

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9005751-01

On August 5, 1992, 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:

Forest Creek Associates, Inc., a Michigan Corporation and Midwest Guaranty Bank, a Michigan Banking Corporation, 4086 Rochester Road, Troy, Michigan 48084

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226
United Artists of Oakland County, Inc., a Michigan Corporation, 4500 Delemere, Royal Oak, Michigan 48073

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

Refer to attached Appendix "A" for description.

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

As shown on Appendix "B" - Forest Creek Subdivision No. 4.

- 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.
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:(type or print name below signature)

Robert H. Carey
Robert H. Carey

Dolores J. Follis
Dolores J. Follis

Grantor:(type or print name below signature)

Forest Creek Associates, Inc.

By: Joel A. Garrett
Joel A. Garrett

A#36 REG/DEEDS PAID
Its: President 0001 OCT.21.92 01:21PM
8891 MISC 17.00

RECORDED RIGHT OF WAY NO. 174040
17.00
2.00 RMT

Acknowledged before me in Oakland County, Michigan, on August 5, 1992 by JOEL A. GARRETT, the President of FOREST CREEK ASSOCIATES, INC., A Michigan Corporation, for the Corporation.

DOLORES J. FOLLIS
Notary Public, Oakland County, MI
My Commission Expires June 17, 1996

A#36 REG/DEEDS PAID
0001 OCT.21.92 01:21PM
8891 RMT FEE 2.00

Notary's Stamp

Notary's Signature

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

Dolores J. Follis

LIBER 1301773345

Midwest Guaranty Bank

Sharyl L. Biron  
Sharyl L. Biron

By: Thomas F. Gammon  
Thomas F. Gammon

Robert H. Carug  
Robert H. Carug

Its: Executive Vice President

Acknowledged before me in DAKland County, Michigan, on Aug 5, 1992  
by THOMAS F. GAMMON, the Executive Vice President of MIDWEST GUARANTY BANK, A Michigan Banking Corporation, for the Corporation.

Notary's Stamp **SHARYL LYNN DETON**  
Notary Public, Oakland County, MI  
April 13, 1993  
(Notary's name, county and date commission expires)

Notary's Signature Sharyl Lynn Deton

Prepared by and Return to: James D. McDonald, 30400 Telegraph Road, Suite 277, Birmingham, Michigan 48025/KAD

RECORDED RIGHT OF WAY NO. 44040

Exhibit "A"

Proposed "Forest Creek Subdivision No. 4", part of the Northwest one-quarter (1/4) of Section 5, Town 2 North, Range 11 East, described as commencing at the West one-quarter (1/4) corner of Section 5; thence along the East-West one-quarter (1/4) line of Section 5, South 89°29'25" East, 1367.45 feet to the Point of Beginning: thence North 00°31'16" East, 225.09 feet; thence South 89°17'45" East, 7.69 feet; thence North 00°31'16" East, 115.00 feet; thence North 46°11'26" West, 135.69 feet; thence North 62°13'30" West, 225.76 feet; thence North 32°44'02" West, 184.94 feet to a point on the South line of "Forest Creek Subdivision No. 2" (Liber 189, Pages 29-37, Oakland County Records); thence following said line for two courses North 52°47'55" East, 217.13 feet; and North 40°22'02" East, 564.66 feet to a point on the West line of "Forest Creek Subdivision No. 3" (Liber 199, Pages 39-44, Oakland County Records); thence following said line for five courses South 43°59'13" East, 104.73 feet; South 40°31'28" East, 154.66 feet; 56.42 feet along a curve to the left, radius 380.00 feet; chord bearing North 57°24'26" East, 56.37 feet; South 53°20'35" East, 172.22 feet; and South 37°55'21" West, 45.61 feet; thence North 83°22'14" West, 83.15 feet; thence South 43°22'31" West, 197.02 feet; thence 0.27 feet along a curve to the right, radius 345.00 feet; chord bearing North 49°40'02" West, 0.27 feet; thence North 49°38'41" West, 41.82 feet; thence South 40°21'19" West, 150.00 feet; thence South 49°38'41" East, 95.11 feet; thence South 48°23'29" East, 129.24 feet; thence South 16°55'44" East, 129.32 feet; thence South 06°05'10" East 84.15 feet; thence South 89°28'44" East, 88.73 feet; thence North 79°37'11" East, 153.71 feet; thence North 73°13'35" East, 91.41 feet to a point on the West line of "Forest Creek Subdivision No. 3" (Liber 199, Pages 39-44, Oakland County Records); thence following said line for six courses South 24°29'51" East, 139.82 feet; 1.29 feet along a curve to the right, radius 245.00 feet; chord bearing South 65°37'20" West, 1.29 feet; South 65°46'22" West, 116.53 feet; 25.87 feet along a curve to the right, radius 245.00 feet; chord bearing South 68°48'30" West, 25.86 feet; South 18°40'51" East, 60.00 feet; and South 24°13'38" East, 216.27 feet to a point on the East-West one-quarter (1/4) line of Section 5; thence along said line North 89°29'25" West, 713.11 feet to the point of beginning, containing 14.88 acres, Lots 204 through 236 inclusive. Part of Sidwell No. 20-05-178-001 and 20-05-100-035.

