

On JAN 16, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Bert L. Smokler & Company, a Delaware corporation, 700 N.W. 107th Avenue, Suite 108, Miami, Florida and Tri-Mount/Milford Heights Development Co., Inc., a Michigan corporation and Tri-Mount/Milford Place Development Co., Inc., a Michigan corporation, 41115 Jo Drive, Novi, Michigan.

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
General Telephone, a Michigan corporation, 7362 Davison Road, Davison, Michigan 48423
Greater Michigan Cablevision, Inc., a Michigan corporation, 3166 Martin Road, Walled Lake, Michigan 48088

"Grantor's Land" is in Township of Milford, Oakland County, described as:

T2N, R7E, Sec 10 & 15, part of S 1/2 of Sec 10 and part of N 1/2 of Sec. 15 all being desc as beginning at NW corner of Lot 15 of 'Amended Kensington Hills Sub No. 1', th N 89°54'30" W 493.57 ft., th N 46°30'42" W 89.86 ft., th N 00°09'30" E 521.19 ft., th S 89°50'30" W 331.79 ft., th S 00°09'30" E 320 ft., th S 89°50'18" W 1125.75 ft., to centerline of Milford Road, th S 07°17'30" W 256.28 ft., th S 14°57'30" W 578.72 ft., th N 89°48'18" E 2529.82 ft., th N 39°08'20" W 253.89 ft., th N 26°08'12" W 387.70 ft. to beginning. 39.99 Acres. Sidwell No. (16-15-251-004). *The above legal description is WPA*

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

The southerly 12 feet and also the easterly 12 feet of the southerly 641.59 feet. The right of way is 12 feet in width. Ent 16-15-126-000

1. Purpose: The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, cables, transformers and accessories. *Also Milford Place Condos Units 1 thru 40, occp # 752*

2. Access: Grantee has the right of access to and from the Right of Way Area. *Milford Heights Condo Units 1 thru 81, occp # 751 Ent 16-15-127-000*

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. Trees, Bushes, Branches or Roots: Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.

5. 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.

6. 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)

Grantor:(type or print name below signature)

BERT L. SMOKLER & COMPANY, a Delaware corporation

Carol A. Krystofinski
Carol A. Krystofinski

Stuart A. Miller
Stuart A. Miller, VICE PRESIDENT

Theresa Bowen

Acknowledged before me in DADE County, FLORIDA on 1/16, 1991 by STUART A. MILLER the II. PRESIDENT of BERT L. SMOKLER & COMPANY, a Delaware corporation, for the corporation.

Notary's Stamp: NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. AUG. 14, 1994 BONDED THRU GENERAL INS. UND. Notary's Signature: *Carol A. Krystofinski*

Prepared by and Return to: Omer V. Racine, 30400 Telegraph Road, Room 277, Bingham Farms, Michigan 48025

RECORDED RIGHT OF WAY NO

9.00
2.00 RMT
43268