

OVERHEAD EASEMENT (RIGHT OF WAY) NO. O-1479

On November 12, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

American Aggregates Corporation, a Delaware corporation, 350 Dunlap Road, Oxford, Michigan 48370

"Grantee" is:

Delaware 6450 Sand Lake Rd., Dayton, OH 45414

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

GTE North, Incorporated, a Wisconsin corporation, 455 E. Ellis, Muskegon, Michigan 49443

Greater Media Cablevision, Inc., a Michigan corporation, 3166 Martin Road, Walled Lake, Michigan 48088

"Grantor's Land" is in Highland Township, Oakland County, described as:

Sec. 5, T3N., R7E., NW 1/4 exc N 20 acres of NW 1/4 of NW 1/4, also exc beg at pt dist N 1488.20 ft from W 1/4 cor, th N 88°44'00" E 500 ft th N 142 ft, th S 88°44'00" W 500 ft, th S 142 ft to beg, also W 36.79 acres of N 113.57 acres of NE 1/4, also W 58 acres of S 80 acres of NE 1/4, also W 1/2 of SE 1/4, also NE 1/4 of SE 1/4, also N 10 acres of SE 1/4 of SE 1/4. 402.41 acres. Sidwell No: 11-05-100-008

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

The north 10 feet of the south 63 feet of the above described property.

- 1. Purpose: The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, 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. Trees, Bushes, Branches or Roots: Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.
5. 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.
6. Successors: This Right of Way runs with the land and binds and benefits Grantor and Grantee, their heirs, assigns, lessees, licensees and assigns.
7. Liability: The Grantee shall indemnify and hold harmless the Grantor, its successors and assigns, lessees thereof, and all of their agents, employees and/or representatives from and against all claims, damages, losses, suits and actions, including attorneys' fees, arising or resulting from the installation, construction, operation, maintenance, repair, renewal, replacement and/or removal of said overhead utility line on, over and across the subject premises and any damages and losses on contiguous real estate unless caused by the negligence of Grantor, its successors, assigns, lessees thereof or their agents, employees and/or representatives.

RECORDED RIGHT OF WAY NO. 42970

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

DECA

Duane J. Salswedel (signature)

Kathleen M. Marian (signature)

American Aggregates Corporation, a Delaware Corporation
A#36 REG. DEEDS PAID
0001 MAY.11 '92 12:56PM
9985 RMT FEE 2.00

G. Max Brown (signature)

By: G. Max Brown
Its: Region Manager

Acknowledged before me in Oakland County, Michigan, on November 12, 1991 by G. Max Brown the Region Manager of American Aggregates Corporation, a Delaware corporation, for the corporation.

Notary's Stamp: Notary Public, Oakland County, Michigan, My Comm. Expires July 13, 1992

Notary's Signature: Katherine A. Hartman (signature)

Prepared by (and Return to) Terry L. Benedict, 30400 Telegraph Rd., Suite 277, Birmingham, Mi 48025

O.K. - TS

Return on Back