

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

THE BOARD OF COUNTY ROAD
COMMISSIONERS OF THE COUNTY OF
OAKLAND,

Civil Action No. 21-187149-CC

Plaintiff,

Honorable Leo Bowman

vs.

RCOC Project No. 55233

Parcel No. 6

51172 DEQUINDRE, LLC; THE LESLIE J.
POSEY REVOCABLE LIVING TRUST;
1930 23 MILE ROAD, LLC; MICHAEL
TITUS; KATHRYN TITUS; 51001
DEQUINDRE LLC; 1950 AVON, LLC;
FLAGSTAR BANK, FSB; LAKE
MICHIGAN CREDIT UNION; GREAT
LAKES WATER AUTHORITY;
INTERNATIONAL TRANSMISSION
COMPANY D/B/A ITC*TRANSMISSION*;
COUNTY OF OAKLAND WATER
RESOURCES COMMISSIONER; COUNTY
OF OAKLAND; MACOMB COUNTY
DEPARTMENT OF ROADS; 1880 AVON,
LLC; CITY OF ROCHESTER HILLS; DTE
ELECTRIC COMPANY F/K/A THE
DETROIT EDISON; UNKNOWN
TENANT(S); YATES HOLDINGS, INC.
F/K/A YATES CIDER MILL, INC.; YATES
CIDER MILL, LLC; and YATES HOLDING
COMPANY,

**CONSENT JUDGMENT AS TO
DEFENDANT INTERNATIONAL
TRANSMISSION COMPANY, D/B/A
ITC*TRANSMISSION*, ONLY**

Defendants.

Mischa M. Boardman (P61783)
Devin Sullivan (P75324)
Breanne M. Patton (P75053)
ZAUSMER, P.C.
Attorneys for The Board of County Road
Commissioners of the County of Oakland
32255 Northwestern Highway, Suite 225
Farmington Hills, MI 48334
(248) 851-4111

**CONSENT JUDGMENT AS TO DEFENDANT INTERNATIONAL TRANSMISSION
COMPANY D/B/A ITCTRANSMISSION, ONLY**

At a session of said Court held in the Courthouse for the County of
Oakland, State of Michigan,

ON: 4/15/2021

LEO BOWMAN

PRESENT: _____

CIRCUIT COURT JUDGE

This matter is before the Court on an Amended Complaint For Condemnation For Highway Easement and Temporary Easement (“Amended Complaint”) filed by Plaintiff The Board of County Road Commissioners of the County of Oakland (“RCOC”) for the acquisition of a Highway Easement and a Temporary Easement (collectively, the “Easements”) on property located at Dequindre Road (Vacant), Rochester Hills, Michigan, with tax ID 15-13-477-002 (the “Property”); the Easements and the Property are more particularly described in Exhibits A and B to this Consent Judgment; and the parties having stipulated to the entry of this Consent Judgment.

IT IS ORDERED AND ADJUDGED as follows:

1. Any rights and interest currently held by Defendant International Transmission Company d/b/a *ITCTransmission* in the Property are hereby preserved and are not changed, altered, or diminished by RCOC’s taking of the Easements, and Defendant International Transmission Company d/b/a *ITCTransmission*’s property rights and interests shall continue to have their current priority in title with regard to the Easements;

2. Defendant International Transmission Company d/b/a *ITCTransmission* waives any right that it has or may have had to contest jurisdiction, the necessity, taking, or possession of RCOC’s taking of the Easements, and/or the good faith offer it received from RCOC.

3. Defendant International Transmission Company d/b/a *ITCTransmission* is not entitled to receive any just compensation and waives, releases and relinquishes its right to claim

and/or receive any just compensation in this action that it may have been entitled to claim and/or receive under the Uniform Condemnation Procedures Act, MCL 213.51, *et seq.* (“UCPA”), including any and all claims for costs, interest or attorney fees under the UCPA, or otherwise at law or equity.

4. This Consent Judgment is with prejudice as to any further assertion of claims by Defendant International Transmission Company d/b/a *ITCTransmission* against RCOC relating to the taking of the Easements, just compensation, and any and all claims by Defendant International Transmission Company d/b/a *ITCTransmission* in this action which may be allowed under the UCPA.

5. The terms of this Consent Judgment may not be amended, changed or modified except by written agreement of the parties hereto and as approved and ordered by this Court.

6. A copy of this Consent Judgment may be recorded by RCOC with the Oakland County Register of Deeds.

7. Defendant International Transmission Company d/b/a *ITCTransmission*, only, is dismissed with prejudice and without costs or fees to any party.

