

# 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 2<sup>nd</sup> Avenue  
Detroit, Michigan 48226

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

Dear Ms. Clifford:

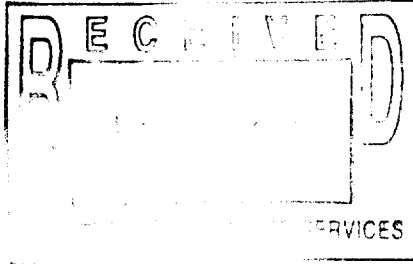
Enclosed please find a copy of the recorded License to Encroach on Easement for your files relative to the above-referenced matter.

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.

Elaine Clifford  
Elaine Clifford

Anjanette Spence  
Anjanette Spence

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

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 8, 2005

Notary's Signature  
Anjanette Spence

Anjanette Spence  
Wayne County 3/6/2005

ACCEPTED:  
BY: Mark A. Steenbergh  
Mark A. Steenbergh

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  
Nancy Cooper Allen

WITNESS: Sonja D. Jurnick

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 2<sup>nd</sup> 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**

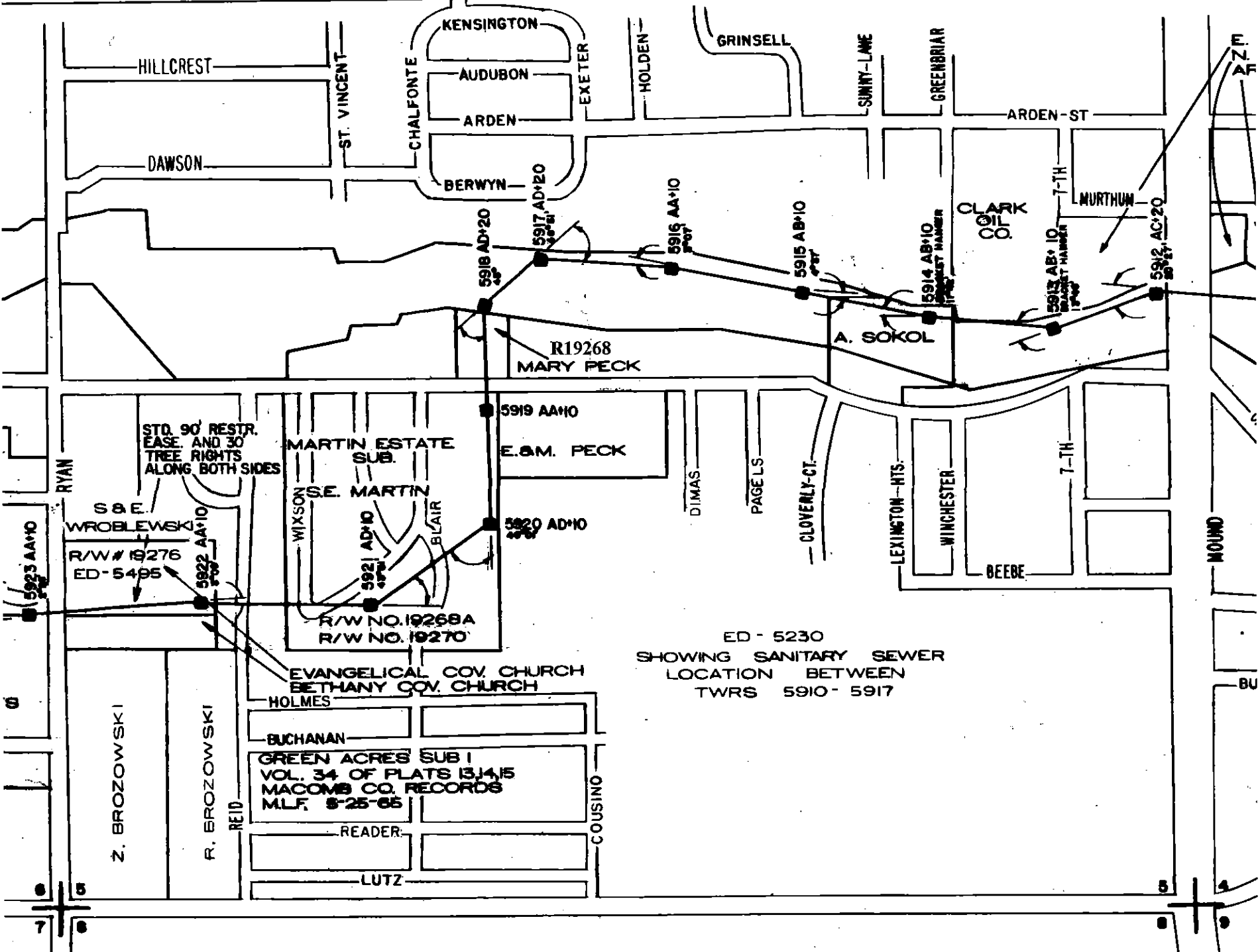
Part of Lot 12, Assessor's Plat, Block 8, Village of Warren, described as follows: Commencing at the Southwest corner of Lot 12, thence N. 0°21'40"W., 267.39 ft. to the Point of Beginning, thence N. 0°21'40"W., 45.30 ft., thence S. 85°56'20"W., 154.67 ft., thence N. 0°14'10"W., 321.07 ft., thence N. 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



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

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

MARTIN ESTATE  
 SUB.

WIXSON  
 S.E. MARTIN  
 BLAIR

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

CLARK  
 OIL  
 CO.

MURTHUM  
 7-TH  
 BRACKET HANGER

A. SOKOL

R19268  
 MARY PECK

5919 AA\*10  
 E.S.M. PECK

5920 AD\*10

5918 AD\*20  
 30' EASE

5917 AD\*20  
 30' EASE

5916 AA\*10  
 30' EASE

5915 AB\*10  
 30' EASE

5914 AB\*10  
 BRACKET HANGER

5912 AC\*20  
 30' EASE

RYAN

5923 AA\*10

S & E  
 WROBLEWSKI

R/W # 19276  
 ED-5495

5922 AA\*10  
 30' EASE

Z. BROZOWSKI

R. BROZOWSKI

REID

COUSINO

DIMAS

PAGELS

CLOVERLY-CT.

LEXINGTON-HTS.

WINCHESTER

BEEBE

7-TH

MOUND

BU

Date March 4, 1955

I IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, 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:

The South 6 acres of Lot 11 of Assessors Addition, Block 8, 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 a Northwesterly and Southeasterly direction across the Northeast part of above described property.

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) anna sokoll  
Anna Sokoll

RECORDED AT 10:13 O'clock AM

JUL 22 1955

AARON BURR

REGISTER OF DEEDS

THE DETROIT EDISON COMPANY MACOMB COUNTY, MICHIGAN

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

STATE OF MICHIGAN  
County of MACOMB s.s.

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

On this 4th day of March A. D. 1955, before me, the undersigned, a notary public in and for said county, personally appeared ANNA SOKOLL FORMERLY KNOWN AS ANNIE SOKOLOWSKI

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  
Notary Public Macomb County, Michigan.  
ACTING IN MACOMB COUNTY

My Commission expires July 24, 1956

5275 CHICAGO WARREN  
P. 1.50 W of Mound, N of Chicago Lot 11

RIGHT OF WAY FILE NO. 19248

REGISTER'S OFFICE  
COUNTY OF MACOMB

ss.

Received for Record  
**JUL 2 2 1955**

10:13 o'clock *a* M., and recorded

in Vol. 1007 of *Deeds* on

Page 593

*Aaron Burr*  
Register of Deeds

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