

R/Way

UNDERGROUND  
RIGHT-OF-WAY AGREEMENT

February 28, 1989

For the sum of one dollar (\$1.00), system betterment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, BELLEMEAD OF MICHIGAN, INC. ("GRANTOR"), a Michigan corporation having an address at 5505 Corporate Drive, Troy, Michigan 48098, hereby grants and conveys to THE DETROIT EDISON COMPANY ("EDISON"), a Michigan corporation 2000 Second Avenue, Detroit, Michigan 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 February 9, 1989.

Notwithstanding the foregoing, EDISON shall not install any manhole, 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. GRANTOR hereby consents to the installation, operation and maintenance within the Right-of-Way of one switch cabinet approximately 61" long x 44" high.

#

The Right-of-Way is ten (10) feet in width.

DEC 01

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 many 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.

RECORDED RIGHT OF WAY NO. 40168

13.00  
OK

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, 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 T. 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

APPROVED AS TO FORM 8/23/89 DATE  
LEGAL DEPARTMENT *[Signature]*

RECORDED FROM OF WAY NO. 40168

PART OF S.D. # 20-08-427-003

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

BE IT REMEMBERED, that on this twenty-eighth day of February 1989, 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 28th day  
of February.

*Ruth E. Jenisch*  
Notary Public

RUTH E. JENISCH  
Notary Public of New Jersey  
My Commission Expires July 25 1989

RECORDED RIGHT OF PAY NO. 40168

EASEMENT FOR DETROIT EDISON  
OVER OFFICE BUILDING 19  
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., 105.00 FEET ALONG SAID LINE TO THE  
 POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE  
 S. 87° 29' 34" W., 576.57 FEET TO A POINT ON THE EASTERLY RIGHT-  
 OF-WAY LINE OF PROPOSED NEW KING COURT 70 FEET WIDE; THENCE THE  
 FOLLOWING SIX COURSES ALONG SAID LINE: (1) N. 02° 30' 26" W.,  
 127.06 FEET, AND (2) ALONG A CURVE TO THE LEFT 122.67 FEET, SAID  
 CURVE HAVING A RADIUS OF 310.00 FEET, CENTRAL ANGLE OF  
 22° 40' 21" AND A LONG CHORD BEARING OF N. 13° 50' 37" W.,  
 121.87 FEET, AND (3) N. 25° 10' 47" W., 50.19 FEET, AND (4)  
 ALONG A CURVE TO THE RIGHT 57.43 FEET, SAID CURVE HAVING A  
 RADIUS OF 240.00 FEET, CENTRAL ANGLE OF 13° 42' 36" AND A LONG  
 CHORD BEARING OF N. 18° 19' 29" W., 57.29 FEET, AND (5) ALONG A  
 CURVE TO THE RIGHT 105.94 FEET, SAID CURVE HAVING A RADIUS OF  
 75.00 FEET, CENTRAL ANGLE OF 80° 55' 45" AND A LONG CHORD  
 BEARING OF N. 28° 59' 41" E., 97.35 FEET, AND (6) ALONG A CURVE  
 TO THE LEFT 78.79 FEET, SAID CURVE HAVING A RADIUS OF 75.00  
 FEET, CENTRAL ANGLE OF 60° 11' 32" AND A LONG CHORD BEARING OF  
 N. 39° 21' 48" E., 75.22 FEET; THENCE N. 87° 29' 34" E., 514.42  
 FEET; THENCE S. 02° 30' 26" E., 118.19 FEET; THENCE  
 N. 87° 29' 34" E., 20.00 FEET; THENCE S. 02° 30' 26" E., 368.81  
 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.573 ACRES.

EASEMENT DESCRIPTION

THE NORTHERLY 10 FEET EXCEPTING THE EASTERLY 478.42 FEET OF THE  
 ABOVE DESCRIBED SITE.

