

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R9309290-01

On 11-15, 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:

Kirk D. Winther and Joan M. Hancock, Husband and Wife, 1865 Old Plank, Milford, Michigan 48381

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"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 Northeast one-quarter (1/4), Section 23, Town 2 North, Range 7 East, beginning at a point distant South 89°52'42" East 657.51 feet and South 03°16'15" West 969.66 feet from North one-quarter (1/4) corner, thence South 89°44'00" East 435.60 feet, thence North 03°16'15" East 345.47 feet, thence along curve to right, radius 3710.83 feet, chord bears North 89°24'34" East 215.05 feet, distance of 215.08 feet, thence South 89°06'16" East 52.08 feet, thence South 00°15'05" West 397 feet, thence South 00°21'02" West 80 feet, thence North 89°44'00" West 310.02 feet, thence North 02°56'46" East 80.09 feet, thence North 89°44'00" West 417.20 feet, thence North 03°16'15" East 49.60 feet to the beginning, containing 3.59 acres, more or less, Oakland County Records. Sidwell No. 16-23-226-021.

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

As shown on Right-of-Way drawing No. R-9309290-01, dated 10/18/93, attached hereto and made a part hereof.

- 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.

RECORDED RIGHT OF WAY NO. 45619

Witnesses:(type or print name below signature)

James D. McDonald
JAMES D. McDONALD

Omer U. Tracing
OMER U. TRACING

Grantor:(type or print name below signature)

Kirk D. Winther

Joan M. Hancock O.K. - LM

Acknowledged before me in OAKLAND County, Michigan, on 11-15, 1993 by Kirk D. Winther and Joan M. Hancock, Husband and Wife.

JAMES D. McDONALD
Notary Public, Oakland County, MI

Notary's Stamp My Commission Expires April 24, 1995 Notary's Signature James D. McDonald

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