

**Detroit Edison**

# Underground Right of Way Agreement

87 157933

July 10, 1987

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 underground line facilities consisting of poles, conduits, wires, cables, manholes, transformers and accessories required to provide electric service in, under, upon and across property located in the Novi City of Novi, County of Oakland, State of Michigan, further described as:

Parcel 3

Land in the Northwest 1/4 of Section 23, T1N., R8E., City of Novi, Oakland County, Michigan, described as commencing at the northwest corner of said Section 23, th along the North section line, N 87°28'51" E, 1208.55' to the point of beginning: Th continuing along said section line, N 87°28'51" E, 33.41'; th leaving said section line, S 4°42'26" W, 249.91'; th S 6°27'01" W, 188.06' to a point on the North right-of-way line of Grand River Avenue; th along said right-of-way line, N 73°44'04" W, 33.49'; th leaving said right-of-way line, N 6°27'01" E, 177.21 th N 4°42'26" E, 249.84' to the point of beginning, containing 0.329 acres and subject to the rights of the public and of any governmental unit in any part of the land taken, used or deeded for road or highway purposes, and also subject to easements and restrictions of record, if any.

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Pt 22-14-351-054

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RECORDED RIGHT OF WAY NO. 37464

as shown on the attached drawing U1-2-3400 which is made a part hereof.

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

The rights hereby granted include the right of access to and from the rights 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 employes, 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.

Witnesses:

Grantors:

Andrew G. Tracy  
ANDREW G. TRACY

Wolverine IV Limited Partnership,  
A Texas Limited Partnership  
By: Timothy W. Barrett  
Timothy W. Barrett  
A Managing General Partner

Omer V. Racine  
OMER V. RACINE

RECORDS TO FORM 86-87 DATE  
RECORDS DEPARTMENT HL Kerp

Prepared by: Omer V. Racine  
The Detroit Edison Company  
30400 Telegraph Road, #264  
Birmingham, MI 48010

Address: 7071 Orchard Lake Road, Suite #215  
West Bloomfield, MI 48033

STATE OF MICHIGAN) SS  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 10 day of July, 1987, by Timothy W. Barrett, a managing general partner of Wolverine IV Limited Partnership, a Texas Limited Partnership, on behalf of the partnership.

My Commission Expires: 1/2/90

Barbara J. Castrodale

Notary Public, County, Michigan

BARBARA J. CASTRODALE  
Notary Public, Wayne County, MI  
My Commission Expires Jan. 2, 1990  
Acting in Oakland County, MI

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