


REAL ESTATE
Project No. NMA06747

Date: September 11, 2006

To: Records Center

From: Barbara Mention 
Real Estate & Claims

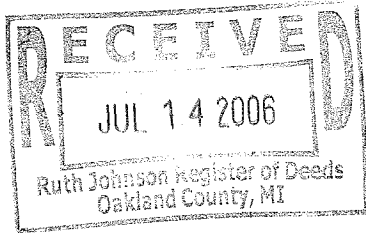
Subject: Illegal Encroachment-Section 22, City of Royal Oak, Oakland County,
Michigan.

Attached are papers related to an Affidavit/Notice of Claim of Interest dated June 20, 2006, filed by *ITCTransmission* against property known as 724 Knowles Street, Royal Oak, Michigan.

The claim of interest was recorded July 20, 2006 because the owner of the above-mentioned property refused to remove his garage off the *ITCTransmission* 120kV underground line easement as shown on the attached drawing.

Please incorporate these papers into Right of Way File No.T71117.

Attachments



182241
LIBER 37867 PAGE 760
\$13.00 MISC RECORDING
\$4.00 REINUMENTATION
07/20/2006 03:09:37 P.M. RECEIPT# 82020

PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

AFFIDAVIT/NOTICE OF CLAIM OF INTEREST

Daniel J. Oginsky, the undersigned ("Affiant"), whose address for the purposes of this Instrument is 39500 Orchard Hill Place, Suite 200, Novi, Michigan 48375, being first duly sworn, deposes and says:

1. Affiant makes this Affidavit/Notice of Claim of Interest ("Claim of Interest") based upon the facts stated within.
2. Affiant is the Vice President and General Counsel of International Transmission Company (ITC*Transmission*).
3. The legal description of the property subject to this Claim of interest is as follows:
Property situated in the NW1/4 of Section 22, in the City of Royal Oak, Oakland County, Michigan. Also known as, 724 Knowles Street, and described more particularly as: Lots 10 & 11, except the southerly 154.39 feet and also the southerly 9.0 feet of vacated alley, Kayser's Addition to the Village of Royal Oak Subdivision, as recorded in Liber 7 of Plats, Page 10, Oakland County Records.
4. On behalf of ITC*Transmission*, the Affiant makes this Claim of Interest to give notice to the Register of Deeds and constructive notice to the general public that ITC*Transmission* claims an interest in the real property described in paragraph 3 above (the "Interest").
5. The nature of said Interest is as follows:

ITC*Transmission* has an easement for the transmission and distribution of electricity within the southerly 9 feet of the 18 foot wide vacated alley described in paragraph 3 above, including the right to construct, operate and maintain its' wires and other equipment together with all rights of access to said wires and equipment for all purposes, including but not limited to the repair, maintenance, relocation, improvement or

2P
B

70010 25-22-159-014

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T-1117

C.K. - MH

replacement thereof upon, over, under and across the above-described property.

6. ITCTransmission owns a 120kV underground transmission line located within the above-described vacated alley. ITCTransmission acknowledges the existence of an unauthorized encroachment within the easement described in paragraph 3 above. ITCTransmission gives no permission for said encroachment. Be advised that if said encroachment is not removed, and interferes with ITCTransmission's use of its easement, ITCTransmission will not be responsible for any damage to said encroachment during its use of its easement.

7. Further, Affiant sayeth not.

In witness whereof, this Affidavit/Claim of Interest is executed this 20th day of June, 2006.

Daniel J. Oginsky
Vice President and General Counsel

Acknowledged before me in Oakland County, Michigan on June 20, 2006, by Daniel J. Oginsky, Vice President-General Counsel of International Transmission Company, a Michigan corporation.

JANET E REED
NOTARY PUBLIC LIVINGSTON CO., MI
MY COMMISSION EXPIRES Aug 28, 2008
ACTING IN THE COUNTY OF

Notary's
Stamp:

