

Warren

City of Progress

City Attorney's Office
29500 Van Dyke Avenue
Warren, Michigan 48093
(810) 574-4671

Mark A. Steenbergh, Mayor

George G. Constance
City Attorney

May 15, 2002

Ms. Elaine Clifford
Detroit Edison
Corporate Real Estate Services
Room 2310 WCB
2000 2nd Avenue
Detroit, Michigan 48226

Re: License to Encroach on Easement—City of Warren Community Center

Dear Ms. Clifford:

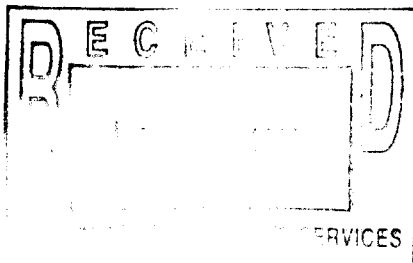
Enclosed please find a copy of the recorded License to Encroach on Easement for your files relative to the above-referenced matter.

Sincerely,

Nancy Cooper Green
Chief Assistant City Attorney

NCG/bt/Edison ltr-wrn comm ctr

Enclosure



2038028
LIBER 11346 PAGE 712
02/13/2002 10:04:37 A.M.
MACOMB COUNTY, MI SEAL
CARMELLA SABAUGH, REGISTER OF DEEDS

LICENSE TO ENCROACH ON EASEMENT

The Detroit Edison Company
2000 2nd Ave., Detroit, MI 48226-1279

Detroit Edison



A DTE Energy Company

City of Warren Parks and Recreation
5460 Arden
Warren, MI 48093

RE: License (Permit) to encroach on an easement that has been granted to Edison

Dear City of Warren Parks and Recreation:

In reply to your request, the International Transmission Company, a subsidiary of the Detroit Edison Company, a Michigan corporation, ("Edison") voluntarily grants you this license (permit) to encroach on an easement that has been granted to Edison. The terms of this permit are as follows:

1. **Personal permit:** This permit is personal to you and gives no rights adverse to Edison. It must refer to Edison's Project No. NOA0101474.
2. **Description of easements:** Located in part of the N ½ of Section 5, City of Warren, Macomb County, Michigan. Legal description shown on Exhibit "A".
3. **Portion of the easement you are permitted to encroach upon:** Within the 90' wide easement, north of the Red Run Drain. See attached drawing DE1 dated 10/5/01.
4. **Purpose of encroachment:** To construct four chain link fences around Edison tower number 5916, 5915, 5914, & 5913, portion of a basketball court, hockey courts, and soccer fields. Also a jogging track.
5. **Edison's Rights** This permit is subject to Edison's rights to construct, operate and maintain overhead and underground electric transmission, distribution and communication lines and associated structures and equipment ("Edison's facilities") in the easement. Additionally, this permit is subject to the rights of all other public utilities.
6. **Sole Risk** You must use the land at your sole risk. If your use of the land is impaired, Edison will not be liable to you for any damage.
7. **Indemnity**
 - a. You will indemnify Edison to the extent permitted by law, (the company, its officers, agents and employees) for any claims for injuries or damages to persons or property or both arising directly or indirectly out of the use of this permit by you (the person, company or organization, its contractors, lessees and licensees). This includes, but is not limited to, claims arising out of your negligence, your and Edison's joint negligence, or any other person's negligence.
 - b. You will also indemnify Edison to the extent permitted by law, (the company, its officers, agents, and employees) for any claims for direct, indirect, consequential, or liquidated damages sought by Edison customers, based upon energy supply agreements, which i) arise directly or indirectly out of the use of this agreement by you (the company, its contractors, lessees and licensees), and ii) are due to momentary or sustained electrical interruptions or voltage fluctuations, including sag, arising out of your negligence, your and Edison's joint negligence, or any other person's negligence; however this indemnification will not apply to any claims arising out of Edison's sole negligence.
 - c. If any claim covered by your indemnity is brought against Edison, you will defend the claim at your expense. You will also pay any costs, charges, expenses, attorney fees or judgments that Edison incurs or is subject to in the claim.
8. **Edison Damages** You must pay Edison for all damages, losses or injuries to Edison's facilities caused by you, your agents, employees, servants or independent contractors while constructing, operating or maintaining your facility.
9. **Clearances** You and your contractors must maintain a 20 foot clearance from Edison facilities.
10. **Title** You warrant to Edison that you are the fee owner of the land associated with this permit as of the date of your acceptance of the permit.
11. **Termination** This permit will terminate if you violate this agreement, or if you violate any applicable laws and regulations, or if you abandon your use for more than 6 months, or if you sell the land associated with this permit. If you sell the land associated with this permit, the new owner must request permission from Edison to continue this permit.

