

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1239

On 5-8, 1991, 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:

Richard A. Dunn and Dorothy E. Dunn, husband and wife, 330 N. Helen, Rochester, Michigan 48307

"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 Cable Television of Oakland County, Inc., a Michigan corporation, 4500 Delemere Blvd., Royal Oak, Michigan 48073

"Grantor's Land" is in the City of Rochester, Oakland County, Michigan described as:
T3N., R11E., Sec. 15, Fairview Lot 2, except the south five (5) feet thereof. 15-15-128-038 23027

The "Right of Way Area" is a part of Grantor's Land described as:
The easterly 120 feet of the south ten (10) feet. Pt of 15-15-128-038 Releaf ←

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.

Witnesses:

Cathy Jo Dunn
CATHY JO DUNN

Denise A. McInally
DENISE A. MCINALLY

Grantor:

Richard A. Dunn
Richard A. Dunn

Dorothy E. Dunn
Dorothy E. Dunn

A#36 REG/DEEDS PAID
0001 JUL.31 '91 10:31AM
1091 MISC 9.00

Prepared by and Return to:
James D. McDonald, 30400 Telegraph Rd., Suite 277, Birmingham, MI 48010

A#36 REG/DEEDS PAID
0001 JUL.31 '91 10:31AM
1091 RMT FEE 2.00

9.00
2.00 DUNT

RECORDED RIGHT OF WAY NO. 41954