

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R 9307301-01

On October 18, 1993, 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:

Eugene Applebaum and Marcia A. Applebaum, Husband and Wife, 651 Pine Hill, Bloomfield Hills, Michigan 48304

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226
Booth Communications of Birmingham, a Michigan corporation, P.O.Box 647, Birmingham, Michigan 48012
Michigan Bell Telephone, a Michigan corporation, 444 Michigan Ave., Detroit, Michigan 48226

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

See attached Appendix "A".

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

See attached Appendix "B". The Right-of-Way is Ten (10) feet in width.

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- 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.

RECORDED RIGHT OF WAY NO. 4555-2

Witnesses: (type or print name below signature)

Cindy M. Kopp
CINDY M KOPP
Laurie A. Kalinowski
LAURIE A KALINOWSKI

Grantor: (type or print name below signature)

Eugene Applebaum
Eugene Applebaum
Marcia A. Applebaum
Marcia A. Applebaum

Acknowledged before me in Oakland County, Michigan, on October 18, 1993 by Eugene Applebaum and Marcia A. Applebaum, Husband and Wife.

DEBBIE CLOR
NOTARY PUBLIC STATE OF MICHIGAN
OAKLAND COUNTY
MY COMMISSION EXP. MAR. 9, 1994

Notary's Stamp

Notary's Signature

(Notary's name, county and date commission expires)

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Debbie Clor