

Overhead Right of Way Agreement

OCTOBER 27TH, 19 88

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan* hereinafter referred to as "EDISON," the right to construct, reconstruct, modify, add to, operate and maintain overhead line facilities consisting of poles, guys, anchors, wires, cables, transformers and accessories required to provide electric service in, upon, over and across property located in the Township of Highland, County of Oakland, State of Michigan, further described as follows:

Part of N. 1/2 of Section 9, T3N, R7E, beginning at N. 1/4 corner, thence N. 89°44'30" E. 157.59 ft., thence S. 01°30'30" W. 264.0 ft., thence S. 89°44'30" W. 347.15 ft., thence N. 00°10'30" E. 265.36 ft., thence S. 89°49'30" E. 195.71 ft. to point of

beginning. Together with a 50 foot wide easement for ingress and egress, centerline of said easement is described as: Beginning at the S.W. corner of the above described property, thence N. 00°10'30" E. 798.79 ft. to a point of ending in Clyde Road.

2.13 Acres

*Also, GENERAL TELEPHONE COMPANY OF MICHIGAN, a Michigan corporation of 455 E. Ellis, Muskegon, Michigan, 49441.

Sidwell #11-09-126-009

RECORDED RIGHT OF WAY NO. 38433

The route of the line facilities is described as follows: In a southwesterly and northeasterly direction from an existing pole, located approximately 110 ft. from Camille Road (As shown on attached sketch R/W 0-9212)

The right of way is twelve (12) feet in width

The rights hereby granted include the right of access to and from the right of way and the right to trim, cut down or otherwise control brush and trees within the right of way or on property adjoining the right of way which in the opinion of EDISON interferes with the construction or operation of the line facilities. It is expressly understood and agreed that EDISON shall, at no time, trim or cut down any trees unless, in EDISON'S opinion, it is absolutely necessary to do so. EDISON shall restore premises to its original condition or as near as can be in the event of damages caused by its employes, contractors, vehicles and equipment entering premises for the purposes set forth herein. No buildings or structures are to be placed within said right of way herein granted without consent of the GRANTEE. This grant is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement

Witnesses:

Grantors:

Mary Anne Brown (MARRY ANNE BROWN) and Edie Richards (EDIE RICHARDS)

Dale Zach (Dale M. Zach) and Karen Zach (KAREN Zach, his wife)

Prepared by: C. George Williams, The Detroit Edison Company, 30400 Telegraph Road, Suite 277, Birmingham, MI 48010

Address: 1271 Clyde Road

Highland, Michigan 48031