

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1255

On JULY 2, 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".

"Grantor" is: WIXOM ARBY'S INC., A MICHIGAN CORPORATION
49800 GRAND RIVER, WIXOM, MICH., 48393

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226
Metrovision of Oakland County, a Michigan corporation, 37635 Enterprise Ct., Farmington Hills, Michigan 48018

"Grantor's Land" is in the City of Wixom, Oakland County, Michigan described as:
See Appendix "A"

Sidwell No: 22-07-401-037

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

The easterly 6 feet and also the north 6 feet of the southerly 203 feet of the easterly 90 feet

A#36 REG/DEEDS PAID
0001 SEP.25.91 12:36PM
2287 MISC 9.00

- 1. Purpose: The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground utility line facilities...
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...
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.

Witnesses:

Grantor:

THOMAS MEYER (signature)

WIXOM ARBY'S, INC., A MICHIGAN CORPORATION

SHEILA RUDOLPH (signature)

BY: JOSEPH COLYER, PRESIDENT (signature)

A#36 REG/DEEDS PAID
0001 SEP.25.91 12:36PM
2287 RMT FEE 2.00

9.00
2.00

RECORDED UNDER OF WAX NO 42169

DECO1

Prepared by and Return to:

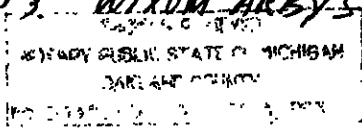
Annie P. Grimmatt, 30400 Telegraph Rd., Suite 277, Birmingham, MI 48010

ATTACHED AS TO FORM 7/24/91 DATE
9/1/91

RW #O-1255

Acknowledged before me in Oakland County, Michigan, on July 2, 19 91

by JOSEPH COLVER, PRESIDENT, WIXOM ARBY'S, INC., A MICHIGAN CORPORATION



Thomas Meyer

Notary's Signature

Notary's Stamp

APPENDIX 'A'

Novi

Land in part of the Southeast 1/4 of Section 7, T1N., R8E., City of Wixom, Oakland County, Michigan described as: Commencing at the southeast corner of said Section 7, and proceeding thence North 02° 44' 20" west 609.20 feet along the east line of Section 7 and centerline of Wixom Road; thence south 87° 15' 40" west 50.00 feet; thence south 87° 15' 40" west 217.69 feet; thence south 02° 44' 20" east 71.18 feet thence north 73° 59' 18" west 117.10 feet; thence south 09° 27' 19" west 186.20 feet; thence north 73° 26' 40" west 350.22 feet along the north line of Grand River Avenue (100 feet wide) to point of beginning; thence continuing north 73° 26' 40" west 160.38 feet along the north line of Grand River Avenue; thence north 16° 38' 10" east 280.33 feet; thence south 73° 26' 40" east 9.17 feet; thence southeasterly 87.56 feet along the arc of a 260.00 ft radius curve to the left (central angle = 19° 17' 40"; chord bears south 83° 05' 30" east 87.14 feet); thence north 87° 15' 40" east 68.78 feet; thence south 16° 33' 20" west 317.66 feet to the point of beginning. Containing 1.0791 acres of land, subject to and together with any easements, restrictions, or reservations affecting the described premises.

RECORDED RIGHT OF WAY NO. 45169

APPLICATION FOR RIGHT OF WAY

OR 942-0211 3-7488 (MS 80)

HOLDING
APG

PLEASE SECURE RIGHT OF WAY AS FOLLOWS.

LOCATION 49820 GRAND RIVER

DATE 4-29-91

APPLICATION NO. U-1255

CITY OR VILLAGE Wixom

DEPT. ORDER NO. A-64721

TOWNSHIP Novi COUNTY OAKLAND

O. F. W. NO. _____

DATE BY WHICH RIGHT OF WAY IS WANTED 6-1-91

BUDGET ITEM NO. _____

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

INQUIRY NO. _____

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 A 16' WIDE PRIVATE EASEMENT FOR PUBLIC UTILITIES PROJECT # SIDWELL 22-07-401-027

PURPOSE OF RIGHT OF WAY PROVIDE SERVICE TO ARBY'S RESTAURANT

SIGNED _____

OFFICE _____

DEPARTMENT _____

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

Underground right of way secured as per attached sketch. Contacts made by Annie Grimmitt, Representative, Real Estate, Rights of Way, Oakland Division.

RECORDED RIGHT OF WAY NO. 412169 + 42170

PERMITS IN RECORD CENTER 2 R.E. & R/W DEPT. FILE 2 GRANTOR Wixom Arby's

NO. OF PERMITS _____ NO. OF STRUCTURES _____ NO. OF MILES _____ MBT -2 Metrovision-2 PERMITS TO MBT _____

DATE 08/20/91 SIGNED James D. McDonald James McDonald, Sr. Representative