Troy

RECORDED RIGHT OF WAY NO. 44046

# FOREST CREEK SUB. #4

LAND IN THE N.E. 1/4 OF SECTION 5, T.2 N., R.11 E.  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

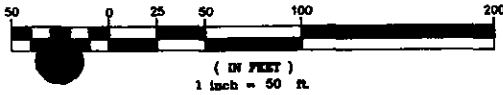
## APPENDIX "B"

RECORDED DEED OF JAY NO. 44040

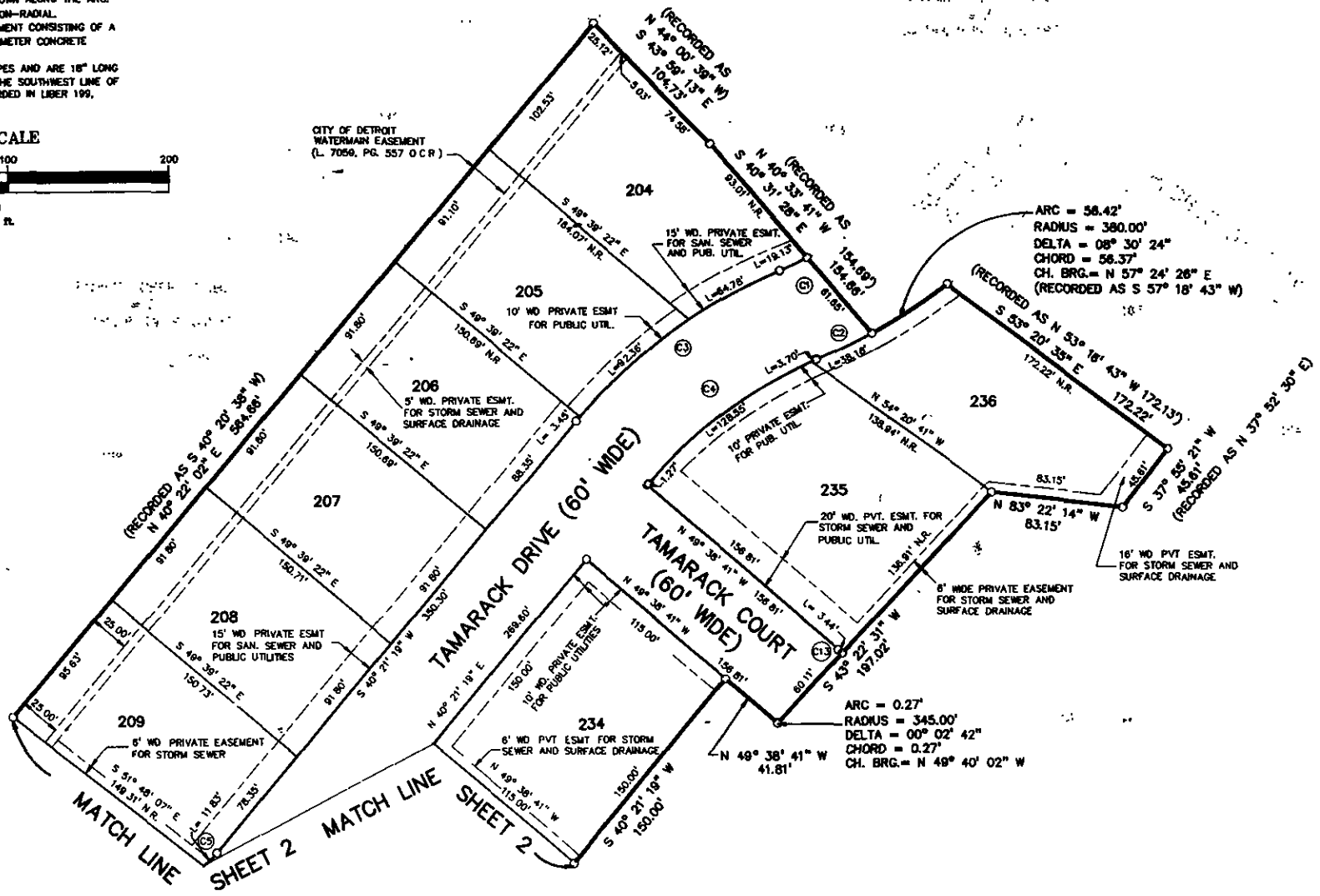
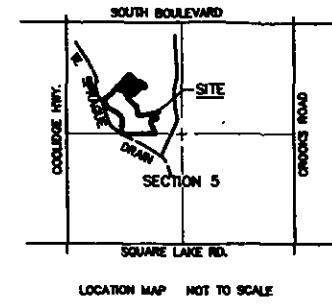
### LEGEND

