204.42', central angle $52^{\circ} 08' 08''$, length of curve 186.00' (chord length 179.66' on bearing North $45^{\circ} 33' 49''$ East), thence North $19^{\circ} 29' 45''$ East 79.95' to the point of commencement of a curve to the right of radius 173.02', central angle $90^{\circ} 56' 01''$, length of curve 274.60' (chord length 246.67' on bearing North $64^{\circ} 57' 45''$ East), thence South $69^{\circ} 34' 14''$ East 135.36', thence South $74^{\circ} 17' 33''$ East 60.00' to the point of beginning, thence continuing South $74^{\circ} 17' 33''$ East 290.00', thence South $45^{\circ} 42' 27''$ West 350.00', thence North $14^{\circ} 17' 33''$ West 290.00', thence on a curve to the right of

RECORDED R/W FILE NO. 166719

radius 60.00', central angle 60° 00' 00", length of curve 62.83', (chord length 60.00' on bearing North 45° 42' 27" East) to the point of beginning.

Lot 5: Part of property in the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of Southeast ¼ of Section 19, T10N-R12E, North part of Burnside Township, Lapeer County, Michigan, the lot being more particularly described as commencing at the center of said Section 19 on the North-South ¼ line (which appears to be the centerline of Brown School Road), thence South 01° 21' 01" West 135.45' along said North-South ¼ line, thence North 71° 37' 53" East 66.00' to the point of commencement of a curve to the left of radius 204.42', central angle 52° 08' 08", length of curve 186.00' (chord length 179.66' on bearing North 45° 33' 49" East), thence North 19° 29' 45" East 79.95' to the point of commencement of a curve to the right of radius 173.02', central angle 90° 56' 01", length of curve 274.60' (chord length 246.67' on bearing North 64° 57' 45" East), thence South 69° 34' 14" East 135.36', thence South 14° 17' 33" East 60.00' to the point of beginning, thence continuing South 14° 17' 33" East 290.00', thence due West 312.79', thence North 14° 17' 33" West 312.07' to the point of commencement of a curve to the right of radius 140.02', central angle 76° 30' 17", length of curve 186.96', (chord length 173.38' on bearing North 72° 10' 37" East), thence South 69° 34' 14" East 67.02' to the point of commencement of a curve to the right of radius 40.00', central angle 43° 06' 49", length of curve 30.10' (chord length 29.39' on bearing South 48° 00' 50" East), thence to the point of commencement of a curve to the left of radius 60.00', central angle 77° 50' 11", curve length 81.51', (chord length 75.39' on bearing South 60° 31' 32" East) to the point of beginning.

66' Wide Access Easement with a 60' Radius Cul-de-sac at the End: Part of property in the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of Southeast ¼ of Section 19, T10N-R12E, North part of Burnside Township, Lapeer County, Michigan, the easement being more particularly described as commencing at the center of said Section 19 on the North-South ¼ line (which appears to be the centerline of Brown School Road), thence South 01° 21' 01" West 100.39' along said North-South ¼ line, thence North 71° 37' 53" East 35.06' to the point of beginning on the Easterly line of Brown School Road, thence continuing North 71° 37' 53" East 19.11' to the point of commencement of a curve to the left of radius 171.42', central angle 52° 08' 08", length of curve 155.98' (chord length 150.66' chord bearing North 45° 33' 49" East), thence North 19° 29' 45" East 79.95' to the point of commencement of a curve to the right of radius 206.02' central angle 90° 56' 01", length of curve 326.97' (chord length 293.72', chord bearing North 64° 57' 45" East), thence South 69° 34' 14" East 67.02' to the point of commencement of a curve to the left of radius 40.00', central angle 43° 06' 49", length of curve 30.10' (chord length = 29.39' chord bearing North 88° 52' 22" East), thence on a curve to the right of radius 60.00', central angle 266° 13' 38" length of curve 278.79' (chord length 87.60', chord bearing South 20° 25' 46" West), thence on a curve to the left of radius 40.00', central angle 43° 06' 49" length of curve 30.10' (chord length = 29.39', chord bearing North 48° 00' 50" West), thence North 69° 34' 14" West 67.02', thence on a curve to the left of radius 140.02', central angle 90° 56' 01", length of curve 222.22' (chord length 199.62' chord bearing South 64° 57' 45" West) thence South 19° 29' 45" West 79.95', thence on a curve to the right of radius 237.42', central angle 52° 08' 08", length of curve 216.04' (chord length = 208.66' chord bearing South 45° 33' 49" West), thence South 71° 37' 53" West 42.77', thence North 01° 21' 01" East 70.12' to the point of beginning.