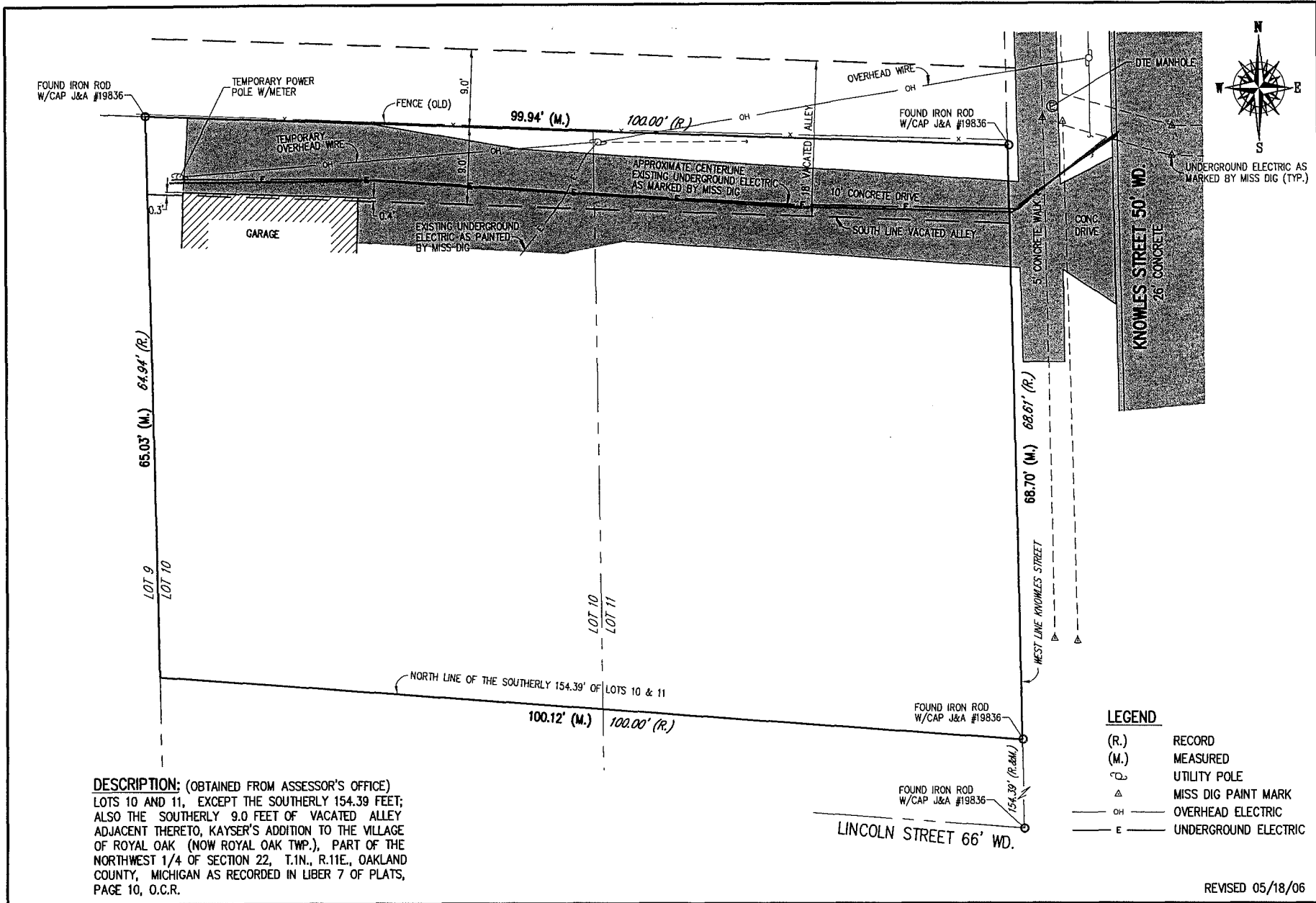
(Acting in Oakland County)

Notary's
Signature:

Prepared by: Thomas P. Beagen, ITCTransmission, 39500 Orchard Hill Place,
Suite 200, Novi, MI. 48375

Return to: Thomas P. Beagen, ITCTransmission, 39500 Orchard Hill Place,
Suite 200, Novi, MI 48375

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17117



- LEGEND**
- (R.) RECORD
 - (M.) MEASURED
 - ⊙ UTILITY POLE
 - △ MISS DIG PAINT MARK
 - OH — OVERHEAD ELECTRIC
 - E — UNDERGROUND ELECTRIC

DESCRIPTION: (OBTAINED FROM ASSESSOR'S OFFICE)
 LOTS 10 AND 11, EXCEPT THE SOUTHERLY 154.39 FEET;
 ALSO THE SOUTHERLY 9.0 FEET OF VACATED ALLEY
 ADJACENT THERETO, KAYSER'S ADDITION TO THE VILLAGE
 OF ROYAL OAK (NOW ROYAL OAK TWP.), PART OF THE
 NORTHWEST 1/4 OF SECTION 22, T.1N., R.11E., OAKLAND
 COUNTY, MICHIGAN AS RECORDED IN LIBER 7 OF PLATS,
 PAGE 10, O.C.R.