12. Additional Terms

- a. All OSHA and National Electric Safety Code safety rules must be adhered to.
- b. Grade within easement area must not be altered.
- c. Chain link fences must be adequately grounded. Fences around towers should have a 3' wide gate with double locks.
- d. People and/or property may be exposed to electric shocks and sensations. Edison shall not be responsible for any loss or damages related to the shocks, sensations, or falling ice including but not limited to, any secondary injuries.

Note: People utilizing the area under the lines are likely to feel a slight vibration sensation or even a shock at the door handle or metal parts of a vehicle in this location under some conditions. It is likely that a spark discharge to a person touching a metal object at this location may be above the perception level and an annoyance. It could be startling to that person, especially if the person is not aware that this may occur. The reaction to the perception of a shock could precipitate an injury. In the case of a large vehicle utilizing this area, the situation dramatically increases the anticipated short circuit shock current available and the possibility of injury as a result of the reaction from the shock.

In the event the jogging path will be utilized by persons riding bicycles, we have had reports of objectionable shocks being received by bicycle riders when they contact the metal part of the bicycle in the area under the transmission lines.

If you are willing to accept this permit on the above conditions, please sign and date below the word "accepted" and return the original and one copy to Supervisor of Corporate Real Estate Services, Room 2310 WCB, 2000 Second Avenue, Detroit, Michigan 48226, for signature by Edison. We will then return the completely signed original to you.

Blaine Clifford
Blaine Clifford

Sincerely,
John C. Erb
John C. Erb
Real Estate Associate

Anjanette Spence
Anjanette Spence

The foregoing instrument was acknowledged before me in Wayne County, Michigan, on January 23, 2002, by John Erb.

Notary's Stamp ANJANETTE SPENCE
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES MAR 9, 2005
Notary's Signature Anjanette Spence
Anjanette Spence
Wayne County 3/6/2005

Richard Paul Sulaka
Richard Paul Sulaka

ACCEPTED:
BY: Mark A. Steenberg
Mark A. Steenberg

BY: Richard Paul Sulaka
Richard Paul Sulaka

ITS: Mayor

ITS: City Clerk

DATE: 2-6-02

DATE: 2-6-02

WITNESS: Doreen F. McBoire
Approved as to form: Doreen F. McBoire
Mary Coppenhaver

WITNESS: Sonja D. Jernick
Sonja D. Jernick

Subscribed and sworn to before me this 6th day of February, 2002
Jennifer Huet
Jennifer Huet, Notary Public
Macomb County, Michigan
My Commission Expires: 9/13/05

When recorded return to:
Warren Legal Department
29500 Van Dyke Avenue
Warren, Michigan 48093

Drafted By:
Detroit Edison
Corporate Real Estate Services
Room 2310 WCB
2000 2nd Avenue
Detroit, Michigan 48226

TRACT NO. C-301E

Beginning at the Northwest corner of Lot 10, Assessor's Plat, Block 8, Village of Warren, thence N. 87°17'50"E., 655.00 ft., thence N. 1°20'10"W., 64.11 ft., thence N. 76°18'30"E., 54.11 ft., thence N. 68°47'50"E., 408.39 ft., thence S. 1°02'10"E., 204.02 ft., thence S. 87°17'50"W., 101.00 ft., thence S. 62°20'50"W., 204.00 ft., thence S. 80°45'50"W., 176.70 ft., thence South 57°20'50"W., 144.20 ft., thence S. 80°21'50"W., 332.40 ft., thence N. 80°44'10"W., 183.60 ft., thence N. 1°06'40"W., 180.00 ft. to the Point of Beginning. Containing 4.60 acres, Section 5, T.1N., R.12E., Warren Township, Macomb County, Michigan.

