

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan hereinafter referred to as "EDISON," the right to construct, reconstruct, modify, add to, operate and maintain overhead and underground line facilities consisting of poles, guys, anchors, conduits, wires, cables, manholes, transformers and accessories required to provide electric service in, under, upon, over and across property located in the NW 1/4 of Section 22 of Twp. of Frenchtown, County of Monroe State of Michigan, further described as:

AUGUST 3, 19 90

Part of the N.W. 1/4 of Section 22, T.6S., R.9E., Frenchtown Township, Monroe County, Michigan, described as beginning at a point on the north line of Section 22 distant N. 89°51'00" W. 1125.14 feet from the North 1/4 corner of Section 22, T.6S., R.9E., thence along the westerly boundary of the I-75 right-of-way the following ten (10) courses: (1) S. 0°09'00" W. 50 feet, (2) S. 30°48'50" E. 145.77 feet, (3) S. 0°09'00" W. 171.77 feet, (4) S. 4°04'45" W. 199.11 feet, (5) S. 11°56'14" W. 199.10 feet, (6) S. 19°47'42" W. 199.10 feet, (7) S. 27°39'10" W. 199.10 feet, (8) S. 31°34'54" W. 44.41 feet, (9) S. 31°56'33" W. 42.41 feet, and (10) S. 32°55'02" W. 365.53 feet; thence N. 0°15'15" W. 1485.76 feet to the north line of Section 22; thence S. 89°51'00" E. 392.01 feet along said north line to the point of beginning.

RECEIVED FOR RECORD
1990 SEP 27 PM 2:03
Curtis
REGISTER OF DEEDS
MONROE COUNTY, MICH

with said overhead and underground line facilities to be located only as shown on the attached drawing "Appendix A" which is made a part hereof, and which is signed by Grantor.

The right of way is 6 ft. (underground segments) and 12 ft. (overhead segment) in width. Additional conditions of Grant are as in the attached "Appendix B" which is made a part hereof. The rights hereby granted include the right of access to and from the right of way and the right to trim, cut down or otherwise control trees, brush or roots of any kind either within the right of way or on property adjoining the right of way which in the opinion of EDISON interferes with the construction or operation of the line facilities. It is expressly understood and agreed that EDISON shall, at no time, trim or cut down any trees unless, in EDISON'S opinion, it is absolutely necessary to do so. EDISON shall restore premises to its original condition or as near as can be in the event of damages caused by its employees, contractors, vehicles and equipment entering premises for the purposes set forth herein.

No buildings or structures are to be placed within said right of way herein granted without the written consent of EDISON.

This grant is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto. IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

THIS IS TO SUPERCEDE PREVIOUS GRANTED EASTMENT RECORDED IN LIBER 1104 PAGES 843 - 845.

RECORDED WITHIN RIGHT OF WAY NO. 41042

Witnesses:

Grantors:

Ivan C. Perry
David G. Beltan

Dietrich R. Bergmann
Dietrich R. Bergmann Living Trust
dated 06 June, 1988.

XX

XX

XX

APPROVED AS TO FORM 9/26/90 DATE
LEGAL DEPARTMENT

Prepared by: Ernest J. Garrison, Supv. Address: 1154 Roslyn Rd.
Real Estate, R/W & Claims, THE DETROIT EDISON CO. Grosse Pointe Woods, MI, 48236-1350
8001 S. Haggerty Rd., Belleville, MI, 48111
AFTER RECORDING RETURN TO MR. GARRISON AT ADDRESS SHOWN ABOVE.

APPENDIX "B"

This grant and conveyance is signed by Grantor, under the condition that Edison not assess Grantor, Grantor's Lessees, or Grantor's heirs, successors, licensees and assigns for any cost required to maintain or upgrade Edison's facilities to accommodate the needs of customers other than Grantor and Grantor's Lessees, heirs, successors, licensees and assigns. ~~Edison~~ assigns.

This grant and conveyance becomes effective on the later of the following two events:

- (a) the date PILOT OIL CORPORATION gives its witnessed and notarized approval to this agreement in the spaces provided therefore below and on page 2;
- (b) the date that the Monroe County (Michigan) Register of Deeds records a complete release executed by THE DETROIT EDISON COMPANY regarding a overhead and underground right of way agreement executed 27 December 1989 and recorded by the Monroe County Register of Deeds on 04 January 1990

STATE OF MICHIGAN }
COUNTY OF WAYNE } SS.

On this third day of AUGUST, 1990, before me personally appeared DIETRICH R. BERGMANN, acknowledged and by his sworn statement said that he is the TRUSTEE OF DIETRICH R. BERGMANN LIVING TRUST, dated 06 June, 1988, and that he executed the foregoing instrument pursuant to powers given him by provisions of the agreement establishing said Trust, and that he executed the foregoing instrument as the free act and deed of said Trust.

