

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9311158-1

On JANUARY 26, 1994, 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:

Westgate Properties of Auburn Hills, Ltd., a Michigan corporation, 48578 Pontiac Trail, Wixom, Michigan 48393

"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
United Artist of Oakland County, Inc., a Michigan corporation, 4500 Delemere, Royal Oak, Michigan 48073

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

Part of Northwest 1/4 of Section 12, T3N, R10E, beginning at center of section; thence South 87°31'40" W 1263.45 feet; thence North 00°11'30" W 401.32 feet; thence North 89°28'30" E 1261.46 feet; thence South 00°21'20" E 358.39 feet to beginning. 11 acres. Sidwell No: 14-12-176-007

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

Shown on the attached D.E. Company Drawing # R-9311158-1 dated January 11, 1994. The right of way is ten feet in width.

- 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 and Grantee and their successors, lessees, licensees and assigns.

RECORDED RIGHT OF WAY NO. 415886

REG DEEDS PAID 0001 APR.05 '94 11:47AM 2064 MISC 9.00

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Westgate Properties of Auburn Hills, Ltd., a Michigan corporation

Signature of Janet Miller, JANET MILLER

Signature of Chris Alflen, CHRIS ALFLEN

Signature of Janie Ames, JANIE AMES

Vice President

Acknowledged before me in OAKLAND County, Michigan, on JANUARY 26, 1994

by CHRIS ALFLEN, the VICE PRESIDENT of Westgate Properties of Auburn Hills, Ltd., a Michigan corporation, for the corporation.

Notary Public, Oakland County, MI DANEME S. MULANIX My Commission Expires AUG. 17, 1994

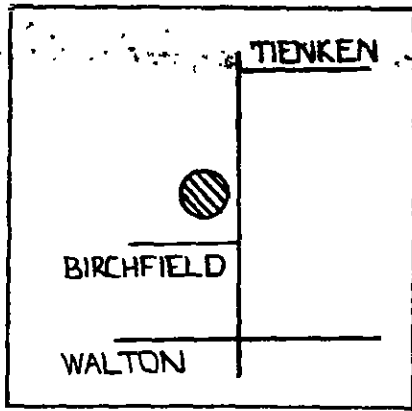
REG DEEDS PAID 0001 APR.05 '94 11:47AM 2064 RMT FEE 2.00

Notary's Stamp Notary's Signature Daneme S. Mulanix

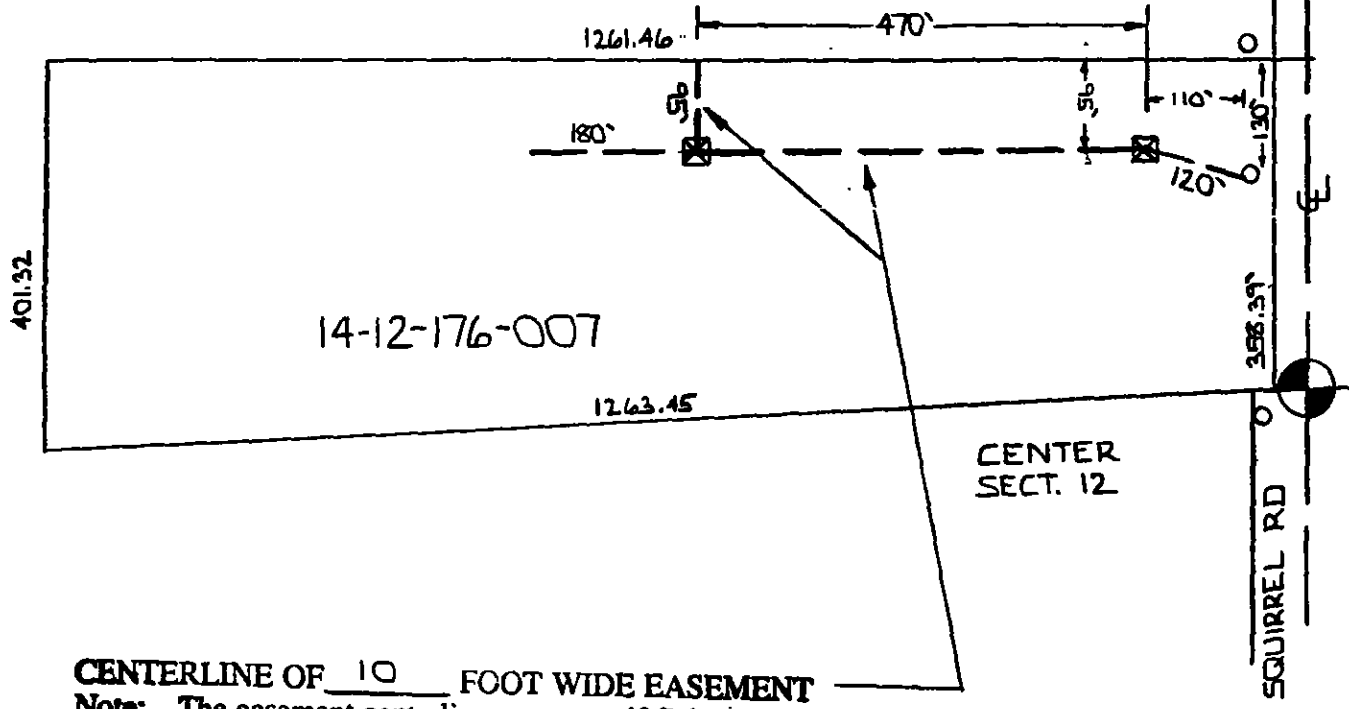
(Notary's name, county and date commission expires)

Prepared by and Return to: Terry L. Benedict, 1970 Orchard Lake Road, Sylvan Lake, Michigan 48320/kjk.

OK - G.K.



LIBER 14585 PG 384



CENTERLINE OF 10 FOOT WIDE EASEMENT

Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).

RECORDED RIGHT OF WAY NO. 45886

OBTAIN UNDER-GROUND EASEMENT AS SHOWN AND RECORD SAME.

R/W DRAWING # R-9311158-01
 BY: JIM DEKIMPE 1-11-94

LEGEND

- EXISTING POLE
- ⊗ PROPOSED TRANSFORMER
- PROPOSED U.G. CABLE

Darlene S. Mulanix
 Darlene S. Mulanix
 Notary Public, Chikind County, MI
 My Commission Expires Aug. 17, 1994