THIS JUDGMENT DOES NOT RESOLVE THE LAST PENDING CLAIM BUT RESOLVES ALL CLAIMS IN THIS CASE BETWEEN PLAINTIFF THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND AND DEFENDANT INTERNATIONAL TRANSMISSION COMPANY D/B/A ITCTRANSMISSION.

/s/ Leo Bowman
Circuit Court Judge VK
4/15/2021

STIPULATION

I stipulate to entry of the above Judgment.

/s/ Mischa M. Boardman

Mischa M. Boardman (P61783)

Devin R. Sullivan (P75324)

Breanne M. Patton (P75053)

ZAUSMER, P.C.

Attorneys for The Board of County Road

Commissioners of the County of Oakland

32255 Northwestern Highway, Suite 225

Farmington Hills, MI 48334

(248) 851-4111

/s/ Jean Kim D'Anna (w/Consent)

Jean Kim D'Anna (P66234)

Vice President

International Transmission Company d/b/a

ITCTransmission

EXHIBIT A
HIGHWAY EASEMENT

HIGHWAY EASEMENT

KNOW ALL PERSONS that **51172 Dequindre, LLC** ("Grantor"), whose address is **1990 East Avon Road, Rochester Hills, MI 48307** hereby grants to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for all public highway purposes ("Highway Easement") and to construct, operate, maintain, repair, and/or replace roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the following described premises ("Property") situated in the **City of Rochester Hills**, County of Oakland, State of Michigan.

Commonly known as: **Dequindre Road (Vacant)**
(Part of) Tax Parcel No.: **15-13-477-002**

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B,"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

This Highway Easement includes, but is not limited to, the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Property. Grantor waives further notice of such actions.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor's heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

WHEREFORE, upon approval by the Board, the undersigned Grantor hereby creates, confirms, and conveys the Highway Easement described herein for the sum of **\$9,840.00**.

51172 Dequindre, LLC

By: _____

Its: _____

COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2021, by _____ as the _____ of 51172 Dequindre, LLC.

Notary Public

My commission expires: _____

County, Michigan
Acting in the County of Oakland

Drafted by:
Devin R. Sullivan
32255 Northwestern Highway, Suite 225
Farmington Hills, MI 48334

When recorded return to: **SHANNON J. MILLER, CLERK'S OFFICE (OAK04)**
THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND
31001 LAHSER ROAD, BEVERLY HILLS, MI 48025

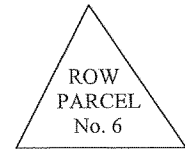
Project: **Avon Road Over Clinton River and at Dequindre Road**
Project No.: **55233** Parcel No.: **6**

(Part of) Tax Parcel No.: **15-13-477-002**

Recording Fee _____ Revenue Stamps _____

EXHIBIT A
PARCEL 15-13-477-002
DEQUINDRE ROAD (VACANT)

