

OVERHEAD AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R 9209969-20

On JANUARY 15, 1993, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead and underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

John A. Kline, a single man, 2139 Austin Ave., Rochester Hills, Michigan 48309

"Grantee" is:

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

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

Lot 21, except that part taken for M-59 Highway of Lockwood and Dunham's Addition to Village of Highland, according to the plat thereof recorded in Liber 3 of Plats, Page 24, Oakland County Records. Sidwell No. 11-22-426-024 *Book 3024*

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

The southerly 10 ft. of Grantor's land.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead and 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, licenses and assigns.

RECORDED RIGHT OF WAY NO. 41887

Witnesses:(type or print name below signature)

[Signature]

 DAVID BIELSKI

[Signature]

 TAMI BIELSKI

Grantor:(type or print name below signature)

[Signature]

 JOHN A. KLINE

#36 REG/DEEDS PAID
 0001 MAR.12.93 01:35PM
 0171 RNT FEE 2.00

*7.00 Rent
2.00*

Acknowledged before me in MACOMB County, Michigan, on JANUARY 15, 1993 by JOHN A. KLINE, a single man.

LISA A. CASANOVA
Notary Public, Macomb County, Mi
My Commission Expires April 12, 1998

Notary's Stamp

(Notary's name, county and date commission expires)

Notary's Signature

[Signature]

Prepared by and Return to: Omer V. Racine, 30400 Telegraph Road, Room 277, Bingham Farms, Michigan 48025/PEW

OK - G.K.