ALL DIMENSIONS ARE IN FEET.  
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.  
R. DENOTES RADIAL. N.R. DENOTES NON-RADIAL.  
THE SYMBOL "O" INDICATES A MONUMENT CONSISTING OF A 1/2" IRON ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER, 36" IN LENGTH.  
ALL LOT MARKERS ARE 1/2" IRON PIPES AND ARE 18" LONG.  
ALL BEARINGS ARE IN RELATION TO THE SOUTHWEST LINE OF "FOREST CREEK SUB. # 3" AS RECORDED IN LIBER 199, PAGE 38-44 INCLUSIVE, D.C.R.

### GRAPHIC SCALE



LIBER 130173347



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	320.00'	19.13'	19.13'	N 83° 42' 16" E	03° 25' 33"
C2	380.00'	38.18'	38.18'	N 64° 32' 21" E	05° 45' 24"
C3	340.00'	160.59'	159.10'	S 53° 53' 11" W	27° 03' 44"
C4	280.00'	132.25'	131.02'	S 53° 53' 11" W	27° 03' 44"
C5	45.00'	30.82'	30.04'	N 58° 51' 03" E	38° 59' 28"
C13	285.00'	3.44'	3.44'	S 49° 58' 25" E	00° 41' 28"

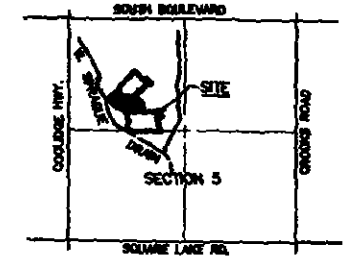
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CITY OF TROY, OAKLAND COUNTY, MICHIGAN

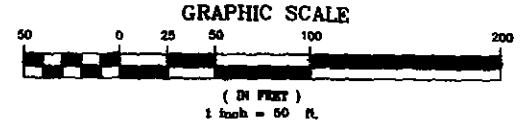
LIBER PAGE  
SHEET 2 OF

APPENDIX "B"