DATE: 05/02/06	SUR BY: RJK
DRWN BY: DP	CHKD BY: MD
F.B.: 709	
McNEELY & LINCOLN Associates Inc.	
CIVIL ENGINEERING & LAND SURVEYING	
PH. (734) 432-9777 FAX (734) 432-9788	
37741 PEBBROKE, LIVONIA, MICHIGAN, 48152	
WWW.MNLINC.COM	
724 KNOWLES STREET	
PART OF LOTS 10 & 11, KAYSER'S ADDITION,	
PART OF THE NW 1/4, SECTION 22, T.1N., R.11E.,	
ROYAL OAK, OAKLAND COUNTY, MICHIGAN	
1	
SCALE: 1"=10'	PROJECT NO.: 8042.03
FILE NAME: 050503 724 Knowles Street	
SHEET 1 OF 1	

REVISED 05/18/06

FILE
 T71117

Birmingham Bloomfield Land Title Corporation

Bill of Sale

Property Address: 427 E. Lincoln (part of) Royal Oak MI 48067
Closing Date: 04/11/05
Sellers: Michael L. Ricci
Purchasers: Christopher Brocavich

KNOW ALL MEN BY THESE PRESENTS, that I/we, as Seller(s), for valuable consideration, receipt of which is acknowledged, have bargained and sold, and do grant and convey to the Buyer(s) in an As Is condition, with no warranty, either expressed or implied, the goods and chattel set forth in the purchase agreement and:

Household Items: /Items Included: Vacant Land-68 ft. x 50 ft.

Items Excluded: None



Michael L. Ricci



Christopher Brocavich

FILE

File No.: FA05030448



Birmingham Bloomfield Land Title Corporation

Bill of Sale

Property Address: 423 E. Lincoln (Part of) Royal Oak MI 48067
 Closing Date: 04/11/05
 Sellers: Willis L. Thorp Sheila A. Thorp
 Purchasers: Christopher Brocavich

KNOW ALL MEN BY THESE PRESENTS, that I/we, as Seller(s), for valuable consideration, receipt of which is acknowledged, have bargained and sold, and do grant and convey to the Buyer(s) in an As Is condition, with no warranty, either expressed or implied, the goods and chattel set forth in the purchase agreement and:

Household Items: **Items Included: Vacant Land 65 ft. x 50 ft.**

Items Excluded: None

Willis L. Thorp

Willis L. Thorp

Sheila A. Thorp

Sheila A. Thorp

Christopher Brocavich

Christopher Brocavich

FILE

At a Regular Meeting of the Royal Oak City Commission held on Monday, January 24, 2005, in City Hall, 211 Williams Street, the following Resolution was adopted:

RESOLVED, that the request to split the properties at 423 and 427 East Lincoln; being legally described respectively as Lot 10 and the southerly 9.0 feet of vacated alley adjacent to Lot 10 and Lot 11 and the southerly 9.0 feet of vacated alley adjacent to lot 11, KAYSER'S ADDITION TO THE VILLAGE OF ROYAL OAK, being a Subdivision of part of the W 1/2 of the NW 1/4 of Section 22, Town 1 North, Range 11 East, City of Royal Oak, Oakland County, Michigan, as recorded in Liber 7 of Plats, Page 10, Oakland County Records, be and is hereby granted, creating the following described parcels:

PARCEL "A" The Southerly 154.39 feet of Lot 10, KAYSER'S ADDITION TO THE VILLAGE OF ROYAL OAK, being a Subdivision of part of the W 1/2 of the NW 1/4 of Section 22, Town 1 North, Range 11 East, City of Royal Oak, Oakland County, Michigan, as recorded in Liber 7 of Plats, Page 10, Oakland County Records.

PARCEL "B" The Southerly 154.39 feet of Lot 11, KAYSER'S ADDITION TO THE VILLAGE OF ROYAL OAK, being a Subdivision of part of the W 1/2 of the NW 1/4 of Section 22, Town 1 North, Range 11 East, City of Royal Oak, Oakland County, Michigan, as recorded in Liber 7 of Plats, Page 10, Oakland County Records.

PARCEL "C" Lots 10 and 11 except the Southerly 154.39 feet, also the Southerly 9.0 feet of vacated alley adjacent to Lots 10 and 11, KAYSER'S ADDITION TO THE VILLAGE OF ROYAL OAK, being a Subdivision of part of the W 1/2 of the NW 1/4 of Section 22, Town 1 North, Range 11 East, City of Royal Oak, Oakland County, Michigan, as recorded in Liber 7 of Plats, Page 10, Oakland County Records.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Royal Oak City Commission at a meeting held on January 24, 2005.