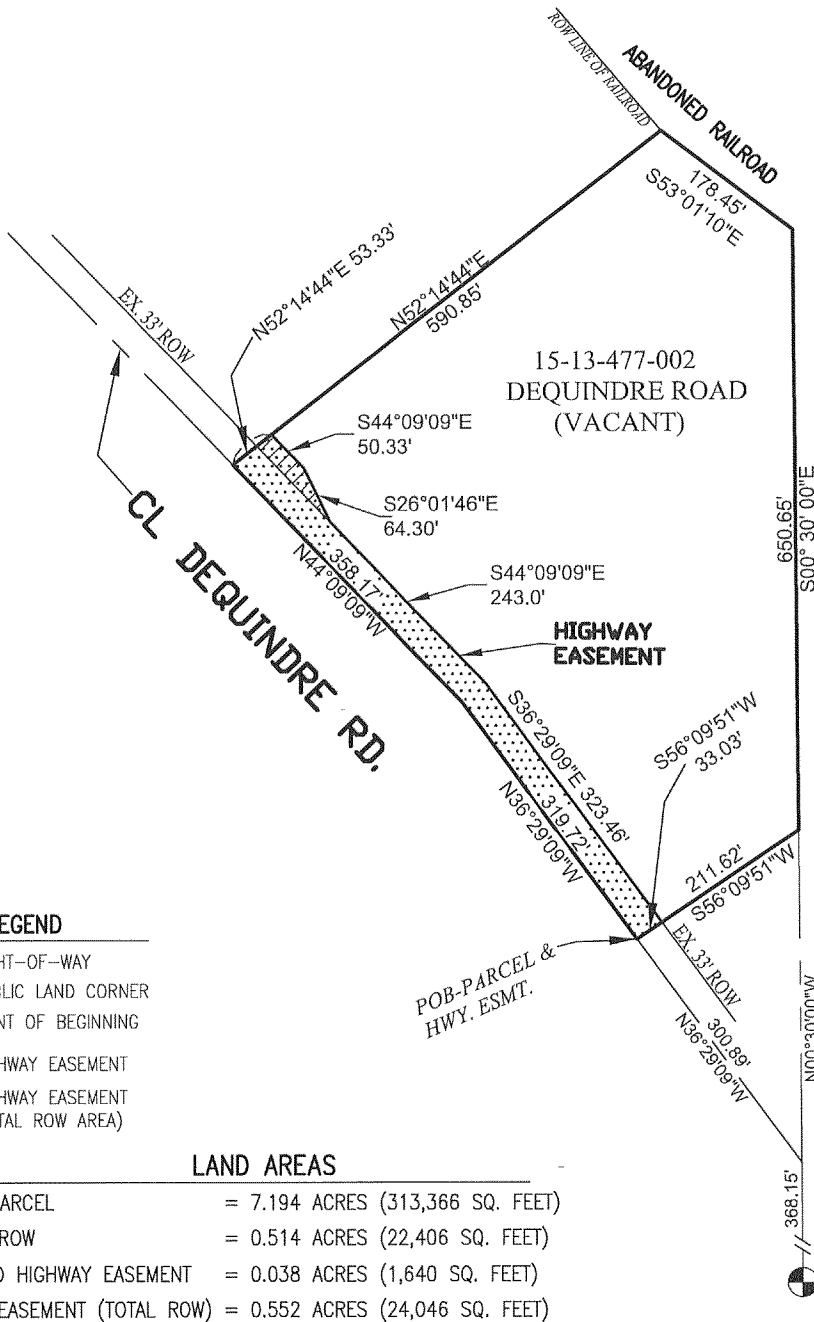
*BEARINGS BASED ON QUIT CLAIM DEED AS RECORDED
 IN LIBER 33848, PAGE 565, OAKLAND COUNTY RECORDS*



HIGHWAY EASEMENT



SCALE: 1" = 200'



LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- HIGHWAY EASEMENT
- HIGHWAY EASEMENT (TOTAL ROW AREA)

LAND AREAS

PARENT PARCEL	= 7.194 ACRES (313,366 SQ. FEET)
EXISTING ROW	= 0.514 ACRES (22,406 SQ. FEET)
PROPOSED HIGHWAY EASEMENT	= 0.038 ACRES (1,640 SQ. FEET)
HIGHWAY EASEMENT (TOTAL ROW)	= 0.552 ACRES (24,046 SQ. FEET)

AVON - DEQUINDRE DESIGN
 PARCEL # 15-13-477-002
 SECTION 13, T.3N., R.11E., CITY OF ROCHESTER HILLS,
 OAKLAND COUNTY, MICHIGAN

DATE
 12-21-2020
 SHEET
1
 OF 1



CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY RDC PROJECT #: 55233 OHM JOB #: 0170-19-0060
 34000 Plymouth Road | Livonia, MI 48150 | P (734) 522-6711 | F (734) 522-6427 | WWW.OHM-ADVISORS.COM

EXHIBIT "B"
AVON – DEQUINDRE DESIGN
Project No. 55233
Tax ID: 15-13-477-002
Parcel 6

PARENT PARCEL DESCRIPTION

A parcel of land situated in the SE 1/4 of Section 13, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:
Beginning at a point in the center of Dequindre Road distant N 00°30'00" W 368.15 feet (recorded as 368.85 feet) and N 36°29'09" W 300.89 feet (recorded as N 36°24'00" W 300.0 feet) from the SE corner of said Section 13; thence N 36°29'09" W 319.72 feet (recorded as N 36°24'00" W 319.74 feet); thence N 44°09'09" W 358.17 feet (recorded as N 44°04'00" W 358.15 feet); thence N 52°14'44" E (recorded as N 52°52'00" E) 590.85 feet to the Michigan Central Railroad right of way; thence S 53°01'10" E 178.45 feet (recorded as Southeasterly along said right of way 170.0 feet); thence S 00°30'00" E 650.65 feet; thence S 56°09'51" W 211.62 feet (recorded as S 56°15'00" W 210.35 feet) to the Point of Beginning.

