

UNDERGROUND  
RIGHT-OF-WAY AGREEMENT

89 33796

December 6, 1988

For the sum of one dollars (\$1.00), system betterment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby grants and conveys to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan hereinafter referred to as "EDISON," the right to construct, reconstruct, modify, add to, operate and maintain underground facilities consisting of conduits, wires, cables, manholes, transformers and accessories required to provide electric service in, under, upon and across property (the "Right-of-Way") located in the City of Troy, County of Oakland, State of Michigan. Said Right-of-Way is shown and described on the attached drawing 12293 prepared by Giffels-Webster Engineers, Inc. of Auburn Hills, MI, dated October 31, 1988.

Notwithstanding the foregoing, EDISON shall not install any man-hole, transformer, or other structure or permanent piece of equipment which extends above the natural surface of the land within the Right-of-Way, without the prior written consent of Grantor as to location and screening or landscaping, which consent shall not be unreasonably withheld.

The Right-of-Way is ten (10) feet in width. A#36 REG/DEEDS PAID  
0001 MAR.07'89 10:59AM  
3926 MISC 13.00

The rights hereby granted include the right of reasonable access to and from the Right-of-Way and the right to trim, cut down or otherwise control trees, brush or roots of any kind either within the Right-of-Way or on property adjoining the Right-of-Way which in the reasonable opinion of EDISON interferes with the construction or operation of the line facilities. It is expressly understood and agreed that EDISON shall, at no time, trim or cut down any trees unless, in EDISON's reasonable opinion, it is absolutely necessary to do so. By its acceptance hereof, EDISON agrees to defend, indemnify and hold harmless Grantor against any cost, expense or liability, including but not limited to legal expenses, arising out of EDISON's use of the Right-of-Way. EDISON shall restore the surface of the Right-of-Way and any adjacent property to its original condition or as near as reasonably possible due to the work contemplated hereunder or in the event of damages caused by EDISON's employees, contractors, agents, vehicles and equipment entering the Right-of-Way or adjacent property for the purposes set forth herein.

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DECO 1

RECORDED RIGHT OF WAY NO. 39175

13.00  
Dean

No buildings or structures shall be placed within said Right-of-Way by Grantor without the written consent of EDISON. Notwithstanding the foregoing, Grantor reserves the right to install driveways, walkways and landscaping on the surface of the Right-of-Way, and other utilities under the surface of the Right-of-Way, provided such utilities do not interfere with the rights granted to EDISON hereunder.

This grant is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF the undersigned has hereunto set its hand on the date of this agreement.

Witnesses:

John J. Pershing, Jr.  
John J. Pershing, Jr.  
David Fowler  
David Fowler

Grantor:

BELLEMEAD OF MICHIGAN, INC.

By: Herman C. Simonse  
Herman C. Simonse  
Executive Vice President

Address:

5505 Corporate Drive  
Suite 500  
Troy, MI 48098

Prepared by: John J. Pershing, Jr., Esq.  
Bellemead of Michigan, Inc.  
4 Becker Farm Road  
Roseland, New Jersey 07068

Record and return to: Annie P. Grimmett  
The Detroit Edison Company  
30400 Telegraph Road  
Suite 277  
Birmingham, MI 48010

RECORDED RIGHT OF WAY NO. 39175

STATE OF NEW JERSEY }  
  } ss.:  
COUNTY OF ESSEX      }

BE IT REMEMBERED, that on this sixth day of December 1988, before me the subscriber, a Notary Public, personally appeared Herman C. Simonse, who, I am satisfied, is the person who signed the within instrument as Executive Vice President of Bellemead of Michigan, Inc., the corporation named therein and he thereupon acknowledged that the said instrument made by the corporation was signed and delivered by him as such officer and is the voluntary act and deed of the corporation, made by virtue of authority from its Board of Directors.

Sworn to this 6th day  
of December 1988.

