

OVERHEAD AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1344

On August 21, 1991 1991, 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

"Grantor" is:

Stephen R. Mardigian and Carmen A. Mardigian, husband and wife, 851 Shirley, Birmingham, Michigan 48009-3729

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Booth Communications of Birmingham, a Michigan corporation of 645 South Eton, Birmingham, Michigan, 48012

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

Lot 2, Blk 24, Assessor's replat of Coryell Park, part of the E 1/2, NE 1/4, Sec. 35 T2N., R10E., Bloomfield Township as recorded in Liber 49, page 39 of plats Oakland County records. Sidwell No: 19-35-277-004 - *City of Birmingham*

The "Right of Way Area" is a part of Grantor's Land described as: *49039*

The easterly 12 feet of the southerly 6 feet and the westerly 6 feet of the easterly 18 feet and the northerly 6 feet of the easterly 12 feet and also the southerly 14 feet of the northerly 20 feet of the easterly 6 feet.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead and 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:

Bonita S. Gaston

 BONITA S. GASTON

Thomas A. Bailey

 THOMAS A. BAILEY

Stephen R. Mardigian

 Stephen R. Mardigian

Carmen A. Mardigian

 Carmen A. Mardigian, HIS WIFE

5#92 REG/DEEDS PAID
 0001 DEC.26 '91 04:04PM
 0341 MISS 7.00

Acknowledged before me in Oakland County, Michigan, on August 21, 1991
 by STEPHEN R. MARDIGIAN AND CARMEN A MARDIGIAN, HUSBAND AND WIFE

5#92 REG/DEEDS PAID
 0001 DEC.26 '91 04:04PM
 0341 RMT FEE 2.00

Robert L. Yaroch

 Notary's Signature

ROBERT L. YAROCH Notary's Stamp
 Notary Public, Oakland County, Mich.
 Acting in Wayne County, Mich.
 My Commission Expires May 3, 1992

Prepared by and Return to: *Deco 1*
 Annie P. Grimmett, 30400 Telegraph Rd., Suite 277, Birmingham, MI 48025

1.00
2.00 RMT
OK - G.K.

RECORDED RIGHT OF WAY NO. 43627