RECORDED RIGHT OF WAY NO. 36941

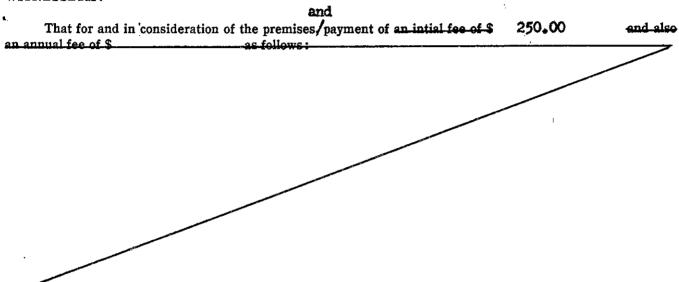
Norfolk and Western Railway Company

ELECTRIC POWER WIRE CROSSINGS

March, 1972, THIS AGREEMENT made and entered into/the day of between 3rd NORFOLK AND WESTERN RAILWAY COMPANY ("Railway") and THE DETROIT EDISON COMPANY ("Licensee");

WHEREAS, Licensee desires to cross the right of way of Railway with its power wires and Railway being willing to grant said privilege upon terms and conditions hereinafter set forth;

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES HERETO AND THIS AGREEMENT WITNESSETH:



of each year, Railway doth hereby grant to Licensee the right and privilege of installing, maintaining, operating and removing electric power wires carrying 120/240/13,200/40,000 volts and over and partoss the Fight of Way of Railway at Belleville. on its Fort Wayne

Division, the same to be located in accordance with Exhibit A and made a part hereof.

attached hereto

Said right and privilege is granted subject also to the following specifications and conditions upon which the right and privilege shall be enjoyed by Licensee and the breach of any of which shall render this agreement and the right and privilege herein granted null and void.

One pole

will be placed on the right of way of Railway.

- 2. The electric power wires to be placed over and across the premises of Railway shall be such as its Chief Engineer shall approve, and shall be kept in good order by Licensee at its sole cost and as Railway's Chief Engineer may from time to time prescribe.
- shall be no less than 32 feet above 3. The minimum clearances of the 40 KV wires feet from Railway pole line wires and, except for the foregoing, construction shall the top of the rail and meet all applicable Safety Rules of the latest edition of the National Electrical Safety Code for the Installation and Maintenance of Electric Supply and Communication Lines.
- 4. Railway shall not be responsible in any way for any damage including, without limitation, damage to 'said wires or facilities or other apparatus or any part thereof by fire or any other casualty whatever, resulting directly or indirectly from Railway's operations near said wires or facilities or other apparatus or otherwise.

Document No. **93464**

- If Railway, its successors or assigns, shall make any change on its right of way at or near said wires or facilities of Licensee affecting the character, height, or alignment of any of Railway's power lines, communication, signal or other wires or electrical apparatus, or shall place structures or additional wires or electrical apparatus upon its said right of way, or shall make on its said right of way any change in its track or structures or in the use thereof, which would be affected by the then existing wires or facilities of Licensee or by the use thereof, Licensee shall promptly, at its own expense make such changes in the location and character of its wires or facilities as in the opinion of the Chief Engineer of Railway, its successors or assigns, shall be necessary on account of any such changes or additions.
- 6. Licensee hereby agrees to indemnify and save harmless Railway against any and all loss or damage, accidents or injuries, including death, to persons or property, whether of Railway or of any other persons or corporations, arising in any manner from the installation, maintenance, operation or removal or failure to properly install, maintain, operate or remove the above described wires or facilities, unless such loss, damage or injuries shall be caused solely by the negligence of Railway.

7. No fee adjustment refunds of \$12 or less will be made.

7. This agreement supersedes and replaces agreement Document No. 90563, dated November 10, 1967, between the parties hereto, covering an aerial 120/240/13,200/ 40,000 volt and telephone wire crossing at Survey Station 1212/85.