  
Notary Public

RUTH E. JENISCH  
Notary Public of New Jersey  
My Commission Expires July 25, 1990

RECORDED RIGHT OF WAY NO. 39175

LIBER 10813PG373

10 FOOT WIDE EASEMENT FOR DETROIT EDISON  
OVER  
OFFICE BUILDING 22 SITE  
BELLEMEAD PROJECT

SITE DESCRIPTION

A PART OF THE NORTHEAST 1/4 OF SECTION 8, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 8; THENCE N. 02° 30' 26" W., 1,360.83 FEET ALONG THE EAST LINE OF SAID SECTION 8 TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF NEW KING STREET, 60 FEET WIDE; THENCE S. 87° 29' 34" W., 751.57 FEET ALONG SAID LINE TO THE POINT OF BEGINNING; THENCE S. 87° 29' 34" W., 980.87 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTHFIELD PARKWAY, 86 FEET WIDE; THENCE ALONG SAID LINE N. 35° 58' 39" W., 89.71 FEET; THENCE N. 49° 02' 41" E., 701.34 FEET; THENCE S. 26° 23' 35" E., 78.07 FEET; THENCE DUE EAST 390.22 FEET; THENCE ALONG A CURVE TO THE LEFT 159.86 FEET, SAID CURVE HAVING A RADIUS OF 310.00 FEET, CENTRAL ANGLE OF 29° 32' 45" AND A LONG CHORD BEARING OF S. 10° 24' 25" E., 158.09 FEET; THENCE S. 25° 10' 47" E., 50.19 FEET; THENCE ALONG A CURVE TO THE RIGHT 94.97 FEET, SAID CURVE HAVING A RADIUS OF 240.00 FEET, CENTRAL ANGLE OF 22° 40' 21" AND A LONG CHORD BEARING OF S. 13° 50' 37" E., 94.35 FEET; THENCE S. 02° 30' 26" E., 127.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.188 ACRES.

EASEMENT DESCRIPTION

20-08-227004

A 10 FOOT WIDE EASEMENT FOR DETROIT EDISON WITH A CENTERLINE DESCRIPTION BEING A PART OF THE NORTHEAST 1/4 OF SECTION 8, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 8; THENCE N. 02° 30' 26" W., 1,360.83 FEET ALONG THE EAST LINE OF SAID SECTION 8 TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF NEW KING STREET, 60 FEET WIDE; THENCE S. 87° 29' 34" W., 751.57 FEET ALONG SAID LINE; THENCE THE FOLLOWING TWO COURSES ALONG THE SOUTHERLY LINE OF THE ABOVE DESCRIBED SITE: (1) S. 87° 29' 34" W., 980.87 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTHFIELD PARKWAY, 86 FEET WIDE, AND (2) ALONG SAID LINE N. 35° 58' 39" W., 72.65 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON A LINE 17 FEET SOUTHEASTERLY AND PARALLEL TO THE NORTHWESTERLY LINE OF SAID SITE; THENCE ALONG SAID LINE N. 49° 02' 41" E., 608.09 FEET TO A POINT ON A LINE 5 FEET SOUTHERLY OF AND PARALLEL TO THE NORTHERLY LINE OF SAID SITE; THENCE ALONG SAID LINE EAST 484.98 FEET TO THE POINT OF ENDING, SAID POINT BEING ON THE EASTERLY LINE OF SAID SITE, ALONG A CURVE TO THE LEFT 5.01 FEET, SAID CURVE HAVING A RADIUS OF 310.00 FEET, CENTRAL ANGLE OF 00° 55' 35" AND A LONG CHORD BEARING OF S. 03° 54' 10" W., 5.01 FEET FROM THE NORTHEAST CORNER OF SAID SITE.

RECORDED RIGHT OF WAY NO. 39175

DET. EDISON EASEMENT  
OFFICE BLDG. 22  
BELLEMEAD PROJECT  
A PART OF THE N.E. 1/4 OF  
SECTION 8, T 2N., R11E  
CITY OF TROY, OAKLAND CO., MI.

