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LIBER 11874 PAGE 484  
06/17/2002 12:23:08 P.M.  
MACOMB COUNTY, MI  
CARMELLA SABAUGH, REGISTER OF DEEDS

RECORDED R/W FILE NO. 71600

**Detroit Edison Overhead (Right of Way) No. 304490-2b**

On JUNE 12, 2002, 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:

D & T Construction Company, a Michigan co-partnership 15399 Canal, Mt. Clemens, MI. 48043

"Grantee" is:

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

Ameritech 100 S. Main St. Mt. Clemens, MI. 48043

Comcast 6808 19 1/2 Mile Rd. Sterling Heights, MI. 48314

Ameritech New Media 7047 Murthum Warren, MI. 48092

"Grantor's Land" is in **Shelby Township, Macomb County, Michigan** described as:

shown on Appendix 'A' which is attached hereto and made apart hereof

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

a Ten (10) Foot wide overhead easement as shown on RFW No. 304490 drawing which is attached hereto and made apart 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. **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)

X Daryl D. Gapskes  
Daryl D. Gapskes

X Robert K. Bolton  
Robert K. Bolton

**Grantor:** (Type or print name below signature)

\_\_\_\_\_  
D & T Construction Company

Vincent DiLorenzo  
By: Vincent DiLorenzo, Vice President

Acknowledged before me in MACOMB County, Michigan, on JUNE 12, 2002, by Vincent DiLorenzo, for D & T Construction Company, a Michigan co-partnership.

**MARY S. GAROFALO**  
Notary Public, State of Michigan  
Macomb County  
Commission Expires June 27, ~~2001~~ 2002

Notary's Stamp \_\_\_\_\_ Notary's Signature Mary S. Garofalo

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

Prepared by and Return to: Chris Cavanagh, Shelby Service Center, 6301 23 Mile Rd. Shelby, MI. 48316

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APPENDIX 'A'

LEGAL DESCRIPTION OF D&T PARCEL

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 36, TOWN 3 NORTH, RANGE 12 EAST, SHELBY TOWNSHIP, MACOMB COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE THE SOUTH 1/4 CORNER OF SAID SECTION 36; THENCE N. 00°10'55" E. 285.01' ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 36; THENCE N. 89°58'29" E. 748.62' ALONG THE NORTH R.O.W. OF HALL ROAD (M-59) TO THE EAST RIGHT OF WAY OF MARKET STREET; THENCE N. 00°06'00" E. 419.50' ALONG THE EAST RIGHT OF WAY OF MARKET STREET TO THE POINT OF BEGINNING; THENCE N. 89°56'19" W. 43.00'; THENCE N. 00°06'00" E. 1279.99' ALONG THE EAST RIGHT OF WAY OF MARKET STREET; THENCE DUE WEST 43.00'; THENCE N. 00°06'00" E. 685.26'; THENCE N. 89°47'48" E. 662.61' ALONG THE EAST/WEST LINE 1/4 OF SECTION 36; THENCE S. 00°06'00" W. 1217.63' ALONG THE EAST 1/8 LINE OF SAID SECTION 36; THENCE ALONG THE COSTCO PARCEL FOR THE NEXT SIX CALLS: N. 89°54'00" W. 518.65' AND S. 65°53'52" W. 41.63' AND S. 00°06'00" W. 508.00' AND S. 26°33'54" E. 13.42' AND S. 00°06'00" W. 213.95' AND N. 89°56'19" W. 26.00' TO THE POINT OF BEGINNING AND CONTAINING 19.096 ACRES OF LAND.

SUBJECT TO ANY ALL EASEMENTS OR RECORD.

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RECORDED R/W FILE NO.