WITNESS the respective signatures of the parties to this agreement:

Witness:	WABASH RAILROAD COMPANY as Lessor of the above-described right of way consents to this agreement.
Cocast	By PBCluth
WITNESS the respective signatures of the par	Vice President/
Witness: Hawa	NORFOLK AND WESTERN RAILWAY COMPANY

.

IVAN W. GAMBLE

APPROVED AS TO FORM

LAW DEPARTMENT 4- James 6/17/71 THE DETROIT EDISON COMPANY

By. Title

W: C: ARNOLD, DIRECTOR Real Estate and Rights of Way Dept.

Vice President-Operations

TO RECORDS CENTER:

RECORDED RIGHT OF WAY NO.

INTERDEPARTMENT CORRESPONDENCE

August 13, 1971

Attached is ful.	y executed o	copy of agreer	nent /perrik from:

Norfolk and Western Railroad Company

Railroad File No. 9880G

Facilities Covered:

One No. O AWA shield wire, Three No. 350 M B 40,000-volt wires, Three No. 350 MB 13,200-volt wires, Three No. OBA 120/240-volt wires, and Two No. 6 CW system telephone wires. (Span B-F)

Specific Location:

On railway property at approximately 1940 feet North of the center line of Martz Road and 52 feet East of the center line of Rawsonville Road, 2.6 miles Southwest of the City of Belleville.

R. R. Valuation Station 1212 + 85	Mile Post Detroit 28
City/Village	TownshipVan Buren, NW 1/4 of Sec. 31
	Detroit Edison Plan NoRX-3874A
Document No	3, 1971 R. R. Plan No. AA-1156 . 93464 Annual Rental \$250.00 lump sum
	dated November 10, 1967 R/W No. 24842
This is a Supplemental Agreement a	nd is to be made a part of R/W
Attached Grand Trunk Western Railr of R/W No. 9064.	oad Permit Noto be made a part

GEN'L. ACCTG. DEPT. ENTERED - CANCELLED CONTRACT BOOK NO. CHECKED BY

I. W. Gamble, Supervisor of Rights of Way Real Estate and Rights of Way Department

HB:dmk

Mr. E. Q. Johnson, Chief Engineer Norfolk and Western Railway Company 8 North Jefferson Avenue Roanoke, Virginia

Dear Mr. Johnson:

We refer to your agreement covering our crossing located on Railway property approximately 1940 feet North of Martz Road and 52 feet East of Rawsonville Road, Van Buren Township, Wayne County, Michigan, your File No. 9880G, Document Number 93464, and Detroit Edison Company Plan No. RX-3874A.

We find your agreement has been dated March 3, 1972. According to your letter to construct dated March 3, 1971, we feel that the Agreement should be dated March 3, 1971 also.

We have taken the liberty to change our copy of the agreement. Please change copy in your files.

Yours very truly,

I. W. Gamble Supervisor of Rights of Way Real Estate and Rights of Way Dept.

HB:dmk



ROANOKE, VIRGINIA 24011

CHARLES G. HAMMOND, JR.
ASSISTANT VICE PRESIDENT - ENGINEERING

August 6, 1971

I. W. GAMBLE

AUG 11 1971

RATE & RIVER DEEPTS

Mr. I. W. Gamble Supervisor of Rights of Way Properties and Rights of Way Department The Detroit Edison Company 2000 Second Avenue Detroit, Michigan - 48226

Dear Mr. Gamble:

This refers to your letter dated July 16, 1970, and subsequent correspondence, regarding agreement covering an aerial power and telephone wire crossing at Survey Station 1166 + 97, Belleville, Michigan.

Attached is one fully executed copy of agreement Number 93464 for your file.

In a few weeks you will receive a one-time billing B-93464 for \$250.00 covering the required lump-sum fee.

Yours very truly,

// Hommon

Asst. Vice President-Engineering

Enc.

