

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R 9308198-01

On 8-18, 1993, 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:

Thomas C. Kilner and Carol L. Kilner, Husband and Wife, 1405 Duff Lane, Milford, Michigan 48381-2614

"Grantee" is:

The Detroit Edison Company, a Michigan Corporation, 2000 Second Avenue, Detroit, Michigan 48226

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

Part of the Southeast one-quarter (1/4), Section 16, Town 2 North, Range 7 East, beginning at a point distant South 01°02'40" West 1245.17 feet and South 87°00'13" West 303.97 feet from East one-quarter (1/4) corner, thence South 87°00'13" West 538.81 feet, thence South 00°22'46" East 122 feet, thence South 72°10'18" East 490.56 feet, thence North 37°37'15" East 108.80 feet, thence North 01°02'40" East 214.33 feet to Beginning, containing 2.64 acres. Sidwell No. 16-16-426-050.

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

As shown on the attached Right-of-Way sketch No. R 9308198-01R, dated 08/11/93

- 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. 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, licensees and assigns.

REG/DEEDS PAID
0001 DEC 01 '93 01:58PM
6669 RMT FEE

RECORDED RIGHT OF WAY NO. 45617

Witnesses:(type or print name below signature)

Albert M. Duff
ALBERT M. DUFF

Mildred D. Duff
MILDRED D. DUFF

Grantor:(type or print name below signature)

Thomas C. Kilner
Thomas C. Kilner

Carol L. Kilner
Carol L. Kilner

O.K. - LM

Acknowledged before me in OAKLAND County, Michigan, on AUGUST 18, 1993 by Thomas C. Kilner and Carol L. Kilner, Husband and Wife.

JAMES D. McDONALD
Notary Public, Oakland County, MI
My Commission Expires April 24, 1995

Notary's Stamp _____ Notary's Signature James D. McDonald
(Notary's name, county and date commission expires)