Mary Ellen Weaver
City Clerk

FILE

Michigan Department of Treasury
L-4260 (1/85)

Property Transfer Affidavit

This form is issued under the authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct taxable value. It must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is not confidential.

1. STREET ADDRESS OF PROPERTY 423 E. LINCOLN (PART OF) Vacant E. Lincoln	2. COUNTY Oakland	4. DATE OF TRANSFER (OR LAND CONTRACT SIGNED) 04/11/05
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3. CITY/TOWNSHIP/VILLAGE OF REAL ESTATE City of Royal Oak	5. PURCHASE PRICE OF REAL ESTATE 62,500.00
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6. PROPERTY IDENTIFICATION NUMBER (PIN). IF YOU DON'T HAVE A PIN, ATTACH A LEGAL DESCRIPTION 25-22-159-011 016 - Part	<small>PIN. This number usually ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.</small>
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7. SELLER'S (TRANSFEROR) NAME Willis L. Thorp
--

8. BUYER'S (TRANSFeree) NAME AND MAILING ADDRESS Christopher Brocovich 423 E. Lincoln (Part of) Royal Oak MI 48067	RECEIVED MAY 02 2005 ASSESSOR
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Items 9 - 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See the back for a complete list.

9. TYPE OF TRANSFER <input type="checkbox"/> LAND CONTRACT <input type="checkbox"/> DEED <input type="checkbox"/> OTHER (SPECIFY)
--

10. IS THE TRANSFER BETWEEN RELATED PERSONS? <input type="checkbox"/> Yes <input type="checkbox"/> No

11. AMOUNT OF DOWN PAYMENT

12. IF YOU FINANCED THE PURCHASE, DID YOU PAY MARKET RATE OF INTEREST? <input type="checkbox"/> Yes <input type="checkbox"/> No

13. AMOUNT FINANCED (BORROWED)

Exemptions

The Michigan Constitution limits how much a property's taxable value can increase while it is owned by the same person. Once the property is transferred, the taxable value must be adjusted by the assessor to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-m). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- transfer from a spouse
- change in ownership solely to exclude or include a spouse
- transfer subject to a life lease or life estate (until the life lease or life estate expires)
- transfer to effect the foreclosure or forfeiture of real property
- transfer by redemption from a tax sale
- transfer into a trust where the sole beneficiary is the settlor (creator of the trust) or the settlor's spouse
- transfer resulting from a court order unless the order specifies a monetary payment
- transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- transfer to establish or release a security interest (collateral)
- transfer of real estate through normal public trading of stocks
- transfer within an entity under common control or affiliated group
- transfer resulting from transactions that qualify as a tax-free reorganization
- other, specify:

Certification

I certify that the information above is true and complete to the best of my knowledge.

OWNER'S SIGNATURE 	DATE 4-11-05	IF SIGNER IS OTHER THAN THE OWNER, PRINT NAME AND TITLE
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FILE

Mention, Barbara A.

From: David Prowse [dprowse@mnlinc.com]
Sent: Monday, May 08, 2006 10:37 AM
To: Mention, Barbara A.
Cc: mdwyer@mnlinc.com
Subject: 724 Knowles Street, Royal Oak
Attachments: 724 Knowles Street.pdf

Barbara, attached is the sketch prepared by McNeely & Lincoln showing the relationship between the garage/driveway and the underground electric as located by Miss Dig. Please call if you have any questions or need anything further.

David Prowse
Senior CAD Designer
McNeely & Lincoln Assoc., Inc.
37741 Pembroke
Livonia, MI 48152
Ph. (734) 432-9777 Fax (734) 432-9786
Email: dprowse@mnlinc.com



Mention, Barbara A.

2/23/06

To: Yucha, Raymond M.

Subject: Garage Encroachment-Royal Oak

Ray:

The property owner of 427 Lincoln in Royal Oak has denied building the garage over an ITC 120kv underground transmission line. Dave Katlin, 248-721-1269, called this morning to say he was in that area and check on this situation as a follow-up. Dave believes the garage was built over the easement but the owner denies it. Please let me know if you can confirm where the underground line is at this location.

Thank you - Barb

left mess. for Ray 4-6-06

FILE

Mention, Barbara A.