RECORDED RIGHT OF WAY NO 269

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE
DETROIT, MICHIGAN 48226

July 9, 1971

Railroad	File No.	9880G	,

Mr. E. Q. Johnson, Chief Engineer Norfolk and Western Railway Company 8 North Jefferson Avenue Roanoke, Virginia 24011

Dear Mr. Johnson:

minute us for our records.

Yours very truly,

I. W. Gamble

Supervisor of Rights of Way

Real Estate and Rights of Way Dept.

CN: dmk



ROANOKE, VIRGINIA 24011

CHARLES G. HAMMOND, JR. ASSISTANT VICE PRESIDENT - ENGINEERING

June 11, 1971

I. W. GAMBLE

Mr. I. W. Gamble Supervisor of Rights of Way Properties and Rights of Way Department The Detroit Edison Company 2000 Second Avenue Detroit, Michigan - 48226

Dear Mr. Gamble:

This refers to your letter dated July 16, 1970 with proposal for an aerial power and telephone wire crossing at Survey Station 1166 + 97, Belleville, Michigan.

Attached are two copies of agreement required to cover this project.

Please have both copies executed and returned for final handling. As soon as copies are executed by our Company, one copy will be returned for your file.

Please do not send check covering fee at this time. few weeks after execution of agreement you will receive a bill from our Comptroller covering the required fee.

Yours very truly,

ce President-Engineering

Enc.

SUBJECT: Belleville, Michigan - The Detroit Edison Company Installation of One Pole on Railway Right of Way in
an Existing 120/240 Volt and 13.2/40 KV Crossing -

Agmt. File 9880G

8 North Jefferson Street Roanoke, Virginia

March 3, 1971

Mr. I. W. Gamble Supervisor of Rights of Way Properties and Rights of Way Department The Detroit Edison Company 2000 Second Avenue Detroit, Michigan 48226

Dear Mr. Gamble:

This refers to your letter dated July 16, 1970, also to your advising of the necessity of constructing the subject installation in advance of the execution of formal covering agreement.

The Detroit Edison Company is hereby authorized insofar as the Railway has the right so to do, to construct the installation under the following conditions:

- 1. That it will execute the N&W standard form of agreement upon presentation, sample copy attached.
- 2. That the installation will be constructed in accordance with Drawing RX 3874A submitted with your request, except as to the location of the poles, and to the entire satisfaction of the Railway Company and shall meet all applicable Safety Rules of the latest edition of the National Electrical Safety Code for the Installation and Maintenance of Electric Supply and Communication Lines.
- 3. That The Detroit Edison Company will indemnify and save harmless the Railway Company from any and all claims, loss, expenses, or damages by reason or in consequence of the exercise of the privilege herein granted.
- 4. The aforesaid construction of facilities is subject to and conditioned upon the approval of Railway's Regional Manager Industrial Real Estate, who will communicate with Railway's Division Engineer accordingly.

PRESENTED RIGHT OF WAY NO. 269

If you are agreeable to the foregoing, will you so signify by signing in the space provided below and returning to me one (1) signed copy of this letter, thereby indicating your assent to the terms and conditions hereinabove provided.

Please notify Mr. R. E. Price, Division Engineer at Fort Wayne, Indiana, telephone 219-749-5823, a few days ahead of the time your forces desire to work on our right of way. Ir. Price will arrange for proper safety precautions to be taken as he deems necessary; and, also, it is understood that the expense incurred by Railway for this service will be borne by your Company.

Yours very truly.

