

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9205207-01

On 9-30, 1992, 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:

BCB Development Associates Limited Partnership, a Michigan Limited Partnership, 3880 Lapeer, Auburn Hills, Michigan 48326

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226

"Grantor's Land" is in Auburn Hills City, Oakland County, described as:

Section 2, T3N, R10E, part of Southeast 1/4 beginning at point dist North 01°45'29" West 1621.65 feet and North 88°26'30" East 60 feet from South 1/4 corner, thence North 01°47'45" West 350 feet, thence North 88°26'30" East 396.81 feet, thence South 01°33'30" East 350 feet, thence South 88°26'30" West 395.36 feet to beginning. 3.18 Acres - Sidwell No: 14-02-401-030

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

A ten (10) foot wide easement with its centerline described as follows: beginning at a point on the North property line, said point located approximately 210 feet East of the West property line, thence in a Southeasterly direction a distance of 70 feet to a point, said point located approximately 125 feet West of the East property line and 35 feet South of the North property line and P.O.E.

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, licensees and assigns.

B#92 REG/DEEDS PAID
0001 NOV.23'92 11:47AM/1.00
6417 MISC 9.00

Witnesses:(type or print name below signature)

Brian Russ
BRIAN RUSS

Leila Bridges
LEILA BRIDGES

Grantor:(type or print name below signature)
BCB DEVELOPMENT ASSOCIATES LIMITED
PARTNERSHIP (A Michigan Limited Partnership)

BY: Bruce L Becker
BRUCE L BECKER

ITS: PARTNER

B#92 REG/DEEDS PAID 9.00
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2.00 RMT

RECORDED RIGHT OF WAY NO. 44008

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