

OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9311829-03

On May 12, 1994, 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:

B & B Builders Inc., a Michigan corporation, 7960 Deer Hill Drive, Clarkston, Michigan 48316

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Concord Telecommunications, a Michigan corporation, 2410 Metamora Road, Oxford, Michigan 48371

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

Part of Southwest 1/4 of Section 28, T5N, R9E, beginning at point distance East 1665.93 feet from Southwest section corner; thence North 00°25'09" W 726 feet; thence East 165 feet; thence South 00°25'09" E 726 feet; thence West 165 feet to beginning. 2.75 acres. Sidwell No: 03-28-300-031 ✓

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-9311829-03 dated January 20, 1994. 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 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. Building 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.

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

B & B Builders, a Michigan corporation

by: George Bubness
GEORGE BUBNESS

its: Vic President
VICE - PRESIDENT

Todd Caldwell
TODD CALDWELL

Suzanne M. Fairchild
SUZANNE M. FAIRCHILD

Acknowledged before me in OAKLAND County, Michigan, on MAY 12, 1994 by

George Bubness, the Vice President of B & B Builders Inc., a Michigan corporation, for the corporation.

TERRY L. BENEDICT
Notary Public, Oakland County, MI
My Commission Expires June 17, 1996

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

Notary's Signature Terry L. Benedict

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

\$ 9.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION
MAY 12 1994 1:05 P.M. RECEIPT# 141B
PAID RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

RECORDED RIGHT OF WAY NO. 45999

OK - C K.