Witness Milas / John

Curtis G. Noles

Asst. Vice President-Engineering Accepted Tue Detroit (20,50% 6)

By In Famile

Title

I W GAMBLE

Date SUPERVISOR OF RIGHTS OF WAY DEPARTMENT

Attachment

APR 1 9 1971

Agmt. File 9880G

Norfolk and Western Railway Company

ROANOKE, VIRGINIA 24011

CHARLES G. HAMMOND, JR.
ASSISTANT VICE PRESIDENT - ENGINEERING

April 13, 1971

I. W. GAMBLE APR 1 6 1971

R/E & R/W DEPT;

Mr. I. W. Gamble Supervisor of Rights of Way Real Estate and Rights of Way Dept. The Detroit Edison Company 2000 Second Avenue Detroit, Michigan 48226

Dear Mr. Gamble:

Reference is made to your letter dated April 5, 1971, regarding type of agreement to be prepared to cover your revised proposal as shown on Plan RX 3874A at Valuation Station 1212+85 in Van Buren Township, Wayne County, Michigan.

It is proposed to prepare a new agreement to cover this crossing which will cancel the existing agreement, Document No. 90563 dated November 10, 1967. The proposed \$250 fee was calculated giving credit for the preparation fee in the agreement dated November 10, 1967, and a charge of \$100 for the pole occupation.

If you have further questions in this regard, please advise.

Yours very truly,

Asst. Vice President-Engineering

Railroad File 9880G

Mr. E. Q. Johnson, Chief Engineer Norfolk and Western Railway Company 8 North Jefferson Street Roanoke, Virginia 24011

Dear Mr. Johnson:

Reference is made to your latter of March 3, 1971, granting us permission to proceed with reconstruction of our existing crossing (Span F-B) over your tracks located 52 feet East of Rawsonville Road and 1940 feet North of Martz Road, in the Northwest 1/4 of Section 21, Van Buren Township, Wayne County, Michigan, as shown on our Plan RX 3874A. This crossing is located at your Valuation Station 1212+85 and Mile Post Det-28.

Before accepting the conditions outlined in your letter, we would like to clear the question of the additional lump sum of \$250.00 proposed over that paid under the agreement covering the original crossing. Is it possible to supplement the original agreement by letter rider?

If your proposed new agreement is found to be in order, we assume you will include a clause to cancel the original agreement dated November 10, 1967, your Document No. 90563.

May we hear from you in this regard.

Yours very truly,

In hanke

I. W. Gamble

Supervisor of Rights of Way
Real Estate and Rights of Way Dept.

HB



ENGINEERING-M. OF W. DEPARTMENT ROANOKE. VIRGINIA 24011

E. Q. JOHNSON, CHIEF ENGINEER

January 29, 1971

I. W. GAMBLE

FEB 2 1971

PROP.& R/W DEPT.

Mr. I. W. Gamble Supervisor of Rights of Way Properties and Rights of Way Department The Detroit Edison Company 2000 Second Avenue Detroit, Michigan - 48226

Dear Mr. Gamble:

Reference is made to your letter dated July 16, 1970 with which you submitted copies of your Plan RX-3874-A in support of your application for reconstruction of an existing aerial crossing of our property at a point 52 feet east of Rawsonville Road in Van Buren Township, Wayne County, Michigan.

Your drawing indicates that the reconstruction of this crossing will consist of the installation of pole "F" (span F-B) on our property. However, a field investigation has revealed that pole "B" is located 33 feet south of our track and is on our property and pole F is located outside of the right-of-way line.

Attached for your reference is a copy of our right-of-way map of the affected area. Please advise if your records indicate concurrence with the above.

Yours very truly,

E. Police Chief Engineer

Enc.

2-36-71

Advised J.R. Brooks of R. VA. OFFICE THAT WE CONCURS

AND CORRECTED PRINTS WILL BE MAILED, HE IS GETTING Q

OUT LETTER TO CONSTRUCT TODAY. ON RECEIPT, WE S

Should RELease PERMITS.

HB 3-36-71

Langetuduril Romeres & Dac 935722 (10-26-70) Fre 9882)

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE DETROIT 26, MICHIGAN

October 14, 1970

Michigan Public Service Commission Lansing 13, Michigan

Gentlemen:

The Detroit Edison Company, Detroit, Michigan, hereby makes application for authority to string the following wires over the tracks of the Norfolk and Western Railway approximately 2.6 miles southwest of the City of Belleville, NW ½ of Section 31, Van Buren Township, T-3S, R-8E, Wayne County, Michigan.

