

OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9405084-01

On Aug 30, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Eight-Haggerty Properties II, a Michigan Co-Partnership,
c/o Joseph A. Gerak, Orchard Lake Associates, 28880 Orchard Lake Road, Suite 150, Farmington, Michigan 48334

"Grantee" is:

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

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

Part of the Northeast one-quarter (1/4), Section 36, Town 1 North, Range 8 East, beginning at East one-quarter (1/4) corner, thence South 87°27'27" West 1494.84 feet, thence North 06°40'13" West 313.59 feet, thence North 08°48'26" West 82.46 feet, thence North 25°33'41" West 70.24 feet, thence North 42°12'14" East 48.03 feet, thence North 62°33'21" East 86.60 feet, thence North 63°05'11" East 60 feet, thence along curve to left, radius 1431.81 feet, chord bears North 27°10'44" West 13.26 feet, distance of 13.26 feet, thence North 27°26'39" West 17.29 feet, thence North 62°33'21" East 120 feet, thence South 27°26'39" East 35 feet, thence North 72°26'28" East 53.06 feet, thence North 02°32'33" West 120 feet, thence North 87°27'27" East 60.81 feet, thence North 02°32'33" West 194.43 feet, thence South 87°35'02" West 57.18 feet, thence North 02°24'58" West 127.50 feet, thence North 00°19'18" West 60 feet, thence North 02°24'58" West 120 feet, thence South 87°35'02" West 187.79 feet, thence North 36°25'01" West 315 feet, thence North 72°25'07" West 200 feet, thence North 66°48'50" East 100.61 feet, thence North 87°35'02" East 1698.92 feet, thence South 01°38'53" East 1599.72 feet to beginning, containing approximately 51.94 acres, more or less, Oakland County Records. Sidwell No. 22-36-200-028.

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

As shown on The Detroit Edison Company drawing R-9405084-01 dated 06/30/94 which is attached hereto and made a part hereof (the Westerly Ten (10) feet of the Easterly Sixty-Four (64) feet of Grantor's property). The Right-of-Way is Ten (10) feet in width.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, cables, transformers and accessories.
- 2. Access:** Grantee has the right of access to and from the Right of Way Area.
- 3. Building 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. Trees, Bushes, Branches or Roots:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.
- 5. 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.
- 6. 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)

Karen A. Vickers
Karen A. Vickers

Gloria Gelstein
Gloria Gelstein

Grantor:(type or print name below signature)

Eight-Haggerty Properties, II,
a Michigan Co-Partnership

Joseph A. Gerak
By: Joseph A. Gerak

Partner
Its:

Acknowledged before me in Oakland County, Michigan, on August 30, 1994 by
Joseph A. Gerak the Partner
of Eight-Haggerty Properties, ~~an~~ Michigan Co-Partnership, ~~for the Michigan Co-Partnership~~.

Notary's Stamp KAREN A. VICKERS NOTARY PUBLIC - OAKLAND COUNTY, MI
MY COMMISSION EXPIRES 06/08/98 Notary's Signature Karen A. Vickers

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

O.K. - J.S.

RECORDED RIGHT OF WAY NO. 46724