

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. R-9406272-01R
PROJECT NAME: HERITAGE HILL IV SITE CONDOMINIUM**

On October 20, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent underground distribution easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

HERITAGE HILL IV CORPORATION, A MICHIGAN CORPORATION, 671 E. BIG BEAVER ROAD, SUITE 105, TROY, MI 48083-1431

"Grantee" is:

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

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

SEE ATTACHED APPENDIX "A." SIDWELL NO. 16-15-176-008.

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

THE EXACT LOCATION OF SAID EASEMENTS SHALL BE SHOWN ON A DRAWING TO BE RECORDED 90 DAYS AFTER CONSTRUCTION. THE RIGHT OF WAY IS 10 FEET IN WIDTH.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain 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. Ground Elevation:** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.
- 7. Damages:** If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
- 8. 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)

Terry L. Benedict
TERRY L. BENEDICT

Barbara Conn
Barbara Conn

Grantor:(type or print name below signature)

HERITAGE HILL IV CORPORATION

BY: James A. Larivee
James A. Larivee

ITS: President

\$ 11.00 MISCELLANEOUS RECORDING

\$ 2.00 REINDEMENTATION

5 APR 95 1:44 P.M. RECEIPT# 133B

RECORDED - OAKLAND COUNTY

3 JAN 95 1:58 P.M. RECEIPT# 169B

RECORDED - OAKLAND COUNTY

LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

Acknowledged before me in Oakland County, Michigan, on _____

James A. Larivee President, a Michigan corporation, for the corporation.

BARBARA CONN
Notary Public, Wayne County, MI
My Commission Expires May 10, 1995

Notary's Stamp _____ Notary's Signature Barbara Conn

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

Prepared by and Return to: Terry L. Benedict, Detroit Edison, 1095 Lawson Drive, Howell, Michigan 48843

O.K. - J.S.K. - J.S.

This easement is re-recorded for purposes of showing the planned "as installed" centerlines of easements granted as shown on drawing attached hereto.

RECORDED RIGHT OF WAY NO. 46855

APPENDIX "A"

LEGAL DESCRIPTION:

SIDWELL NO. (16-15-176-008 NW1/4 & NE1/4)

Part of the N $\frac{1}{2}$ of Sec. 15, T2N, R7E, Village of Milford. Oakland County, Michigan, described as beginning at a point located in the center of Milford Road, said point located S 00°33'50"W 560.67 ft and S 89°38'20"W 475.80 ft from the N $\frac{1}{4}$ corner of Sec. 15, T2N, R7E; Th from said point of beginning N 89°38'20"E 739.00 ft; Th S 25°07'34"E 808.35 ft to a point on the north line of "Milford's Heritage Hill No. 1" as recorded in Liber 201 of Plats, Pages 10, 11, 12, 13 and 14, Oakland County Records; Th. the following four courses along the northerly line of Milford's Heritage Hill No. 1", S 05°00'00"W 265.14 ft and S 29°53'39"W 164.41 ft and N 70°00'00"W 432.40 ft and N 57°22'25"W 123.64 ft; Th N 00°33'55"E 150.00 ft; Th N 89°28'10"W 442.82 ft; Th N 00°37'57"E 123.81 ft; Th N 75°10'25"W 190.00 ft to the centerline of Milford Road; Th along said centerline N 14°49'35"E 613.22 ft to the point of beginning. Containing 21.095 acres.

NKA:

Heritage Hill Condominium

OCCP # 895

Units 1-27

entire # 16-15-127-000

9000895

RECORDED RIGHT OF WAY NO. 46855