Span B - F

One #0 AWA shield wire, three #350 M B - 40,000 volt wires, three #350 M B 13,200 volt wires, three #0BA 120/240 volt wires, and two #6 CW System Telephone wires over the tracks of the Norfolk and Western Railway located on railway property at a point approximately 1940' north of the centerline of Martz Road and 52' east of the centerline of Rawsonville Road.

R.R. Valuation Station 1212+85, R. R. Mile Post- Detroit 28

The proposed wire crossing will be constructed in accordance with specifications of the Michigan Public Service Commission and the construction standards of The Detroit Edison Company, approved by the Michigan Public Service Commission on July 19, 1939, File ED 2-9.01.

Enclosed is a waiver of hearing granted by the Railroad Company R. R. File No. 9880G	CE CE
Waiver of hearing by the Railroad Company is covered by blanket waiver.	RIGHT
This application covers reconstruction of existing crossing and will cancel and supersede wire crossing permit No. ED2+8-6055 dated 6-2-67	T OF
This is a new crossing.	АУА
Reference number of construction drawing is RX- 3874A	No
Yours very truly,	2694
Permit No. <u>ED2-8-6666</u> (.3. Samble	140
Date 10-21-70 I. W. Gamble Supervisor of Rights jof Wa	v
By MPSC Properties and Rights of Wa	

Check in circle indicates statement applicable.

Notify Mr. R. E. Price at Fort Wayne, telephone 219-749-5823, a few days ahead of construction.



1. W. GAMBLE QCT 1 4 1970

ENGINEERING-M. OF W. DEPARTMENT ROANOKE, VIRGINIA 24011
E. Q. JOHNSON, CHIEF ENGINEER

PROP. & R/W DEPT.

October 8, 1970

Ry. File 9880G (Belleville, Michigan)

Mr. I. W. Gamble Supervisor of Rights of Way Properties and Rights of Way Department The Detroit Edison Company 2000 Second Avenue Detroit, Michigan 48226

Dear Mr. Gamble:

This refers to your letter dated July 16, 1970, regarding your application to the Michigan Public Service Commission for approval of the proposed reconstruction of your 120/240 volt, 13.2/40 KV and telephone wire line at Belleville, Michigan, that crosses tracks and right of way of the Norfolk and Western Railway Company. Van Buren Township.

In order to protect the operation of our Railway, execution of our standard form CE 17 agreement, copy attached, is required for each crossing before any construction is started over our right of way; however, we need not attend a hearing by the Commission to determine the necessity for reconstruction of the electric transmission line, provided it is understood that the above-mentioned agreement will be executed before construction is started.

Yours very truly,

E.q. Johnson

Chief Engineer

Enclosure

Mr. E. Q. Johnson, Chief Engineer Norfolk and Western Railway Company 8 North Jefferson Street Roanoke, Virginia 24011

Dear Mr. Johnson:

Please refer to our application dated July 16, 1970 requesting permission for our facilities over your tracks located on railway property approximately 1940 feet North of the center line of Martz Road and 52 feet East of the center line of Rawsonville Road in Van Buren Township, Wayne County, Michigan, as shown on our Flan RX-3874A.

We would appreciate your reviewing this application and send us your waiver of hearing in duplicate as requested so that we may obtain a permit from the Michigan Public Service Commission.

Yours very truly,

I. W. Gamble Supervisor of Rights of Way Properties and Rights of Way Dept.

HLB:mls

THE DETROIT EDISON COMPANY

2000 SECOND AVENUE

DETROIT, MICHIGAN 48226 July 16, 1970

TO:

Mr. E. Q. Johnson, Chief Engineer Norfolk and Western Railway Co. 8 North Jefferson Street Roanoke, Virginia 24011

Proposed Overhead Wire Crossing:

One No. AWA shield wire, Three No. 350 M B 40,000-volt wires, Three No. 350 M B 13,200-volt wires, Three No. OBA 120/240-volt wires, and Two No. 6 CW System Telephone wires.