Ivan C. Perry
Ivan C. Perry
Notary Public Wayne County, Michigan

MY COMMISSION EXPIRES January 22, 1994

PILOT OIL CORPORATION, A Tennessee Corporation whose main business office is located in Knoxville, Tennessee, hereby gives its approval to the foregoing Overhead and Underground Right-of-Way Agreement and agrees to be bound by its provisions.

WITNESSES:
Lorraine E. Young
Lorraine E. Young
Kimberly R. Worrall
Kimberly R. Worrall

PILOT OIL CORPORATION
A Tennessee Corporation
by: William E. Haslam
William E. Haslam, Executive Vice
President
DATE: 9-14-90, 1990

ACKNOWLEDGMENT FOR PILOT OIL CORPORATION

STATE OF ~~MICHIGAN~~ }
TENNESSEE }
COUNTY OF KNOX } SS.

On this 14th day of September, 1990, before me personally appeared William E. Haslam, Executive Vice President of PILOT OIL CORPORATION, a Tennessee Corporation, who signed the above to indicate approval of the foregoing Overhead and Underground Right-of-Way Agreement, and who acknowledged that he executed the same as the free act and deed of said Corporation.

Sharon K. Sagers
Sharon K. Sagers
Notary Public, Knox County, Tennessee

My commission expires: April 18, 1994

RECORDED RIGHT OF WAY NO. 41043

**Detroit
Edison**

Wayne-Monroe Division
8001 Haggerty Road South
Belleville, Michigan 48111
(313) 397-4000

October 24, 1990

Dr. Dietrich R. Bergmann
1154 Roslyn Road
Grosse Pointe Woods, MI., 48236-1350

REGARDING; Recording of R/W Document M-2694

Dear Dr. Bergmann:

Attached is your copy of the "Overhead and Underground Right-of-Way Agreement" of August 3, 1990. The document was recorded in Liber 1137, Page 221 of Monroe County Register of Deeds, September 27, 1990. The recording will also supersede the prior easement grant December 27, 1989 and recorded in Liber 1104, Page 843 on January 4, 1990.

Thanks again for your patience and consideration.

Sincerely,



Ernest J. Garrison, Supervisor
Real Estate, R/W & Claims

EJG:dma
Att.
cc: file

RECORDED RIGHT OF WAY NO.

1104

APPLICATION FOR RIGHT OF WAY

OR 363-0811 5-7488 (MS 80)

PLEASE SECURE RIGHT OF WAY AS FOLLOWS:

DATE 07-11-90

LOCATION Nadeau W. of I-75

APPLICATION NO. M-2694
M-2684

CITY OR VILLAGE

DEPT. ORDER NO.

TOWNSHIP Frenchtown COUNTY Monroe

O. F. W. NO.

BUDGET ITEM NO.

DATE BY WHICH RIGHT OF WAY IS WANTED

INQUIRY NO.

THIS R/W IS % OF TOTAL PROJECT NO. ACCUM. %

JOINT RIGHT OF WAY REQUIRED YES NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED Secure recorded easements for overhead and underground as shown on sketch.

PURPOSE OF RIGHT OF WAY To serve two commercial customers and to secure easements to extend Detroit Edison conductors for future customers.

SIGNED Louis Abundis, Supv Eng & Ping
for C. A. Benjamin, Director Engineering & Planning
Wayne-Monroe Division
OFFICE DEPARTMENT

JSB/cs

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE 1 GRANTOR 1

NO. OF PERMITS 1 NO. OF STRUCTURES NO. OF MILES PERMITS TO MBT

DATE 10/24/90 SIGNED Ernest J. ...

PROCESSED BY THE DEPT. OF PUBLIC UTILITIES

NW CORNER SECTION 22

S8 1'00"E 1125.14'