**Giffels-Webster Engineers Inc.**

ENGINEERS — SURVEYORS — PLANNERS  
2871 BOND STREET, AUBURN HILLS, MICHIGAN 48057  
(313) 852-3100

DATE OCT. 31, 88	CKD BY	DATE	SCALE
DRAWN D.G.D.	E.K.	10/31/88	SHEET 2 OF 2
DESIGN			<b>GWE</b> 12293
SECTION 8	T 2 N R 11 E		

APPLICATION FOR RIGHT OF WAY

Form 963-0418 4-7452 (MS 80)

Troy Trip  
6  
SEC. 4

Lockdale Sub  
Job 88-161

PLEASE SECURE RIGHT OF WAY AS FOLLOWS.

DATE September 21, 1988

LOCATION North of East Long Lake Rd. between  
Northfield Parkway and New King Ct.

APPLICATION NO. \_\_\_\_\_

CITY OR VILLAGE Troy

DEPT ORDER NO. \_\_\_\_\_

TOWNSHIP \_\_\_\_\_ COUNTY Oakland

O F W NO \_\_\_\_\_

BUDGET ITEM NO \_\_\_\_\_

DATE BY WHICH RIGHT OF WAY IS WANTED October 3, 1988

INQUIRY NO. \_\_\_\_\_

THIS R/W IS \_\_\_\_\_ % OF TOTAL PROJECT NO. \_\_\_\_\_ ACCUM. \_\_\_\_\_ %

JOINT RIGHT OF WAY REQUIRED YES  NO

NOTE: Identify on print or sketch the subdivisions as to section location and liber and page.

KIND AND DESCRIPTION OF RIGHT OF WAY REQUESTED Proposed 10'x484.53' D.E.Co. easement with  
rights of ingress and egress as shown on Drawing U1-2-3458.

PURPOSE OF RIGHT OF WAY To provide service to P.P.G. Office Building

NOTE: For customer contact see Mr. Joe Arresto, Customer and Marketing  
Services-272 Oakland Division Headquarters-Phone 645-4231.

SIGNED Robert Burtwell  
Robert Burtwell  
Eng., Plan., Layout Energy Delivery  
OFFICE DEPARTMENT

RECORDED RIGHT OF WAY NO. 39175

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT.