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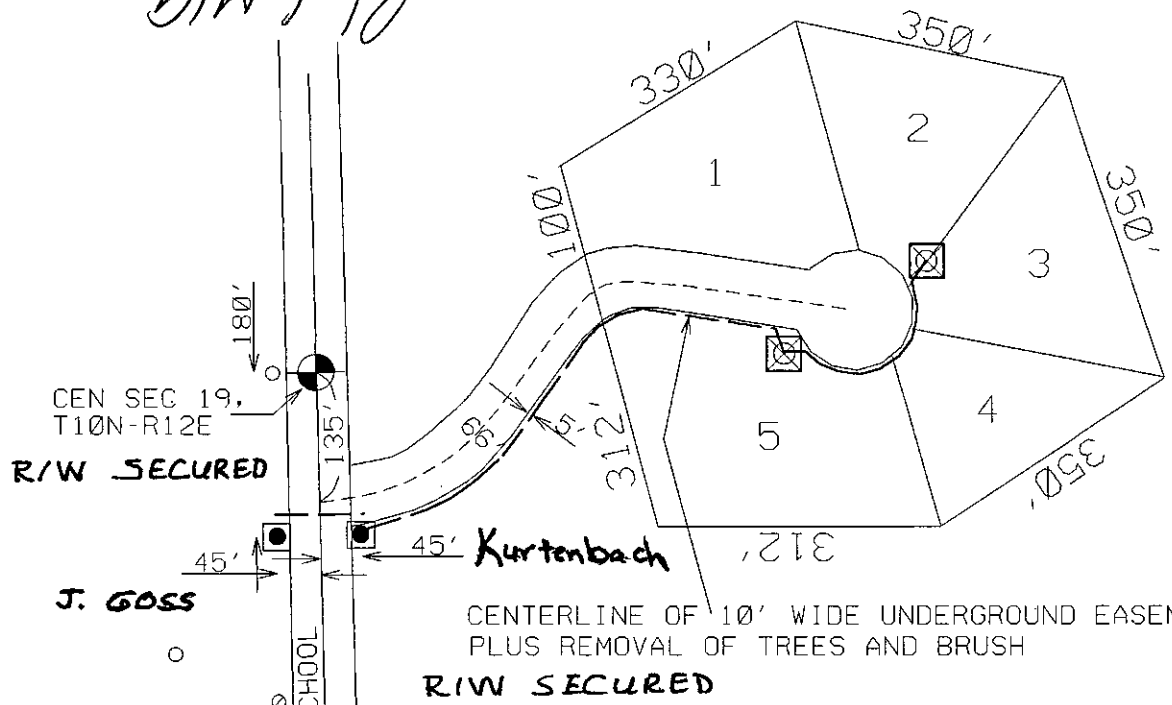
R66419

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EXHIBIT A

45' POLES
UNDERGROUND PRIMARY
UNDERGROUND SECONDARY

REVISED SKETCH
11-11-99



CENTERLINE OF 10' WIDE UNDERGROUND EASEMENT
PLUS REMOVAL OF TREES AND BRUSH
R/W SECURED

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH		PERMITS TO:	
BY	ROGER KNIGHT	RECORD CENTER	<u>2</u>
DATE	<u>11-24-99</u>	R/W FILES	<u>2</u>
DATE WANTED		MBT	<u>0</u>
DISTRICT FIELDMAN	<u>G. KENNEY</u>	ORIGINATOR	<u>2</u>
		TOTAL	<u>2</u>

JPL 257683

BROWN SCHOOL
+ - 2640'
S. 1/4 COR. SEC 19, T10N-R12E



THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
CITY OR TWP.	COUNTY	TWP SEC QTR	DEPT. ORDER NO.
BURNSIDE	LAPEER	19 NE	
MAP SECT.	TOWN RANGE	JOINT R/W REQ'D	R/W NO.
1-322-646	10N 12E		
PROJECT NAME	TEL. ENGR. & DIST.		MBT MEMO#
KURTENBACH			
TOWNSHIP	SERVICE CENTER	COMP. CODE	MAILING CITY
	LAP		
CIRCUIT			O.F.W.
REASON			BUDGET ITEM NO.
SERV LODGE & HOMES			
PLANNER	SCALE		DATE
R. KNIGHT	1" = 200'		11-11-99

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