

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9312835-01

On FEB 17, 1994, 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".

\$ 9.00 MISCELLANEOUS RECORDING
\$ 2.00 PERMUTATION
14 JUN 94 12:42 P.M. RECEIPT# 103B
PAID RECORDED - OAKLAND COUNTY
JAN 30 1994 ALLEN, CLERK/REGISTER OF DEEDS

"Grantor" is:

Robert W. Frickel and Erika Frickel, husband and wife, 6435 Tanglewood, Troy, Michigan 48064

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, a Michigan corporation, 444 Michigan Avenue, Detroit, Michigan 48226
Comcast Cable Investors L.P., Waterford Systems, a Michigan corporation, 1300 Crescent Lake Road, Pontiac, Michigan 48054

"Grantor's Land" is in the City of Lake Angelus, Oakland County, Michigan, described as:

Part of Southwest 1/4 of Southeast 1/4 of Section 1, T3N, R9E, beginning at point distance North 03°37'10" W 1284.89 feet and South 86°45'40" W 554.66 feet from Southeast corner of Southwest 1/4 of Southeast 1/4; thence South 23°43'53" W 721.78 feet; thence North 55°30'20" W 32.73 feet; thence along arc of curve to left having radius 171.78 feet, distance of 89.07 feet; thence North 23°43'53" E 660.90 feet; thence North 86°45'40" E 134.64 feet to beginning. 2 acres. Sidwell No: 13-01-451-004

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

Shown on the attached D.E. Company Drawing No. R-9312835-01 dated December 14, 1993. The right of way is ten feet in width.

- 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.

Witnesses:(type or print name below signature)

Kathleen C. Lunarde
KATHLEEN C. LUNARDE

Grace Y. Lee
GRACE Y. LEE

Grantor:(type or print name below signature)

Robert W. Frickel
Robert W. Frickel

Erika Frickel
Erika Frickel

Acknowledged before me in Oakland County, Michigan, on February 17, 1994 by Robert W. Frickel and Erika Frickel, husband and wife.

SHIRLEY M. KADETS
Notary Public, Macomb County, MI
My Commission Expires Jan. 21, 1997

Notary's Signature Shirley M. Kadets
SHIRLEY M. KADETS /ACTING IN OAKLAND COUNTY

Prepared by and Return to: Terry L. Benedict, 1970 Orchard Lake Road, Sylvan Lake, Michigan 48320/kjk.

RECORDED RIGHT OF WAY NO.

46207