From: Yucha, Raymond M.
Sent: Friday, December 02, 2005 10:23 AM
To: Mention, Barbara A.
Cc: Bogden, Dave; Stout, Steven C.
Subject: Easement on Chestnut-Lincoln Underground Pipeline

Barb,

As promised here are some notes regarding my visit to the home at 724 Knowles Street in Royal Oak that is infringing on our easement.

The foundation for the garage and the proposed site of the driveway leading to the garage appear to be in our easement where our 120 kV pipeline is located.

There are several reasons why we do not want the garage or driveway infringing on our easement over the pipeline.

1. If the steel pipe ever deteriorates due to corrosion in the area under the driveway or garage, we would have to excavate that area to repair the pipe. This is a big operation and would cause many problems for both ITC and the homeowner.
2. If the cable fails in that area, we would probably elect to perform a local repair in that area. Our other option would be to excavate further away from the failure and pull the old cables out and new cables in. This would add substantially more cost and time. For any repairs to the cable in the pipeline all three cables in the pipeline must be replaced, not just the failed one. Right now the cost for new cable of this type is \$42 per foot. We would need 3 cables, so $3 \times 42 = \$126$ per foot. Removing and replacing longer stretches of cable due to a homeowner infringing on our easement will inevitably cost ITC more money in labor and material.

An underground failure is a catastrophic and extremely expensive event for ITC to handle. This would only make things more difficult for us, if anything were to happen in that easement. Although it is unlikely that anything would ever happen in that stretch, I think we would be foolish to allow him to stay in the easement. Also, this may set a precedent for future infringements on our easements.

I did speak with the homeowner directly and informed him that he may ultimately have to remove his foundation and future plans, although we would try to work with him. Unfortunately, I don't see any other way to resolve the problem other than to enforce our easement rights and have him abandon his plans and remove his current garage foundation.

Unfortunately for the homeowner, this will leave his home landlocked by his own property. He will probably have to make other arrangements for a new driveway and garage.

I did get a phone number for the home owner and initially stated that I would go back to property to discuss things with him, but I think at this time it is better for him to receive a letter from ITC real estate/legal.

I will leave it in your hands at this point. If I can be of further assistance, let me know.

Ray

Engineer-Equipment Maintenance
International Transmission Company
39500 Orchard Hill Place
Suite 200
Novi, MI 48375



12/2/2005



Post-it® Fax Note	7671	Date	12-5-05	# of pages	4
To	CITY CLERK	From	BARBARA M.		
Co./Dept	ROYAL OAK	Co.	ITC		
Phone #		Phone #	248 374-7257		
Fax #	248-246-3001	Fax #			

December 5, 2005

Mr. Christopher Brocavich
423 E. Lincoln
Royal Oak, MI 48067

RE: Encroachment Permit-Section 22, Royal Oak Township, Oakland County, Michigan

Dear Mr. Brocavich:


This is in response to your request to encroach within an International Transmission Company's easement, located at the rear of your property known as 724 Knowles, Royal Oak, Michigan.

ITC engineers have reviewed your request to place a garage, as shown on the enclosed site plan, dated October 21, 2005, within the vacated alley. Unfortunately, we cannot approve your request, because this would prohibit access to ITC's 120kV underground transmission line.

Please remove the foundation for the garage from within the easement and cease any plan to encroach within the easement area.

If you have any questions, please contact me at 248-374-7257.

Sincerely,


Barbara A. Mention
Property Management

Enclosure

cc: ROYAL OAK

FILE

FILE

561 ← 560

CHESTNUT STATION
701 AJAX DR.
MADISON HTS.
3MS 1045

5944 D MOD. HPO
2-40', 1-55'
5944 A
AD+20
5945 AC+10
5946 AC+20
5947 AB+20
5948 AB+20
5949 AA+10
5950 AD+10

NOTE:
TRANSMISSION LINE
FROM LINCOLN
STATION TO CHESTNUT
STATION NOT TO
SCALE.

NOTE:
LINCOLN STATION
see 3MS 203
Yard Map 6MS 203-1

INSERT SCALE 1" = 200'

LINCOLN STATION
312 SEVENTH ST.
DECo.

- 1. LAWSON COAL CO.
- 2. DECo.
- 3. LAPHAM COAL CO. R/W No. #1241
- 4. WEBB COAL CO.
- 5. R.D. BAKER-J. UTLEY CONSTRUCTIC
- 6. ACME TOOL CO.
- 7. OAK BEVERAGE CO.
- 8. DUQUETTE

