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CORPORATE REAL ESTATE SERVICES

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LIBER 11963 PAGE 94
07/16/2002 08:32:31 A.M.
MACOMB COUNTY, MI
CARMELLA SABAUGH, REGISTER OF DEEDS

71640

RECORDED R/W FILE NO.

Detroit Edison Underground Easement (Right of Way) No. 423461-5

On July 3, 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:

Anthony Benenati and Maria Benenati, husband and wife, 13878 Barfield, Warren, Michigan 48093

"Grantee" is:

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

"Grantor's Land" is in the City of St. Clair Shores, Macomb County, Michigan described as:

A parcel of land located in and being a part of Northwest 1/4 of Section 22, Town 1 North, Range 13 East, City of St. Clair Shores, Macomb County, Michigan, and as shown on the attached Appendix "A".

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

As shown on the attached Right of Way Drawing No. 423461-5 dated 6/25/2002. The easement is six (6) feet wide.

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)

[Signature]

Ronald Lanzi

Grantor: (Type or print name below signature)

[Signature]

Anthony Benenati

[Signature]

Maria Benenati, his wife

Acknowledged before me in Macomb County, Michigan, on July 3, 2002, by Anthony Benenati and Maria Benenati, husband and wife.

KIMBERLY A. TOMATTI
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Dec 16, 2005

Notary's Stamp

Kimberly A. Tomatti
Notary Public Macomb Co., MI
Commission Expires Dec 16, 2005

Notary's Signature

[Signature]

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

Prepared by and Return to: Ann Smithmier, Mt. Clemens S.C., 43230 Elizabeth Road, Clinton Twp., MI 48036

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Anthony/Maria Benenati
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RECORDED R/W FILE NO.

Appendix "A"

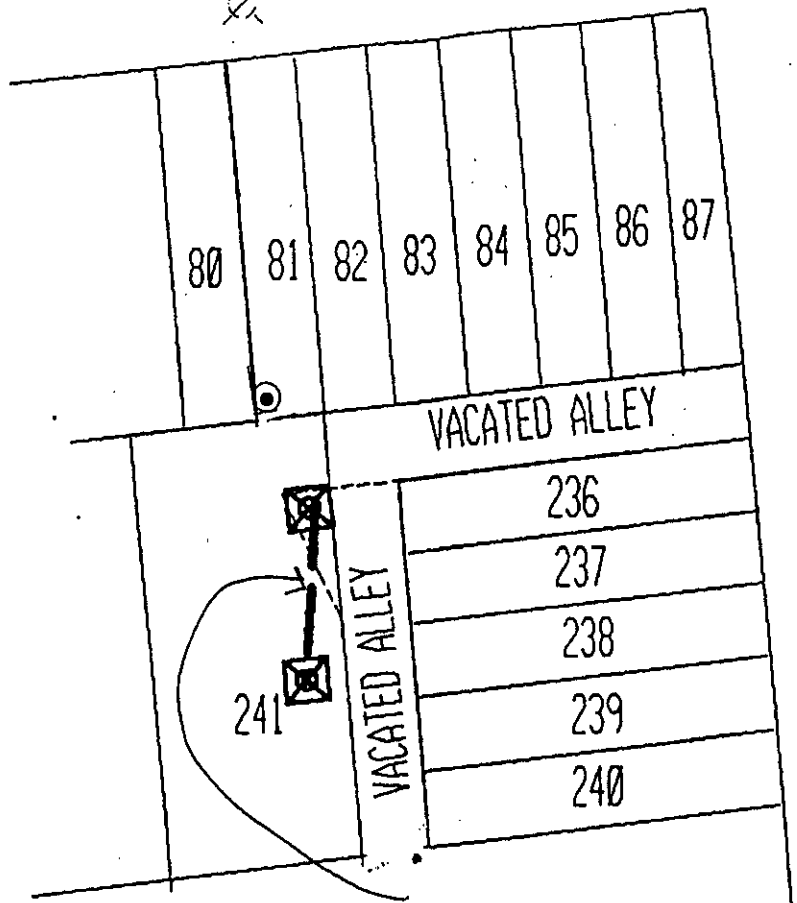
All of Lots 236 through 240, and all of the vacated alley 20 feet wide, lying West of and adjoining said Lots 236 through 240, and part of Lot 241 described as beginning at a point on the Easterly line of said Lot 241 distant North 1 degrees, 58 minutes, 30 seconds West 64.00 feet from the Southeast corner of said Lot 241; thence North 18 degrees, 38 minutes, 14 seconds West 47.85 feet; thence along the Northerly line of said Lot 241, North 87 degrees, 24 minutes, 30 seconds East 13.72 feet to the Northeast corner of said Lot 241; thence along the said Easterly line of Lot 241, South 1 degrees, 58 minutes, 30 seconds East 46.00 feet to the point of beginning, all being part of CASPER HOFFMAN Co.'s SUPER-HIGHWAY SUBDIVISION, as recorded in Liber 9, Page 88, of Plats, Macomb County Records.

09 14 22 126 027

Commonly known as: Vacant Land, Harper Ave., St. Clair Shores, MI 48081

RECORDED R/W FILE NO. 71640

North



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HARPER

CEDAR

CENTERLINE OF 6 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 Dig).

CASPER HOFFMAN CO'S SUPERHIGHWAY SUB
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R/W# 423461-5

RFW Description				PD	SRW	PII	PLC	Conj. Group	RFW Number	
27593 HARPER BENENATI MEDICAL CLINIC SAINT CLAIR SHORES				4	5	0	0	B	423461	
Circuit #1	Circuit #2	Service Center #1	Service Center #2	COH	COS	CUC	CUL	CUT	CUS	
DC 2418 BAKER	DC 2418 BAKER	Mt Clemens	Macomb	0	0	18	15	0	0	
Worksite City			Worksite Twp.		Worksite County					
SAINT CLAIR SHORES			LAKE (SAINT CLAIR SHORES)		Macomb					
Town	Range	Sect	Qtr	Planner Name		Commit Date	Scale	Plot Date		
1N	13E	22	NW	Howard, Michael F		6/25/2002	1" = 30'	6/25/2002		