

03 JUN 10 AM 8:25



Melissa DeVaugh
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

73494
RECORDED R/W FILE NO.

Detroit Edison Overhead and Underground Easement (Right of Way) No. 484611

On 5/29, 2003, 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:

Martin Nemeckay and Fara Nemeckay, husband and wife, 8965 Petz Road, Imlay City, MI 48444

"Grantee" is:

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

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

Parcel B: A parcel of land being a part of the East 1/2 of the NE 1/4 of Section 12, T7N-R12E described as: Commencing at the East 1/4 corner of said Section 12; thence S86°40'36" West 770.43 feet along the East and West 1/4 line of said Section 12 to the point of beginning of this description; thence continuing S86°40'36" West 274.07' along the East and West 1/4 line of said Section 12; thence N00°23'04" West 991.32'; thence N86°40'36" East 275.48'; thence S00°18'09" East 991.39' to the point of beginning. Said parcel contains 6.24 acres.

Parcel C: A parcel of land being a part of the East 1/2 of the NE 1/4 of Section 12, T7N-R12E described as: Commencing at the East 1/4 corner of said Section 12; thence S86°40'36" West 1044.50' along the East and West 1/4 line of said Section 12 to the point of beginning of this description; thence continuing S86°40'36" West 274.08' along the East and West 1/4 line of said Section 12; thence N00°27'55" West 991.25 feet; thence N86°40'36" East 275.48'; thence S00°23'04" East 991.32 feet to the point of beginning. Said parcel contains 6.25 acres.

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

A 12' wide easement along with tree clearance rights 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.

Grantor:

Martin Nemeckay

Martin Nemeckay
Fara Nemeckay

Fara Nemeckay

Acknowledged before me in St Clair County, Michigan, on May 29, 2003, by Martin Nemeckay and Fara Nemeckay, husband and wife.

Notary's Stamp: **NOTARY PUBLIC STATE OF MICHIGAN ST. CLAIR COUNTY ACTING IN: MY COMMISSION EXP. AUG. 28, 2003**

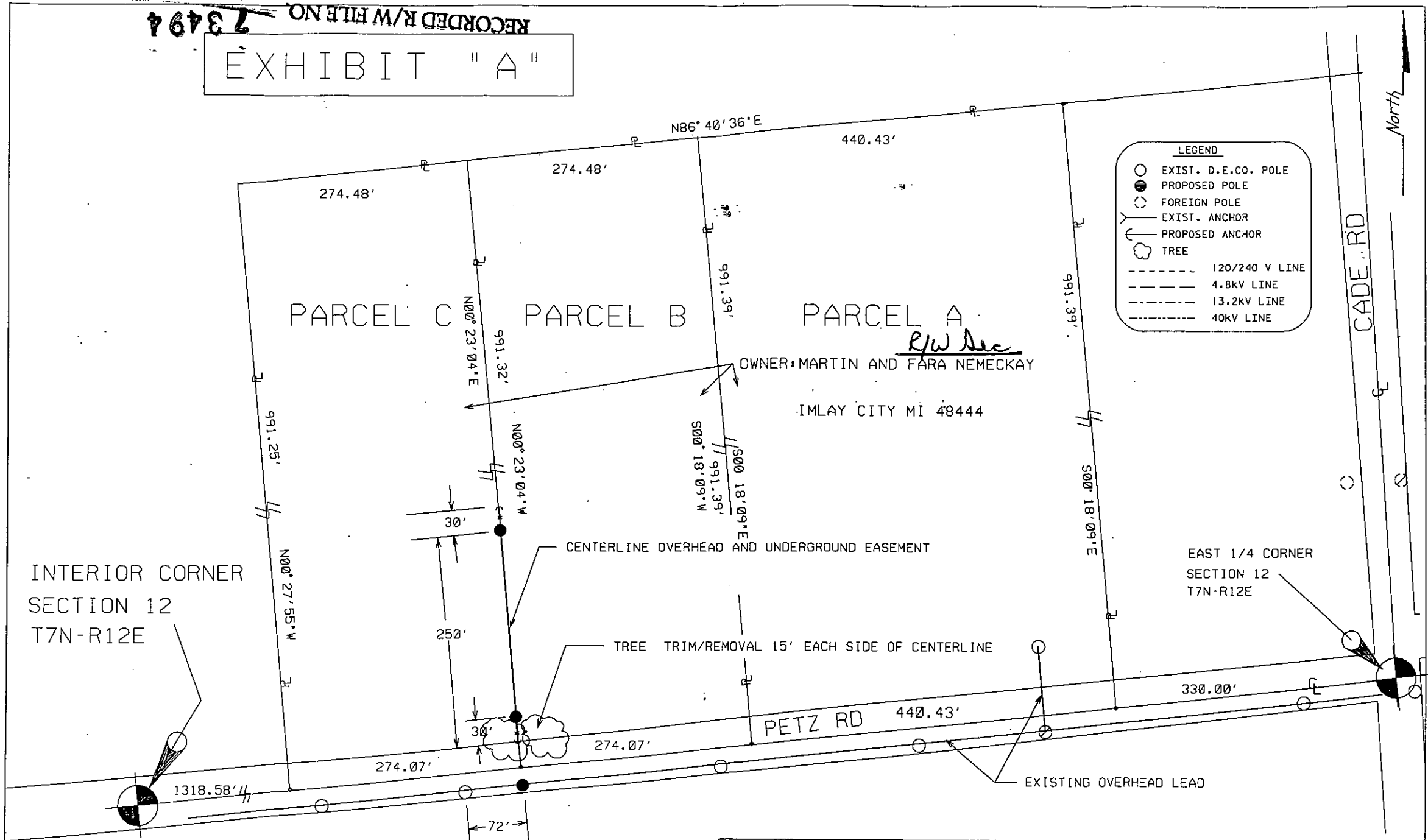
Notary's Signature: *Cynthia J. West*

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

13.00
4.00

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EXHIBIT "A"



LEGEND

- EXIST. D.E.CO. POLE
- PROPOSED POLE
- FOREIGN POLE
- EXIST. ANCHOR
- PROPOSED ANCHOR
- ☁ TREE

--- 120/240 V LINE
 - - - 4.8KV LINE
 - - - 13.2KV LINE
 - - - 40KV LINE

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|---|--------------|----------------------------|------------------|--------------------------------------|----------|--------------------------|--------------------|------------------------|----------------------|
| RFW Description 8965 PETZ - LAND SPLIT-MARTIN NEMECKAY | | | | PD 5 | SRW 6 | PH 0 | PLC 0 | Conf. Group | RFW Number 484611 |
| Circuit #1 | Circuit #2 | Service Center#1 LAPEER | Service Center#2 | COH 0 | COS 0 | CUC 0 | CUL 0 | CUT 0 | CUS 0 |
| Worksite City IMLAY | | Worksite Twp. IMLAY | | Worksite County LAPEER | | | | | |
| Town 7N | Range 12E | Sect 12 | Qtr E 1/4 | Planner Name O'Donnell, Michael W | | Commit Date 5/22/2003 | Scale 1" = 100' | Plot Date 5/22/2003 | |