

RECEIVED 20557 828

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FEB 29 2000

CORPORATE REAL ESTATE SERVICES

LIBER 20557 PAGE 828  
\$11.00 MISC RECORDING  
\$2.00 REINSTATEMENT  
09/17/1999 01:55:47 P.M. RECEIPT# 79534  
PAID RECORDED - OAKLAND COUNTY  
G. WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

REC'D FILE NO. 26373

**Detroit Edison Overhead and Underground Easement (Right of Way) No. R-224677-2**

On AUGUST 10, 1999, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead and underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area."

**"Grantor" is:**

McDonald's Corporation D/B/A Delaware McDonald's Corporation, a Delaware corporation, One McDonald's Plaza, Oak Brook, Illinois 60521

**"Grantee" is:**

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

"Grantor's Land" is in The City of Farmington Hills, Oakland County, Michigan described as: SUPERVISOR'S PLAT OF WESTHILL WOODS LOTS 16 & 17, PART OF THE W 1/2 OF THE NW 1/4 SEC 26, T1N, R9E, AS RECORDED IN LIBER 49, PAGE 56 OF PLATS, OAKLAND COUNTY RECORDS. SIDWELL NO. 23-26-101-019

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

As shown on attached Detroit Edison Company drawing No. R-224677-2, dated May 20, 1999. Width of Right of Way is ten (10) feet.

- 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 are allowed in the Right of Way Area without Grantee's prior written consent.
- Excavation:** Under 1974 Public Act 53, you must call MISS DIG (1-800-482-7171) before excavating 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 can 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 will 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 will 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 and assigns.
- Exemption:** Exempt under MCL 207.505 (a) and MCL 207.526 (a).
- See Easement Addendum, Exhibit B attached.**

(2) **Witnesses:** (Type or print name below signature)

x Valerie Gordon  
Valerie Gordon

x Heather Brennan  
Heather Brennan

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

McDonald's Corporation D/B/A Delaware McDonald's Corporation, a Delaware corporation

BY: Catherine A. Griffin

ITS: Asst. Vice President

3 MTP-D

Acknowledged before me in DuPage County, Illinois, on August 10, 1999, by Catherine A. Griffin the Asst. Vice President of McDonald's Corporation D/B/A Delaware McDonald's Corporation, a Delaware corporation, for the Corporation.

Notary's Stamp: **OFFICIAL SEAL ELLEN L. LOESS**  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 06/30/01

Notary's Signature: Ellen L. Loess

(Notary name, county, and date commission expires)

Prepared by and Return to: The Detroit Edison Company, Terry Benedict, New Hudson Service Center, 56500 Grand River, New Hudson, Michigan 48165 / jem

**O.K. - ML**

**EASEMENT ADDENDUM**

R631B

RECORDED R/W FILE NO.

As a condition of granting this Easement, Grantee agrees to the following covenants:

- 1) Grantee agrees to keep the utility line in good repair and further agrees to maintain its installations on the Premises as its sole cost.
- 2) Grantee shall perform the construction of its installations and the repairs and maintenance of its installations in such a manner so as to not unduly disrupt the operation of the restaurant on the Premises.
- 3) Grantee agrees to restore the Premises to the condition as existed prior to the commencement of Grantee's Work.
- 4) Grantee agrees to indemnify and defend and hold Grantor harmless against all claims, liability and costs (including, but not limited to reasonable attorneys fees and costs) for injuries to all persons and for damage to property occurring as a result of Grantee's failure to maintain safely its installations on the Premises.