008  
 PART OF S.W. # 20-08-221-003

RECEIVED  
 SITE ENGINEER

DETROIT EDISON EASEMENT  
 OVER O.B. 19, BELLMEAD PROJECT  
 A PART OF THE NE. 1/4 OF  
 SECTION 8, T-2-N, R-11-E,  
 CITY OF TROY, OAKLAND COUNTY, MICH.

RECORDED RIGHT OF WAY NO. 40168

|   |                   |                  |      |                  |
|---|-------------------|------------------|------|------------------|
| <b>Giffels-Webster Engineers Inc.</b><br>ENGINEERS — SURVEYORS — PLANNERS<br>2871 BOND STREET, AUBURN HILLS, MICHIGAN 48057<br>(313) 852-3100 | DATE FEB. 9, 1989 | CKD. BY          | DATE | SCALE            |
|   | DRAWN E.K. TH     | R.D.K.           |      | SHEET 2 OF 2     |
|   | DESIGN            |                  |      | <b>GWE</b> 12293 |
|   | SECTION 8         | T 2 -N-R- 11 -E. |      |                  |

APPLICATION FOR RIGHT OF WAY

DE 962-0P11 5-7495 (MS 80)

Troy (Twp)  
Sec 10

Lockdale Sub  
Job 88-161

PLEASE SECURE RIGHT OF WAY AS FOLLOWS

DATE April 13, 1989

LOCATION N. of New King Street E. of New King Court

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

CITY ~~OF WYOMING~~ Troy

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

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

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

DATE BY WHICH RIGHT OF WAY IS WANTED \_\_\_\_\_

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

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

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

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 Existing 10'x36' Detroit Edison Company with  
rights of ingress and egress as shown on drawing U1-1-3474.

PURPOSE OF RIGHT OF WAY To provide service to P.P.G. office building. Note: R/W has  
been secured. Paperwork and R/W drawing is to insure that the easement  
records will follow the proper routine in recording and maintaining R/W  
records.

