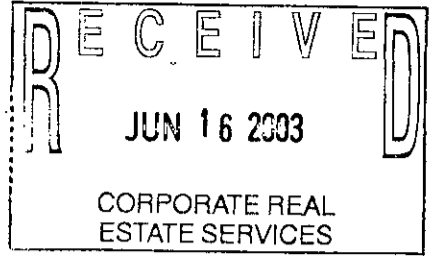


2003 MAR -6 A 9:40

NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI.  
48843



DETED

9 1/2

**Detroit Edison Underground Residential Distribution Easement (Right of Way) No. R-436346-5  
Apt/Condo/Site Condo/Tr Park Name—The Dominion - Condo's**

On JAN. 22<sup>ND</sup>, 2003, 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:**

Dominion Development, L.L.C., a Michigan Limited Liability Company, 511 West Main Street, Brighton, Michigan 48116

**"Grantee" is:**

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226  
Consumers Energy, a Michigan Corporation, 212 West Michigan Avenue, Jackson, Michigan 49201  
Ameritech, a Michigan Corporation, 444 Michigan Avenue, Detroit, Michigan 48226  
Comcast, 35155 Industrial Drive, Livonia, Michigan 48150

**"Grantor's Land" is in Brighton Township, Livingston County, Michigan described as:**

See attached Appendix "A".

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

As shown on recorded plat. Width of Right of Way is twelve (12) feet.

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. **Ground Elevation:** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.
7. **Damages:** If Grantor's employees or contractors damage grantee's facilities, Grantee will make repairs at Grantor's expense.
8. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

**Grantor:** (Type or print name below signature)  
Dominion Development, L.L.C., a Michigan  
Limited Liability Company

BY: [Signature]  
KRIS J. PONIKIEWSKI

ITS: MEMBER

Acknowledged before me in LIVINGSTON County, Michigan, on JAN. 22<sup>ND</sup>, 2003, by KRIS J. PONIKIEWSKI, its MEMBER of Dominion Development, L.L.C., a Michigan Limited Liability Company, for the limited liability company.

Notary's Stamp: KRISTINA H. SLINSKI  
NOTARY PUBLIC LIVINGSTON CO., MI  
MY COMMISSION EXPIRES Dec 17, 2003

Notary's Signature: [Signature]

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

RECORDED R/W FILE NO. 73371

APPENDIX "A"

PART OF THE NORTHWEST ¼ OF SECTION 29, T2N R63, BRIGHTON TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTH ¼ CORNER OF SAID SECTION 29; THENCE N89°39'35"W, ALONG THE NORTH LINE OF SECTION 29, 965.00 FT. TO THE POINT OF BEGINNING; THENCE CONTINUING N89°39'35"W, ALONG SAID NORTH LINE, 1096.76 FT.; THENCE S00°07'13"E 412.00 FT.; THENCE S89°39'35"E 199.95 FT.; THENCE S00°05'19"E 409.87 FT.; THENCE S89°33'45"E 691.94 FT.; THENCE N00°09'05"E 225.57 FT.; THENCE N42°00'29"W 35.00 FT. TO A POINT OF NON-TANGENT CURVE; THENCE ALONG A CURVE TO THE LEFT, RADIUS OF 276.00 FT.; THROUGH A CENTRAL ANGLE OF 19°03'56", ARC DISTANCE OF 91.84 FT.; CHORD BEARING N38°27'33"E 91.42 FT. TO A POINT OF TANGENCY; THENCE N28°55'35"E 33.18 FT. TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT, RADIUS OF 20.00 FT., THROUGH A CENTRAL ANGLE OF 98°35'32", ARC DISTANCE OF 34.42 FT., CHORD BEARING N78°13'21"E 30.32 FT. TO A POINT OF NON-TANGENCY; THENCE N60°51'30"E 74.29 FT.; THENCE N28°55'35"E 35.00 FT.; THENCE N06°00'56"E 398.83 FT. TO THE NORTH LINE OF SAID SECTION AND THE POINT OF BEGINNING; CONTAINING 16.877 ACRES, SUBJECT TO THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD OR HIGHWAY PURPOSES, ALSO SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

73371

RECORDED R/W FILE NO.