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MACOMB COUNTY, MI SEAL
CARMELLA SABAUGH, REGISTER OF DEEDS

71604
RECORDED R/W FILE NO.

Detroit Edison Underground Easement (Right of Way) No. 385165-25

On May 7, 2002, 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."

"Grantor" is:

SHELBY III INDUSTRIAL INVESTORS, L.L.C., whose address is 39400 Woodward, Ste. 250, Bloomfield Hills, MI 48304

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Comcast Catv 6808 19 1/2 Mile Rd. Sterling Heights, MI. 48314

"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 Twelve (12) Foot wide underground easement as shown on Appendix 'B' , RFW No. 385165 Sketch 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 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.

Signed:

SHELBY III INDUSTRIAL INVESTORS, L.L.C., a Michigan limited liability company

By: KOJAIAN SHELBY III INDUSTRIAL INVESTORS, L.L.C., a Michigan limited liability company, Regular Managing Member

By: KOJAIAN SHELBY III INDUSTRIAL INVESTORS-MM, INC., a Michigan corporation, Manager

By: 
C. Michael Kojaian, Vice President

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APPENDIX 'A'

Land situated in the Township of Shelby, County of Macomb and State of Michigan, beign more particularly described as follows:

Unit Nos. 29 and 30, Cherry Creek Corporate Park, according to the Master Deed recorded in Liber 8911, Page 549, Macomb County Records, and designated as Macomb County Condominium Subdivision Plan No. 613, as amended by First Amendment of Master Deed and Replat No. 1, recorded in Liber 8976, Page 36, Macomb County Records, as further amended by Second Amendment of Master Deed and Replat No. 2, recorded in Liber 9035, Page 268, Macomb County Records, as further amended by Third Amendment of Master Deed, recorded in Liber 9184, Page 89, Macomb County Records, as further amended by Fourth Amendment of Master Deed and Replat No. 3, recorded in Liber 9184, Page 94, Macomb County Records, as further amended by the Fifth Amendment of Master Deed, recorded in Liber 9582, Page 427, Macomb County Records, as further amended by the Sixth Amendment of Master Deed and Replat No. 4, recorded in Liber 10157, Page 899, Macomb County Records, as further amended by the Seventh Amendment of Master Deed, recorded in Liber 10157, Page 910, Macomb County Records, as further amended by the Eighth Amendment of Master Deed and Replat No. 5, recorded in Liber 10157, Page 916, Macomb County Records, as further amended by the Ninth Amendment of Master Deed and Replat No. 6, recorded in Liber 10326, Page 319, Macomb County Records, and as further amended by Tenth Amendment of Master Deed and Replat No. 7, recorded in Liber 11448, Page 495, Macomb County Records, together with rights in general common clements and limited common elements as set forth in the above Master Deed (and amendments thereto) and as described in Act 59 of the Public Acts of 1978, as amended.

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