

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R9206764-01

On Dec 10, 1992, 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:

Vini Property Trust, 30 W. Nine Mile Rd., Hazel Park, Michigan 48030-3230. *BY JAY ROSS, BENEFICIARY*

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226
The Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Ave., Detroit, Michigan 48226

"Grantor's Land" is in the City of Hazel Park, Oakland County, described as:

Part of the East one-half (1/2) of Southeast one-quarter (1/4), Section 26, Town 1 North, Range 11 East, Lot 2 Urban Renewal Plat of New Center Subdivision as recorded in Liber 124, page 6 of Plats, Oakland County Records, Sidwell No. 25-26-479-075. *P+*

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

As shown on the attached Detroit Edison drawing no. 92A-64622, dated 11/7/92

124006
B#92 REG/DEEDS PAID
0001 FEB 02 '93 02:00PM
1039 MISC 11.00

The right of way is ten (10) feet in width.

- 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.
- Access:** Grantee has the right of access to and from the Right of Way Area.
- 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.
- 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.
- 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.
- 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.
- Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

Witnesses:(type or print name below signature)

Janet L. Wood

JANET L. WOOD

Frances E. Hughes

FRANCES E. HUGHES

Grantor:(type or print name below signature)

Vini Property Trust
[Signature]
By *JAY ROSS, BENEFICIARY*

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Acknowledged before me in OAKLAND County, Michigan, on DECEMBER 10, 1992 by JAY ROSS, BENEFICIARY of the Vini Property Trust.

Notary's Stamp OLGA R. LIFTER Notary Public, Oakland County, MI
My Commission Expires Aug. 12, 1996 Notary's Signature *Olga R. Lifter*

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

11.00
2.00 RMT

Prepared by and Return to: James D. McDonald, 30400 Telegraph Road, Suite 277, Birmingham, Michigan 48025/PJP

RECORDED AT THE OFFICE OF THE CLERK OF THE COUNTY OF OAKLAND, MICHIGAN, ON DEC 10 1992 AT 11:00 AM. 44348