SIGNED

Robert F. Burtwell

Robert F. Burtwell  
Supervisor

Energy Delivery

OFFICE

DEPARTMENT

RECORDED RIGHT OF WAY NO. 40108

REPORT OF REAL ESTATE AND RIGHTS OF WAY DEPT

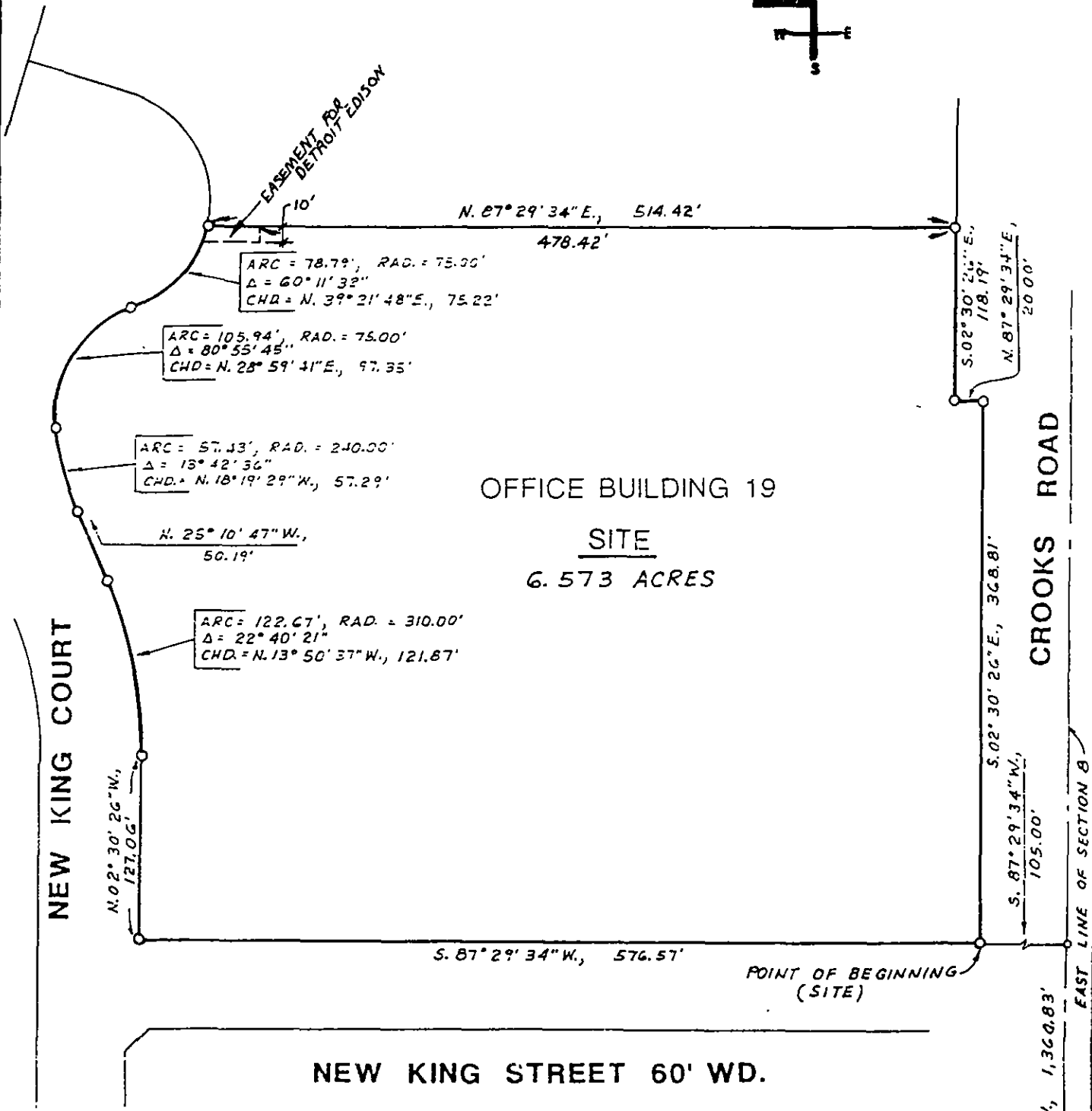
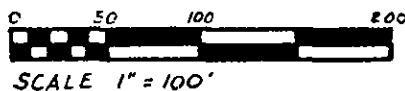
Recordable underground right of way obtained as requested per attached  
drawing. Contacts made by Annie P. Grimmett, Representative; Real Estate, Rights of Way and  
Claims; Oakland Division.

PERMITS IN RECORD CENTER 1 H.E. & R/W DEPT. FILE 1 GRANTOR Bellemead

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

DATE September 27, 1989  
SIGNED James D. McDonald  
James D. McDonald, Sr. Representative

PART OF S.W # 20-08-23 1-003



RECORDED RIGHT OF WAY NO. 40168

**DETROIT EDISON EASEMENT  
OVER O.B. 19, BELLMEAD PROJECT**  
A PART OF THE NE. 1/4 OF  
SECTION 8, T-2-N, R-11-E,  
CITY OF TROY, OAKLAND COUNTY, MICH.

EAST 1/4 CORNER OF SECTION 8

RECORDED  
SITE

|  |                          |                      |      |                  |
|--|--------------------------|----------------------|------|------------------|
| <b>Giffels-Webster Engineers Inc.</b><br>ENGINEERS - SURVEYORS - PLANNERS<br>2871 BOND STREET AUBURN HILLS MICHIGAN 48057<br>3131 852-3100 | DATE <i>FEB. 9, 1989</i> | CKD BY               | DATE | SCALE 1" = 100'  |
|  | DRAWN <i>E.K. TSH</i>    | <i>R.D.K.</i>        |      | SHEET 1 OF 2     |
|  | DESIGN                   |                      |      | <b>GWE 12293</b> |
|  | SECTION 8                | T. 2 - N. R. 11 - E. |      |                  |

PART OF S.W. # 20-08-227-003-008 EDISON DRAWING 41-1-3474