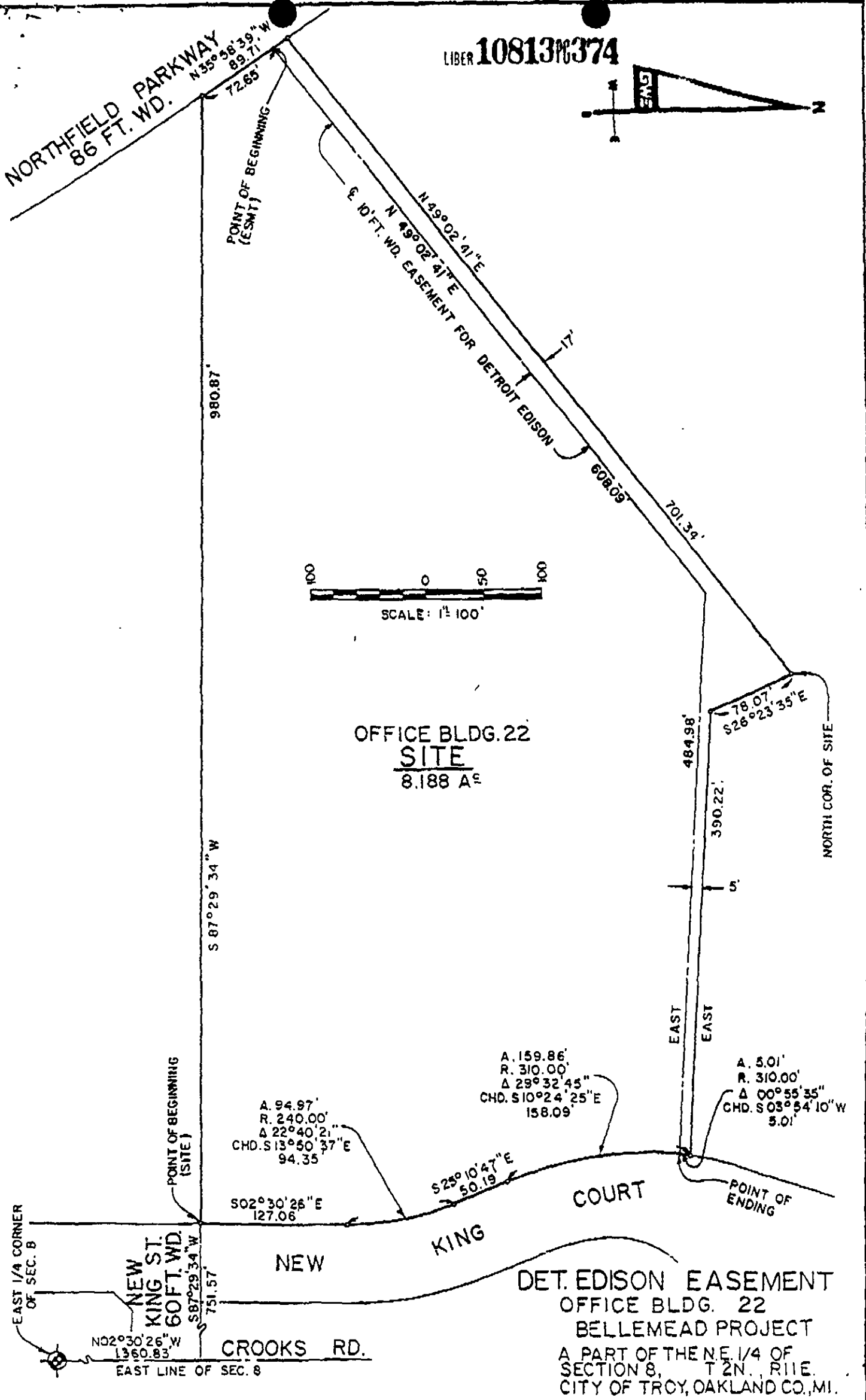
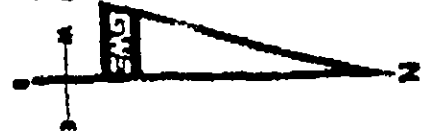
Joint Underground recordable right of way obtained as requested per attached  
drawing. Contacts made by Annie P. Grimmett, Representative; Real Estate,  
Rights of Way & Claims; Oakland Division.

PERMITS IN RECORD CENTER 1 R.E. & R/W DEPT. FILE \_\_\_\_\_ GRANTOR Bellemead of Michigan

NO OF PERMITS 1 NO OF STRUCTURES \_\_\_\_\_ NO OF MILES \_\_\_\_\_ PERMITS TO MBT \_\_\_\_\_

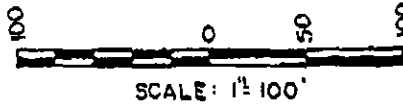
DATE February 6, 1989 SIGNED James D. McDonald  
James D. McDonald, Sr. Representative

LIBER 1081374



RECORDED RIGHT OF WAY NO. 39175

OFFICE BLDG. 22  
SITE  
8.188 A±



DET. EDISON EASEMENT  
OFFICE BLDG. 22  
BELLEMEAD PROJECT  
A PART OF THE N.E. 1/4 OF  
SECTION 8, T 2N., R 11E.  
CITY OF TROY, OAKLAND CO., MI.

**Giffels-Webster Engineers Inc.**  
ENGINEERS - SURVEYORS - PLANNERS  
2871 BOND STREET AUBURN HILLS, MICHIGAN 48005  
313.882-2900

DATE OCT. 31, 88	CKD. BY	DATE	SCALE 1" = 100'
DRAWN D.G.D.	E.K.	10/31/88	SHEET 1 OF 2
DESIGN			
SECTION 8	T. 2 N. R. 11 E.		<b>GWE</b> 12293