

OVERHEAD AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9403210-01

On 6-10, 1994, 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 Area".

"Grantor" is:

St. Augustine Lutheran Church, a Michigan Ecclesiastical Corporation, a/k/a St. Augustine Evangelical Lutheran Church, 5475 Livernois, Troy, Michigan 48098,

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone, a Michigan corporation, 444 Michigan Ave., Detroit, Michigan 48226
T.C.I. Cablevision of West Oakland County, Inc., a Michigan corporation, 3166 Martin Road, Walled Lake, Michigan 48088

\$ 1.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION
23 AUG 94 1:40 P.M. RECEIPT# 1592
RECORDED - OAKLAND COUNTY
TOWN CLERK JESSIE WOODS

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

Part of Southeast one-quarter (1/4), Town 2 North, Range 11 East, Section 9, beginning at point distant North 89°18'10" West 1215.17 feet from East one-quarter (1/4) corner, thence North 89°18'10" West 100 feet, thence South 01°04'22" West 331.06 feet, thence South 89°20'28" East 100 feet, thence North 01°04'22" East 330.99 feet to beginning except North 17 feet taken for McKinley Road, containing approximately 0.72 acres, more or less, Oakland County Records. Sidwell No. 20-09-426-024.

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

The South Ten (10) feet and also the Easterly Ten (10) feet of the Westerly Twenty-Five (25) feet of the Southerly Thirty (30) feet of Grantor's land.

- 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, licenses and assigns.

See Also: MISC. RIGHT OF WAY FILE NO. 256378
RECORDED RIGHT OF WAY NO. 416195

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

St. Augustine Lutheran Church,
a Michigan Ecclesiastical Corporation,
a/k/a St. Augustine Evangelical Lutheran Church

[Handwritten signatures of witnesses]

By: Leslie D. Kuykendall - CHAIRMAN
Its: LESLIE D. KUYKENDALL

Acknowledged before me in OAKLAND County, Michigan, on June 10, 1994 by

Leslie D. Kuykendall the Building Committee Chairman
of St. Augustine Lutheran Church, a Michigan Ecclesiastical Corporation, a/k/a St. Augustine Evangelical Lutheran Church, for the Michigan Ecclesiastical Corporation.

Notary's Stamp ANTHONY S. PICON Notary's Signature Anthony S. Picon

(Notary's name and commission expires)

Prepared by and Return to: James P. McDonald, 30400 Telegraph Road, Suite 210, Birmingham, Michigan 48025/kad

ANTHONY S. PICON
NOTARY PUBLIC - WAYNE COUNTY, MI
MY COMMISSION EXPIRES 04/01/98

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O.K. -S.R.