Subject to any and all easements and rights-of-way of record or otherwise

TRACT NO. C-309E

Part of Lot 19, Assessor's Plat, Block 8, Village of Warren, described as follows: Commencing at the Southwest corner of Lot 19, thence N. 87°17'50"E., 595.00 ft. to the Point of Beginning, thence N. 1°20'10"W., 52.44 ft., thence N. 76°18'30"E., 61.41 ft., thence S. 1°20'10"E., 64.11 ft., thence S. 87°17'50"W., 60 ft. to the Point of Beginning. Containing 0.08 acres.

Subject to any and all easements and rights-of-way of record or otherwise.

TRACT NO. 310E

Part of Lot 19, Assessor's Plat, Block 8, Village of Warren, described as follows: Commencing at the Southwest corner of Lot 19, thence N. 87°17'50"W., 325.18 ft. to the Point of Beginning, thence N. 76°18'30"E., 275.24 ft., thence S. 1°20'10"E., 52.44 ft., thence S. 87°17'50"W., 269.52 ft. to the Point of Beginning. Contain 0.16 acres, Section 5, T.1N., R.12E., Warren Township, Macomb County, Michigan.

Subject to any and all easements and rights-of-way of record or otherwise.

TRACT NO. 311E-1

Part of Lot 11, Assessor's Plat of Village of Warren, Block 8, described as follows: Commencing at the Southwest corner of Lot 11; thence N. 1°05'10"W., 211.88 ft. to the Place of Beginning, thence N. 1°05'10"W., 211.28 ft., thence N. 88°21'E., 564.24 ft., thence S. 1°06'40"E., 396.07 ft., thence N. 72°54'50"W., 575.80 ft., to the Place of Beginning. Containing 3.81 acres, Section 5, T.1N., R.12E., Warren Township, Macomb County, Michigan.

Subject to any and all easements and rights-of-way of record or otherwise.

TRACT NO. 312E

Part of Lot 11, Assessor's Plat, Village of Warren, described as follows: Commencing at the Southwest corner of Lot 11, Block 8, thence N. 1°05'10"W., 423.16 ft. to the Point of Beginning, thence N. 1°05'10"W., 99.02 ft., thence S. 74°36'20"E., 337.80 ft., thence S. 88°21'W., 323.94 ft. to the Point of Beginning. Containing 0.36 acres, Section 5, T.1N., R.12E., Warren Township, Macomb County, Michigan.

Subject to any and all easements and rights-of-way of record or otherwise.