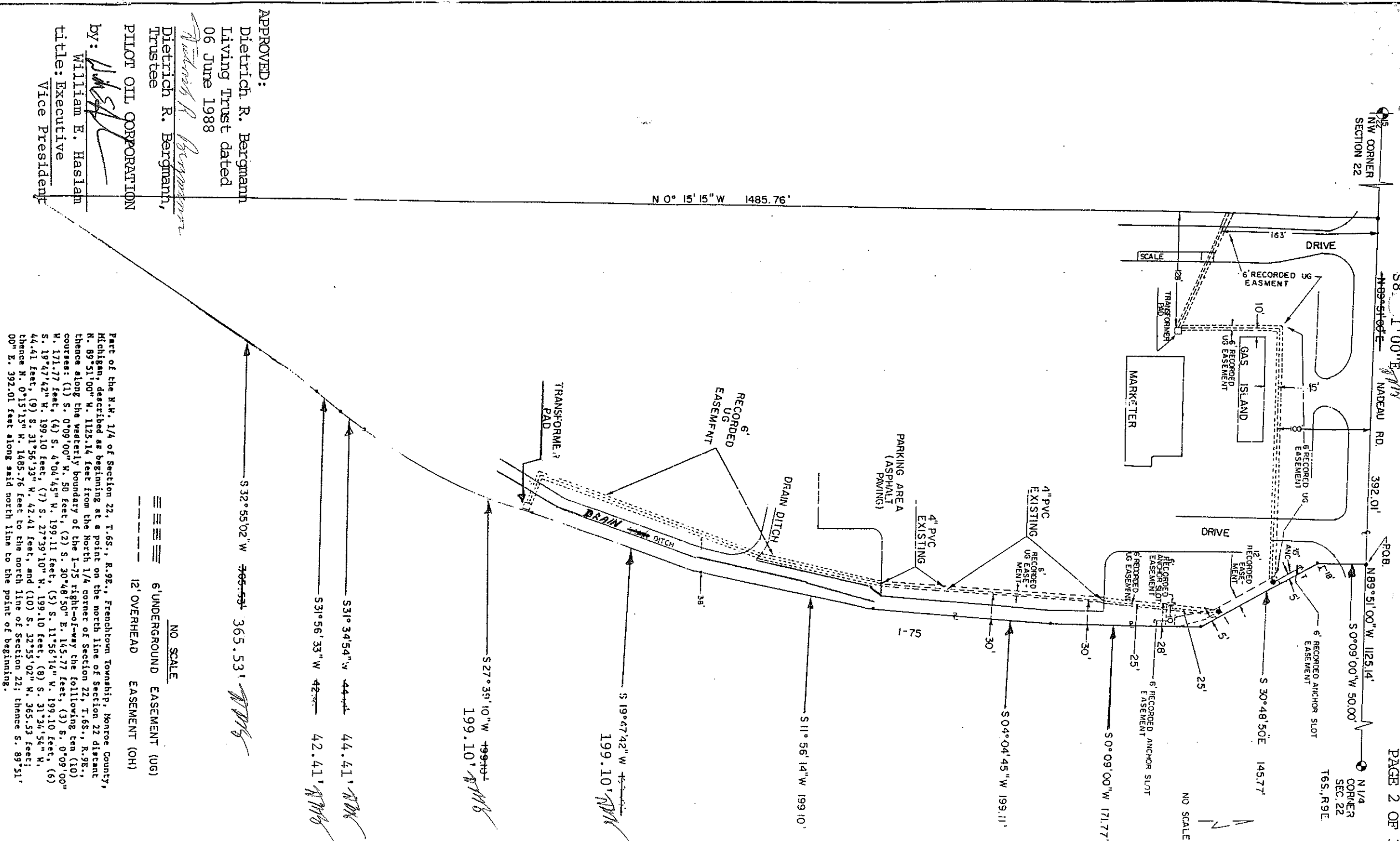
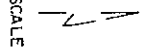
N89°51'00"E NADEAU RD. 392.01'

POB

N89°51'00"W 1125.14'

S0°09'00"W 50.00'

N 1/4 CORNER SEC. 22 165.19'E



N 0° 15' 15" W 1485.76'

APPROVED:
Dietrich R. Bergmann
Living Trust dated
06 June 1988

Dietrich R. Bergmann
Dietrich R. Bergmann,
Trustee

PILOT OIL CORPORATION

by: *William E. Haslam*
William E. Haslam
title: Executive
Vice President

NO SCALE
6' UNDERGROUND EASEMENT (UG)
12' OVERHEAD EASEMENT (OH)

Part of the N.W. 1/4 of Section 22, T.65., R.9E., Frenchtown Township, Monroe County, Michigan, described as beginning at a point on the north line of Section 22 distant N. 89°51'00" W. 1125.14 feet from the North 1/4 corner of Section 22, T.65., R.9E., thence along the westerly boundary of the I-75 right-of-way the following ten (10) courses: (1) S. 0°09'00" W. 50 feet, (2) S. 30°48'50" E. 145.77 feet, (3) S. 0°09'00" W. 171.77 feet, (4) S. 4°04'45" W. 199.11 feet, (5) S. 11°56'14" W. 199.10 feet, (6) S. 19°47'42" W. 199.10 feet, (7) S. 27°39'10" W. 199.10 feet, (8) S. 31°34'54" W. 44.41 feet, (9) S. 31°56'33" W. 42.41 feet, and (10) S. 32°55'02" W. 365.53 feet; thence N. 0°15'15" W. 1485.76 feet to the north line of Section 22; thence S. 89°51'00" E. 392.01 feet along said north line to the point of beginning.

S 32° 55' 02" W 365.53' *WMB*

S 31° 56' 33" W 42.41' *WMB*

S 31° 34' 54" W 44.41' *WMB*

S 27° 39' 10" W 199.10' *WMB*

S 19° 47' 42" W 199.10' *WMB*

S 11° 56' 14" W 199.10' *WMB*

S 04° 04' 45" W 199.11' *WMB*

S 0° 09' 00" W 171.77' *WMB*

S 30° 48' 50" E 145.77' *WMB*

4/10/88
RECORDED FROM OR MAY NO