

LIBER 12223 PC 774

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1378

On August 30, 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:

Dart Container Corporation of Michigan, a Michigan corporation, 500 Hogsback Road, Mason, Michigan 48854

"Grantee" is:

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

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

Lot 12 Wixom Business Center, part of the W 1/2, SW 1/4, Sec. 9, T1N., R8E., Now Township as recorded in Liber 199, page 6, of plats Oakland County Records. Sidwell No: 22-09-301-006

0001 DEC.10 '91 02:37PM
7491 MISC 9.00

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

The westerly 20 feet of the southerly 60 feet. The right of way is twenty (20) feet in width.

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.

Witnesses:

Grantor:

Judith K. Taylor
JUDITH K. TAYLOR

Joanne E. Williams
JOANNE E. WILLIAMS

Dart Container Corporation of Michigan,
a Michigan Corporation
0001 DEC.10 '91 02:37PM
7491 RMT FEE 2.00

William A. Dart
WILLIAM A. DART, VICE PRESIDENT

RECORDED RIGHT OF WAY NO. 43799
9.00
2.00

OK - G.K.

Prepared by and Return to:

Annie P. Grimmett, 30400 Telegraph Rd., Suite 277, Birmingham, MI 48025

APPROVED AS TO FORM 10/21/91 DATE
LEGAL DEPARTMENT SP/AR