

LIBER 11995 PG 142

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1142

On May 22, 1991, 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"

#36 REG/DEEDS PAID  
0001 JUL.31.91 10:41AM  
1096 MISC 9.00

"Grantor" is:

Capoccia Development Company, a Michigan Partnership, 351 East Losce, Madison Heights, Michigan 48071

"Grantee" is:

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

①

34007

"Grantor's Land" is in the City of Madison Heights, Oakland County, Michigan described as:

T1N., R11E., Section 2, Julius Bermans John R. Subdivision, south 25 feet of the west 91 feet of Lot 175 and the west 91 feet of Lot 176, also the north 1/2 of vacated alley adjacent to same, also west 7 feet of Lot 178 and all of Lots 179 through 182, inclusive, including also the south 1/2 of vacated alley adjacent to same. Sidwell No: 25-02-478-011

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

The north 6 feet of said land and also the easterly 6 feet of the north 45 feet of said land.

- 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 shall be placed in the Right of Way Area without Grantee's prior written consent.
- 4. Excavation** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates 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 shall 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 shall 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 shall 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, lessees, licensees and assigns.

MISS DIG RIGHT OF WAY NO. 41113

Witnesses:

Phil Bartolone  
PHIL BARTOLONE

Rudolph M. Potyak  
RUDOLPH M. POTYAK

Grantor:

Capoccia Development Company  
A Michigan Partnership

O.K. — LM

9.00  
2.00 RMT  
FE

Donato Capoccia  
DONATO CAPOCCIA, GENERAL  
PARTNER

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Prepared by and Return to:

Annie P. Grimmctt, Detroit Edison Representative, 30400 Telegraph Rd., Ste. 277, Birmingham, Michigan 48010