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Royal Oak Twp  
Sec. 1

**UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R9307916-01**

On October 5, 1993, 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:**

Madison Square Limited Partnership, a Michigan Limited Partnership,  
25600 Second Avenue, Detroit, Michigan 48201

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**"Grantee" is:**

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

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

As shown on "Appendix A" attached hereto.

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

As shown on Detroit Edison Company drawing R-9307916-01, which is attached hereto and made a part hereof.  
The Right-of-Way is Six (6) 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.

RECORDED RIGHT OF WAY NO. 452645

**Witnesses:**(type or print name below signature)

**Grantor:**(type or print name below signature)

Madison Square Limited Partnership,  
a Michigan Limited Partnership O.K. — LM

Alyceann T. Mooney  
ALYCEANN T. MOONEY  
Hann Thompson  
HANN THOMPSON

Lawrence C Dailey  
By: LAWRENCE C DAILEY  
Its: General Partner

Acknowledged before me in Oakland County, Michigan, on October 5, 1993

by Lawrence C Dailey, the General Partner

of Madison Square Limited Partnership, a Michigan Limited Partnership, for the Michigan Limited Partnership.

LOIS F. DONELSON  
Notary Public, Macomb County, Michigan  
Acting in Oakland County

Notary's Stamp My Commission Expires May 11, 1997 Notary's Signature Lois F. Donelson

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

Prepared by and Return to: Annie P. Grimmett, 30400 Telegraph Road, Suite 210, Birmingham, Michigan 48025/kad