

OVERHEAD EASEMENT (RIGHT OF WAY) NO. O-1470 R1

On March 17, 1992, 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: Delaware 6450 Sand Lake Road, Dayton, OH 45414
American Aggregates Corporation, a Delaware corporation, 1000 Clyde, Highland, Michigan 48037-2210

"Grantee" is:
The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Greater Michigan Cablevision, Inc., a Michigan corporation, 3166 Martin Road, Walled Lake, Michigan 48088

"Grantor's Land" is in Highland Township, Oakland County, described as:
Sec. 4, T3N., R7E., SE 1/4 exc beg at SE sec cor, th N 01°36'00" E 333 ft, th W 132 ft, th S 01°36'00" W 333 ft, th E 132 ft to beginning. 158.99 acres. Sidwell No: 11-04-400-006

The "Right of Way Area" is a part of Grantor's Land and is described as:
C/L of 15 foot easement. Beginning at a pt on the W P/L 50 feet N of the S sect. line th cont E approximately 2640 feet to a pt on the E P/L; said pt is 50 feet N of the S sect. line and the pt of ending. Also install a 25 foot Northerly extending anchor guy to the proposed 3rd pole W of the E P/L. The right of way is 15 feet in width.

- 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's and Grantee's successors, 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. 43844

9#92 REG/DEEDS PAID
0001 JUL 16 '92 12:38PM
5213 MISC 9.00

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Judy Sroka
Judy Sroka

American Aggregates Corporation
G. Max Brown, Region Manager

Duane J. Salswedel
Duane J. Salswedel

G. Max Brown

9#92 REG/DEEDS PAID
0001 JUL 16 '92 12:38PM
5213 RMT FEE 2.00

9.00
2.00 RMT

RW #O-1470 R1

Acknowledged before me in Oakland County, Michigan, on March 17, 1992 by G. Max Brown the Region Manager of American Aggregates Corporation a Del corporation, for the corporation. Delaware

Notary's Stamp [Faint Notary Seal] Notary's Signature Katherine A. Hartman

RECORDED RIGHT OF WAY NO. 43-244