Specific Location

On railway property at a point approximately 1940 feet North of the center line of Martz Road and 52 feet East of the center line of Rawsonville Road.

R.R. Valuation Station 1212485 R.R. Mile Post Detroit 28	My Ch
City/Village Township Ven Busen, NW 1/4 of Sec. 31	
County Detroit Edison Plan Attached RX-3874A	CRORD
This is a New Crossing This is a Reconstruction of Existing Crossing	HIGHT
Previous Agreement Information (if any) Date November 10, 1967 (R.R. Plan) AA908 and Doc. No. 90563 RX-3874 R. R. File No. 9880 G	Ç
Blanket Waiver of Hearing Covers Waiver of Hearing Requested_ <u>in duplicate</u> (Waiver of Hearing to be mailed to applicant listed below)	WAY NO.
All construction will be done in accordance with the rules and regulations of the Michigan Public Ser Commission.	vice 94/

I. W. Gamble, Supervisor of Rights of Way Properties and Rights of Way Department

STATE OF MICHIGAN

BEFORE MICHIGAN PUBLIC SERVICE COMMISSION

Standard Railroad Wire-Crossing Permit No.

In Re Application of

The Detroit Edison Company 2000 Second Avenue Detroit, Michigan 48226

Pursuant to Act Ho. 171 of the Session Laws of 1893, as amended, application having been made to Michigan Public Service Commission by said

The Detroit Edison Company

for permission to string wires across the tracks of the Morfolk and Western Railway Company

and said

The Detroit Edison Company

having conformed to the Commission's rules governing the filing of notices and issuing of permits for the construction of electrical lines and said rail way company having ucived the right of notice and hearing provided for in said act THEREFORE, It is ordered that said

The Detroit Edison Company

be permitted to string the following described wires across the tracks of said railroad at the following described place: Span B-F, crossing of one (1) 40 kV,

Township of Van Buren

County of Wayne

State of Michigan 60 Hs, 3 phase, 3 wire, subtransmission circuit, one (1)

13.2 kV, 60 Hz, 3 phase, 4 wire, distribution circuit, one (1) 120/240 V, 60 Hz, split single-phase, 3 wire, secondary circuit,

all with one (1) shield and neutral conductor, and one (1) system telephone circuit, located at a point approximately 1940.

north of center line of Marks Road and 52° east of center line of Rawsonville Road, approximately 2.6 miles southwest of City

of Belleville, MW% of Section 31, T35, R8B

3 - 350 MCM bare aluminum phase conductors - 40 kV

3 - 350 MCM bare aluminum phase conductors - 13.2 kV

3 - #1/0 BA aluminum conductors

2 - #6 CW system telephone conductors

Per Drawing RX-3874

At the point of crossing said wires shall be installed in accordance with this Commission's rules and regulations.

Given under our hands and the Official Seal of this Commission at the City of Lansing, State of Michigan, this twenty-firstday of October A.D.1970

MICHIGAN PUBLIC SERVICE COMMISSION

Willis P. Ward

William A. Boos, Jr.

| 1

Countersigned

Earl B. Klomparens

Lenton G. Sculthorp Commissioner,

Secretery

Commissioner.

I, Earl B. Klomparens, Secretary of the Michigan Public Service Commission Do Hereby Certify, That I have compared the annexed copy of Railrond Wire Crossing Permit

ED2-8-6666

with the original, and that it is a true and correct transcript therefrom, and of the whole of such original.

> In Testimony Whereof, I have hereunto set my hand and affixed the seal of the Commission, at Lansing, this twenty-first in the year of our Lord October Earl & flouperrus one thousand nine hundred seventy

RECORDED RIGHT OF WAY