EXHIBIT B

LIBER 20557 829

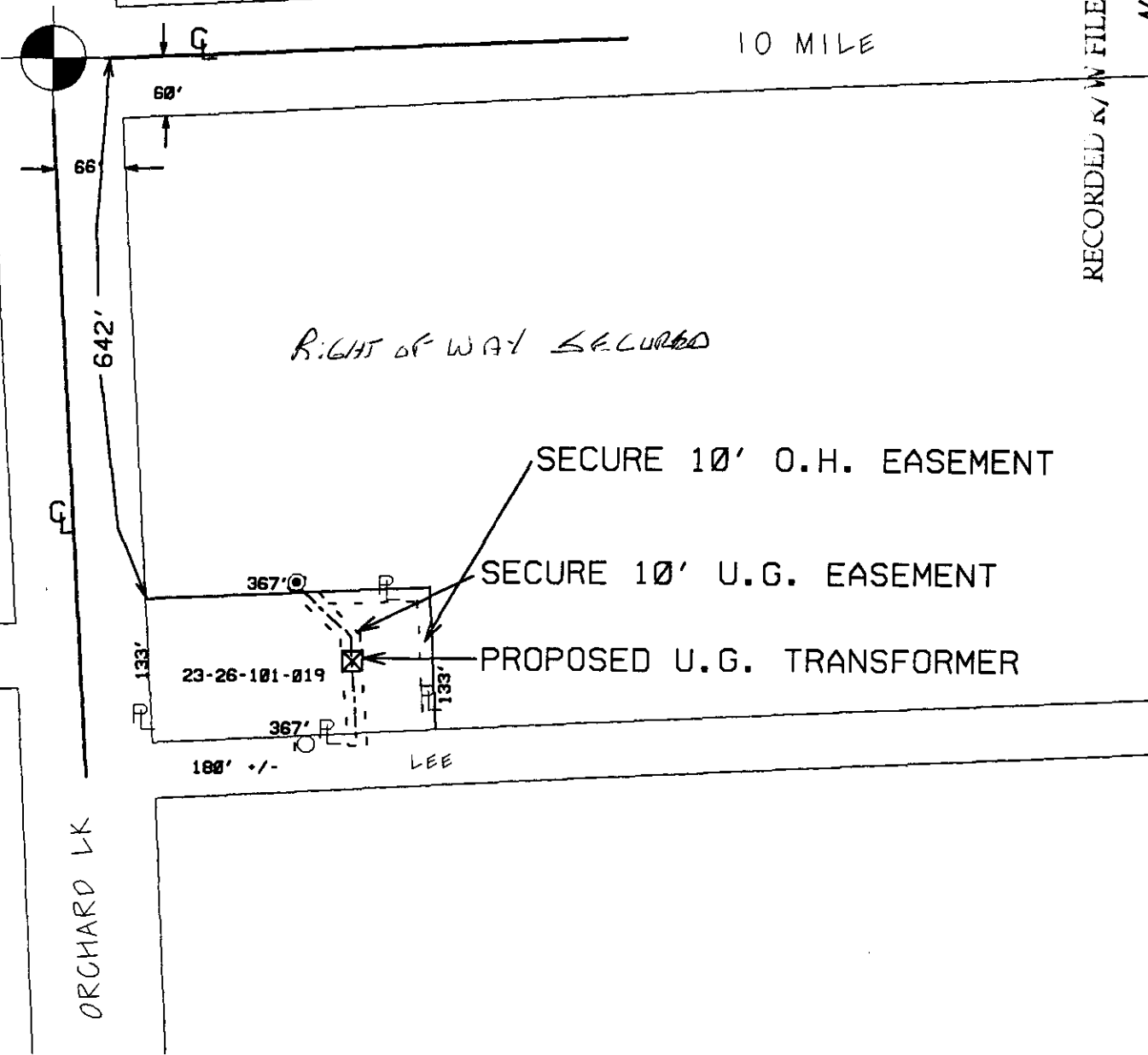
NW 1/4 CORNER  
SECT 26

R6373

RECORDED R/W FILE NO.

North

10 MILE



JPL

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT

<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>○ EXIST. D.E.CO. POLE</li> <li>● PROPOSED POLE</li> <li>○ FOREIGN POLE</li> <li>⊗ EXIST. ANCHOR</li> <li>⊗ PROPOSED ANCHOR</li> <li>☁ TREE</li> <li>--- 120/240 V LINE</li> <li>— 4800 V LINE</li> <li>- - - 13,200 V LINE</li> <li>— 40,000 V LINE</li> </ul>	CITY OR TWP. <b>FARMINGTON</b> COUNTY <b>OAKLAND</b> TWP SEC QTR <b>26 NW</b> DEPT. ORDER NO.		
	MAP SECT. <b>T1N R9E</b> JOINT R/W REQ'D		
	PROJECT NAME <b>MCDONALDS</b> TEL. ENGR. & DIST.		
	TOWNSHIP <b>FAR</b> SERVICE CENTER <b>NHS</b> COMP. CODE MAILING CITY	R/W NO. <b>224677/2</b>	
	CIRCUIT <b>DC 1717 FRMTN 4.8</b>		
	REASON <b>ROW FOR O.H. AND U.G. LINES</b>		
	PLANNER <b>CARL FORD</b> SCALE <b>1" = 150'</b>	DATE <b>5/20/99</b>	
	CATV MEMO#		
O.F.W.			
BUDGET ITEM NO.			