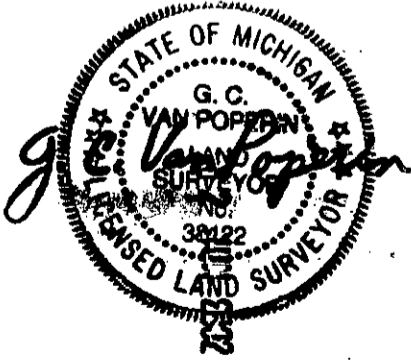
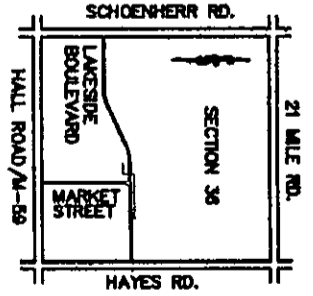
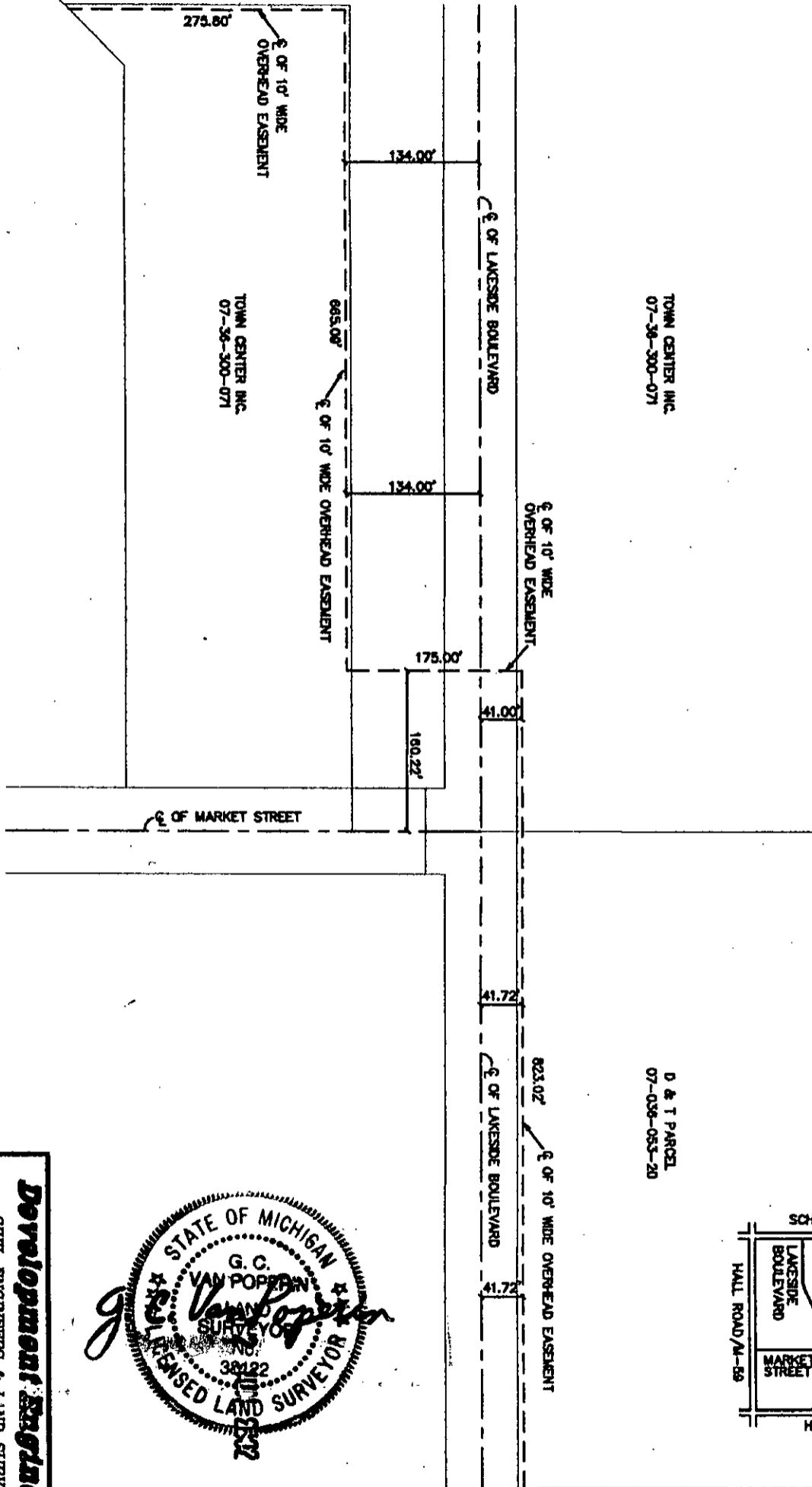


DEVELOPMENT ENGINEERING CO.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 15399 CANAL  
 CLINTON TWP., MI 48038



71600

RECORDED R/W FILE NO.



**Development Engineering**

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 15398 CAYLE ROAD  
 CLINTON TWP. MICHIGAN 48036  
 (586) 228-1100  
 FAX (566) 228-2650

DETROIT EDISON  
 OVERHEAD R.O.W. #304490

TOWN CENTER INC  
 07-36-300-071

D & T PARCEL  
 07-036-053-20

EASTERLY R  
 OF D&T PARCEL