HIGHWAY EASEMENT DESCRIPTION

A parcel of land situated in the SE 1/4 of Section 13, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:
Commencing at the SE corner of said Section 13; thence N 00°30'00" W 368.15 feet; thence N 36°29'09" W 300.89 feet along the centerline of Dequindre Road to the Point of Beginning; thence continuing along the center of Dequindre Road, N 36°29'09" W 319.72 feet and N 44°09'09" W 358.17 feet; thence N 52°14'44" E 53.33 feet along the Northerly line of said parent parcel; thence S 44°09'09" E 50.33 feet; thence S 26°01'46" E 64.30 feet; thence along the Southeasterly right of way line of Dequindre Road, S 44°09'09" E 243.0 feet and S 36°29'09" E 323.46 feet; thence S 56°09'51" W 33.03 feet along the Southerly line of said parent parcel to the Point of Beginning.
Containing 24,046 square feet, more or less.

Part of Tax ID No. 15-13-477-002
Dequindre Road (VACANT)

Dated: December 21, 2020
SH

EXHIBIT B
TEMPORARY EASEMENT

TEMPORARY EASEMENT

KNOW ALL PERSONS that **51172 Dequindre, LLC** ("Grantor"), whose address is **1990 East Avon Road, Rochester Hills, MI 48307** hereby grants to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for a temporary period of time ("Temporary Easement") in the construction of **Avon Road Over Clinton River and at Dequindre Road** ("Project"), being Project Number **55233**, at the following described premises ("Property") situated in the **City of Rochester Hills**, County of Oakland, State of Michigan.

Commonly known as: **Dequindre Road (Vacant)**
(Part of) Tax Parcel No.: **15-13-477-002**

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A,"
WHICH IS INCORPORATED BY REFERENCE HEREIN**

This Temporary Easement is conveyed for the sum of **\$2,499.00** and shall expire at the completion of the Project. The purpose of this Temporary Easement is to grant to the Board the right to move workers, equipment, and materials on, over, and through the Property and to store equipment, material, and excavated matter on the Property. This Temporary Easement includes, but is not limited to, the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation, to grading, to the temporary occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with the Project. Grantor waives further notice of such actions.

The permission stated in this Temporary Easement shall begin on the date the Project begins and shall end on the date the Project is completed. The work described above shall be constructed and/or restored, as may be applicable in the sole discretion of the Board, in a workmanlike manner and in accordance with applicable state and county standards. Upon completion of the work described above, the Board and its agents shall have no further or ongoing responsibilities in relation to the work described.

This temporary easement runs with the land until the completion of the project. This Temporary Easement contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

WHEREFORE, upon approval by the Board, the undersigned Grantor hereby creates, confirms, and conveys the Temporary Easement described herein.

51172 Dequindre, LLC

By: _____

Its: _____

COUNTY OF OAKLAND)
) **SS**
STATE OF MICHIGAN)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2021, by _____ as the _____ of **51172 Dequindre, LLC.**

Notary Public

My commission expires: _____
_____ County, Michigan
Acting in the County of Oakland

Drafted by:
Devin R. Sullivan
32255 Northwestern Highway, Suite 225
Farmington Hills, MI 48334

When recorded return to: **SHANNON J. MILLER, CLERK'S OFFICE (OAK04)**
THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND
31001 LAHSER ROAD, BEVERLY HILLS, MI 48025

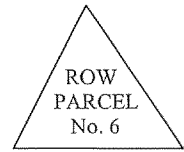
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Project No.: **55233** Parcel No.: **6**

(Part of) Tax Parcel No.: **15-13-477-002**

Recording Fee _____ Revenue Stamps _____

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PARCEL 15-13-477-002
DEQUINDRE ROAD (VACANT)