TRACT NO. 314E

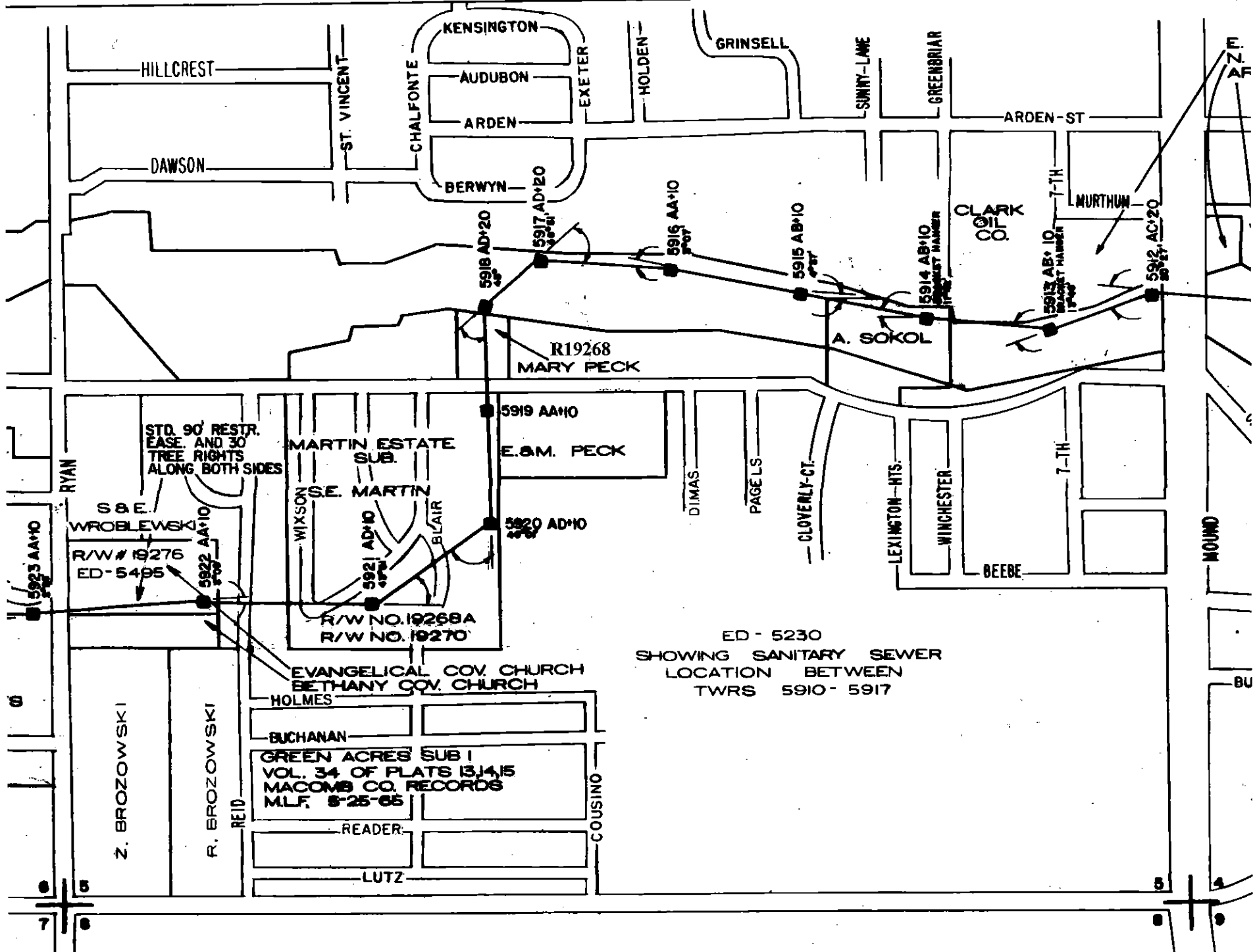
Part of Lot 12, Assessor's Plat, Block 8, Village of Warren, described as follows: Commencing at the Southwest corner of Lot 12, thence N. 0°21'40"W., 267.39 ft. to the Point of Beginning, thence N. 0°21'40"W., 45.30 ft., thence S. 85°56'20"W., 154.67 ft., thence N. 0°14'10"W., 321.07 ft., thence N. 88°30'30"E., 461.28 ft., thence S. 80°10'E., 667.09 ft., thence S. 74°36'20"E., 13.27 ft., thence S. 1°05'10"E., 191.81 ft., thence N. 81°32'10"W., 101.37 ft.; thence S. 1°05'10"E., 120.92 ft., thence N. 82°39'50"W., 465.26 ft., thence S. 88°19'40"W., 419.66 ft. to the Point of Beginning. Containing 8.42 acres, Section 5, T.1N., R.12E., Warren Township, Macomb County, Michigan.

Subject to any and all easements and rights-of-way of record or otherwise.

NOTE: Easement bearings and distances are as Originally recorded for RED RUN DRAIN.

Libert 011346 Page 00714

EXHIBIT A
L1191HXZ



STD. 90' RESTR.
EASE, AND 30'
TREE RIGHTS
ALONG BOTH SIDES

MARTIN ESTATE
SUB.

WIXSON
S.E. MARTIN
BLAIR

S & E
WROBLEWSKI
R/W # 19276
ED-5495

R/W NO. 19268A
R/W NO. 19270

EVANGELICAL COV. CHURCH
BETHANY COV. CHURCH
HOLMES

BUCHANAN
GREEN ACRES SUB I
VOL. 34 OF PLATS 13,14,15
MACOMB CO. RECORDS
MLF. 8-25-65

READER

LUTZ

ED - 5230
SHOWING SANITARY SEWER
LOCATION BETWEEN
TWRS 5910 - 5917

Date March 4, 1955 O.K.

I IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, I hereby grant to THE DETROIT EDISON COMPANY its successors and assigns, the right to construct, operate and maintain its lines for the transmission and distribution of electricity and Company communication facilities, including the necessary towers, fixtures, wires and equipment, and including also the right to trim or cut down any trees along said lines, which could fall into the lines or interfere in any way with their operation upon, over and across MY property located in _____

Village of Warren

STREET AND VILLAGE, OR SECTION AND TOWNSHIP

County of Macomb, State of Michigan, and described as follows: Lot 19, Block 8, Assessors Addition, exc. W 655.5 feet; also except N 651.8 feet, also exc. part of Lot 19 described as follows: Commencing at Southwest corner Arden Avenue and Mound Road; thence S 0°28'E. 664.81 feet along West side line Mound Road to point of beginning; thence N. 0°28'W. 13.85 feet to S line Lot 25; thence S 77°08'W 56.3 feet to Southwest corner Lot 25; thence S 02°06'E 2 feet; thence N 89°32'E 54.98 feet to point of beginning, also part of Lot 25 described as follows; commencing at Southwest corner Mound Road and Arden Avenue; thence S 0°28'E 532.32 feet to N line Lot 25 or point of beginning; thence S 82°25'W 58.95 feet along N line Lot 25; th. S 02°06'E 2.0 ft.; th. N 89°32'E 58.5 ft.; th. N 0°28'W 9.3 ft. to pt. beg. subject to the Red Run Drain easement, Village of Warren, T 1 N, R 12 E.

The route of the lines shall be as follows: In an easterly and westerly direction across said land.

The Company, its successors and assigns, shall reimburse me for all damage to growing crops, buildings or fences, caused by its men, teams, trucks and other vehicles and equipment in entering said property for the purposes set forth herein.

In addition to the above consideration, the Company, or its successors and assigns, shall pay me the sum of One hundred and no/100 (\$100.00) - - Dollars for each tower on said land, the same to be paid before any towers are erected.

Witness: Jerome B. Moore
W. M. Ferguson

(Signed) x Mrs. Edna Moore
Mrs. Edna Moore

RECORDED AT 10:13
O'Clock @ AM
JUL 22 1955

AARON BURR
REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

RETURN TO (Accepted)
RICHARD H. TAYLOR
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT 26, MICHIGAN

By Richard H. Taylor
RICHARD H. TAYLOR, DIRECTOR
REAL ESTATE AND RIGHTS-OF-WAY DEPARTMENT

STATE OF MICHIGAN }
County of MACOMB } s.s.

On this 4th day of MARCH A. D. 1955, before me, the undersigned, a notary public in and for said county, personally appeared MRS. EDNA MOORE

known to me to be the person who executed the foregoing instrument, and acknowledged the same to be HER free act and deed.

Wilbert M. Ferguson
Wilbert M. Ferguson
Notary Public Macomb County, Michigan.

My Commission expires July 24, 1956
ACTING IN MACOMB COUNTY

P. 1.50 W of Mound N of Chicago LOT 19

RIGHT OF WAY FILE NO. 19264

REGISTER'S OFFICE
COUNTY OF MACOMB

Received for Record
JUL 22 1955

at 10:13 o'clock a M., and recorded
in Vol. 1007 of Deeds, on
page 594

Aaron Burr
Register of Deeds

RETURN TO
RICHARD H. TAYLOR
The Detroit Edison Company
2000 SECOND AVENUE
DETROIT 26, MICHIGAN

DETROIT 26, MICHIGAN
The Detroit Edison Company
2000 SECOND AVENUE
RICHARD H. TAYLOR
RETURN TO (address)

THE DETROIT EDISON COMPANY

MACOMB COUNTY, MICHIGAN

REGISTER OF DEEDS

WALTER BIRK

JUL 28 1955

RECORDED AT 11:00 AM

WALTER BIRK

(2124)

Richard H. Taylor

Witness:

STATE OF MICHIGAN

County of Macomb

On this

day of

1955, before me, the undersigned

Notary Public
State of Michigan

My Commission Expires