RECORDED RIGHT OF WAY NO. 44040



LOCATION MAP NOT TO SCALE

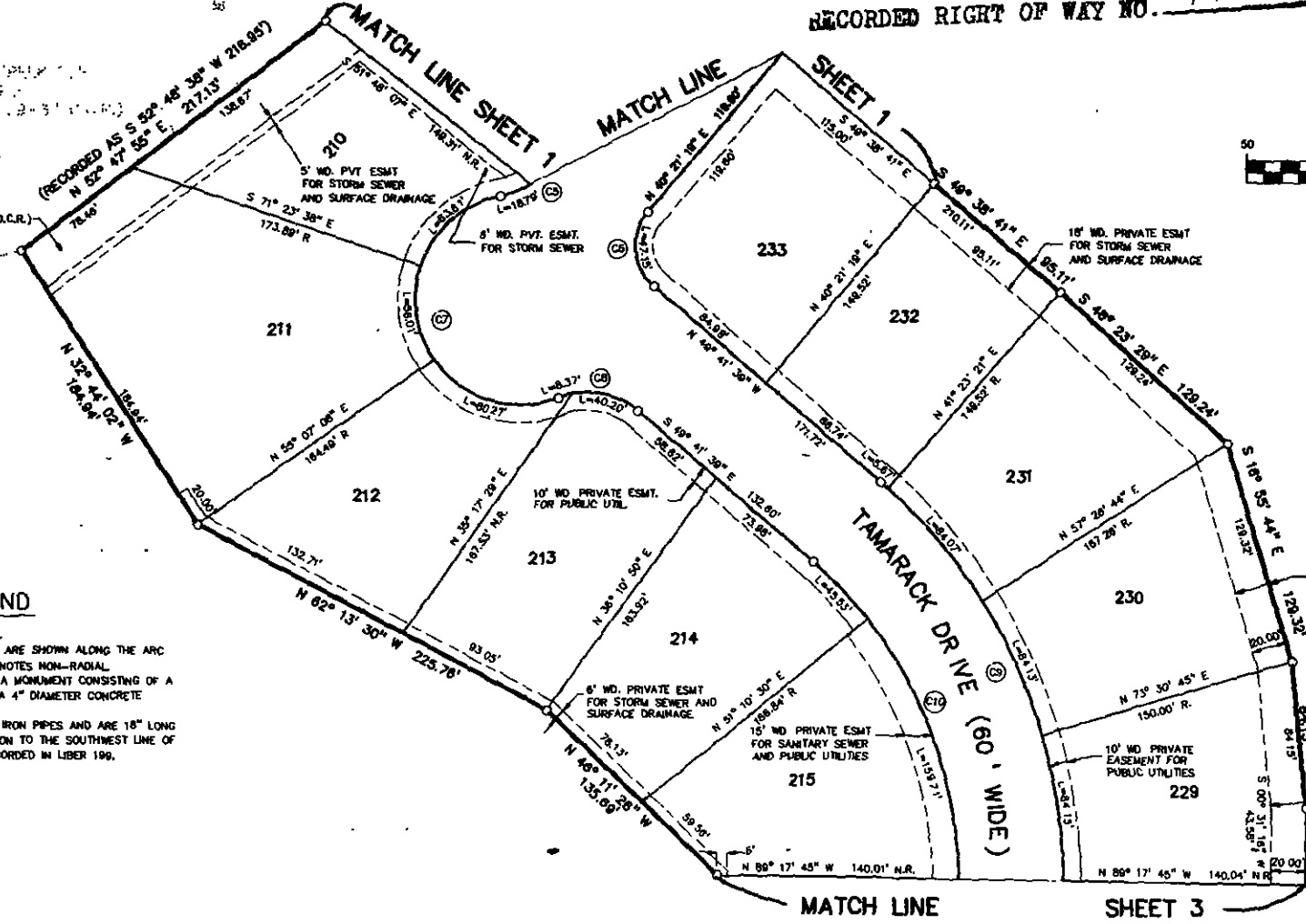


CITY OF DETROIT  
WATERMAIN EASEMENT  
(L. 7058, PG. 557-566 O.C.R.)

LIBER 130173348

**LEGEND**

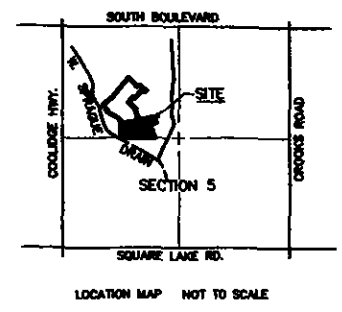
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"FOREST CREEK # 3" AS RECORDED IN LIBER 199,  
P. 39 INCLUSIVE, O.C.R.



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C5	45.00'	30.62'	30.04'	N 59° 51' 03" E	38° 58' 28"
C6	30.00'	47.13'	42.44'	S 34° 40' 10" E	80° 02' 58"
C7	60.00'	199.89'	119.44'	S 18° 05' 43" E	190° 53' 03"
C8	45.00'	48.57'	46.25'	N 80° 36' 58" W	61° 50' 46"
C9	300.00'	282.80'	254.58'	N 24° 33' 11" W	50° 12' 35"
C10	240.00'	210.34'	203.87'	N 24° 33' 11" W	50° 12' 35"

# FOREST CREEK SUB. #4

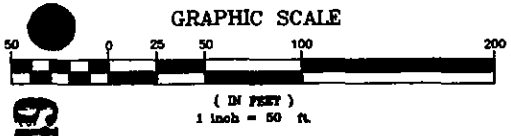
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RECORDED RIGHT OF WAY NO. 44040

LIBER 130178349