*BEARINGS BASED ON QUIT CLAIM DEED AS RECORDED
 IN LIBER 33848, PAGE 565, OAKLAND COUNTY RECORDS*



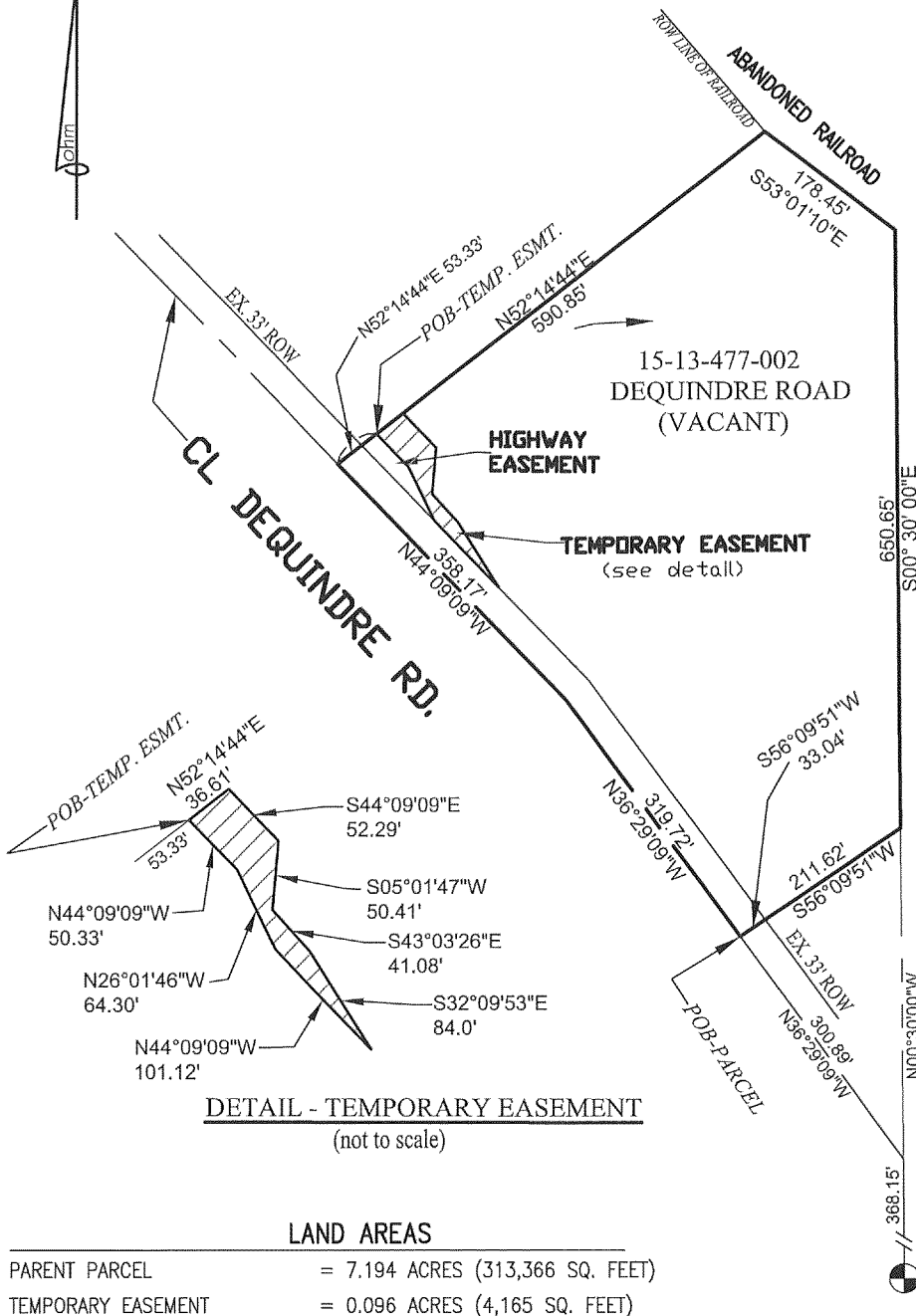
TEMPORARY EASEMENT



SCALE: 1" = 200'

LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- TEMPORARY EASEMENT



DETAIL - TEMPORARY EASEMENT
 (not to scale)

LAND AREAS

PARENT PARCEL = 7.194 ACRES (313,366 SQ. FEET)
 TEMPORARY EASEMENT = 0.096 ACRES (4,165 SQ. FEET)

AVON - DEQUINDRE DESIGN
 PARCEL # 15-13-477-002
 SECTION 13, T.3N., R.11E., CITY OF ROCHESTER HILLS,
 OAKLAND COUNTY, MICHIGAN

DATE
 12-21-2020
 SHEET
1
 OF 1



CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY
 34000 Plymouth Road | Livonia, MI 48150 | P (734) 522-6711 | F (734) 522-6427 | WWW.OHM-ADVISORS.COM

EXHIBIT "B"
AVON – DEQUINDRE DESIGN
Project No. 55233
Tax ID: 15-13-477-002
Parcel 6

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TEMPORARY EASEMENT DESCRIPTION

A parcel of land situated in the SE 1/4 of Section 13, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan, described as follows:
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Containing 4,165 square feet, more or less.

Part of Tax ID No. 15-13-477-002
Dequindre Road (VACANT)

Dated: December 21, 2020
SH