

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. O-1435

On 1-18, 1992, 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:

Mark L. Puz and Marsha J. Puz, husband and wife, 3955 Harvey Lake, Highland, Michigan 48356-1146

"Grantee" is:

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

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

Part of NE 1/4, Sec. 10, T3N., R7E., beg at pt dist S 88°53'20" W 546.97 ft from E 1/4 cor, th S 88°53'20" W 380 ft, th N 00°02'00" W 348.17 ft, th N 89°56'30" E 379.88 ft, th S 00°02'00" E 341.19 ft to beginning. 3 acres. Sidwell No: 11-10-200-034

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

The west ten (10) 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 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.

8#92 REG/DEEDS PAID
0001 JUL.16.92 12:35PM
6213 MIS Grantor: 7.00

Witnesses:

James D. McDonald
JAMES D. McDONALD

Terry L. Benedict
TERRY L. BENEDICT

Mark L. Puz
Mark L. Puz

Marsha J. Puz
Marsha J. Puz

Acknowledged before me in Oakland County, Michigan, on 1-18, 1992, by MARK L. PUZ AND MARSHA J. PUZ, HUSBAND AND WIFE.

Notary's Stamp James D. McDonald

Notary's Signature James D. McDonald

Prepared by and Return to:

James D. McDonald, 30400 Telegraph Rd., Suite 277, Birmingham, MI 48025

RECORDED RIGHT OF WAY NO. 43844

17.00
2.00 PMT