

IN CONSIDERATION of the sum of One (\$1.00) Dollar and other valuable considerations, receipt of which is hereby acknowledged, ROBERT D. BAKER (hereinafter referred to as "BAKER") hereby grants to THE DETROIT EDISON COMPANY (hereinafter referred to as "EDISON"), its successors and assigns, the right to construct, operate and maintain its overhead lines for the transmission and distribution of electricity and Edison Communication facilities, including one (1) tower having a base of approximately eighteen (18) feet square, 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 that portion of the below-described property as per drawing attached hereto and made a part hereof, located in the City of Royal Oak, County of Oakland, State of Michigan, and described as follows:

Lot 9 of Assessor's Plat #27, of part of the Southwest Quarter of Section 22, T 1 N, R 11 E, according to the plat thereof recorded in Liber 54 of Plats, Page 22, Oakland County Records; and that part of Lincoln Grove Subdivision #1 of part of the East Half of the Southwest Quarter of Section 22, T 1 N, R 11 E, lying West of Irving Avenue, now vacated.

The route of the overhead lines shall be as follows:

In a Northwesterly and Southeasterly direction across above-described property along Northeasterly of and adjacent to the right-of-way of the Grand Trunk Western Railroad Company.

Edison, its successors and assigns, covenants and agrees that it will reimburse Baker for all damage caused by its agents, servants and employes, teams, trucks and other vehicles and equipment in entering said property for the purposes set forth herein.

Edison, its successors and assigns, covenants and agrees to save and keep Baker, ~~his~~ successors and assigns, harmless from and indemnify ~~him~~ against any penalty, damage or charges imposed for any violation of any laws or ordinances, and at all times to protect, indemnify and save Baker harmless of and from any loss, cost, damage or expense, including attorneys' fees, arising out of or from any accident or other occurrence on or about the

RIGHT OF WAY FILE NO. 12452

28
11-1
21895

premises above described, causing injury to any person or property whomsoever or whatsoever, arising by reason of the construction, operation and maintenance of said tower fixtures, wires and equipment on the premises described above. Edison further covenants and agrees to protect, indemnify and save Baker harmless of and from any and all claims, and against and from any and all loss, cost, damage or expense, including attorneys' fees, arising out of any failure of Edison in any respect to comply with and perform all of the terms and provisions contained herein.

Edison, for itself, its successors and assigns, covenants and agrees to relocate its tower, fixtures, wires and equipment upon a six months' notice from Baker, ~~his~~ ^{his} successors or assigns, so to do, should the future use of the property by Baker, ~~his~~ ^{his} successors or assigns, be such as to require relocation. In the event Edison abandons or discontinues the use of said overhead lines for the purposes stated above, it shall, at its own cost and expense, remove said tower, base, fixtures, wires and equipment, and restore the premises to the same condition as they were on the date hereof.

In addition to the above consideration, Edison, or its successors and assigns, shall pay Baker the sum of One Hundred (\$100.00) Dollars for the above right-of-way on the premises described above before the tower is erected.

IN WITNESS WHEREOF, the parties hereto have executed this agreement, the day and year first above written.

Witness:
Donald M Ross
Donald M Ross
Lyman G Hedden
Lyman G Hedden

Signed: ROBERT D. BAKER
Robert D. Baker
Harriett N Baker
Harriett N Baker

Accepted: THE DETROIT EDISON CO
By Richard H Taylor
Right-of-Way Agent
Richard H Taylor

REGISTER OF DEEDS } JUL 8 1949
Oakland County, Mich.

Received for record at 11:30 a.m. and recorded in Liber 2433 Page 454-7 of Oakland County Register of Deeds.

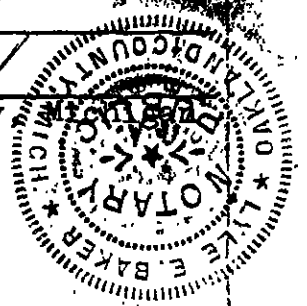
Orrin McQuaid
ORRIN McQUAID, Register of Deeds

RIGHT OF WAY FILE NO. 18459

STATE OF MICHIGAN)
County of Oakland) ss

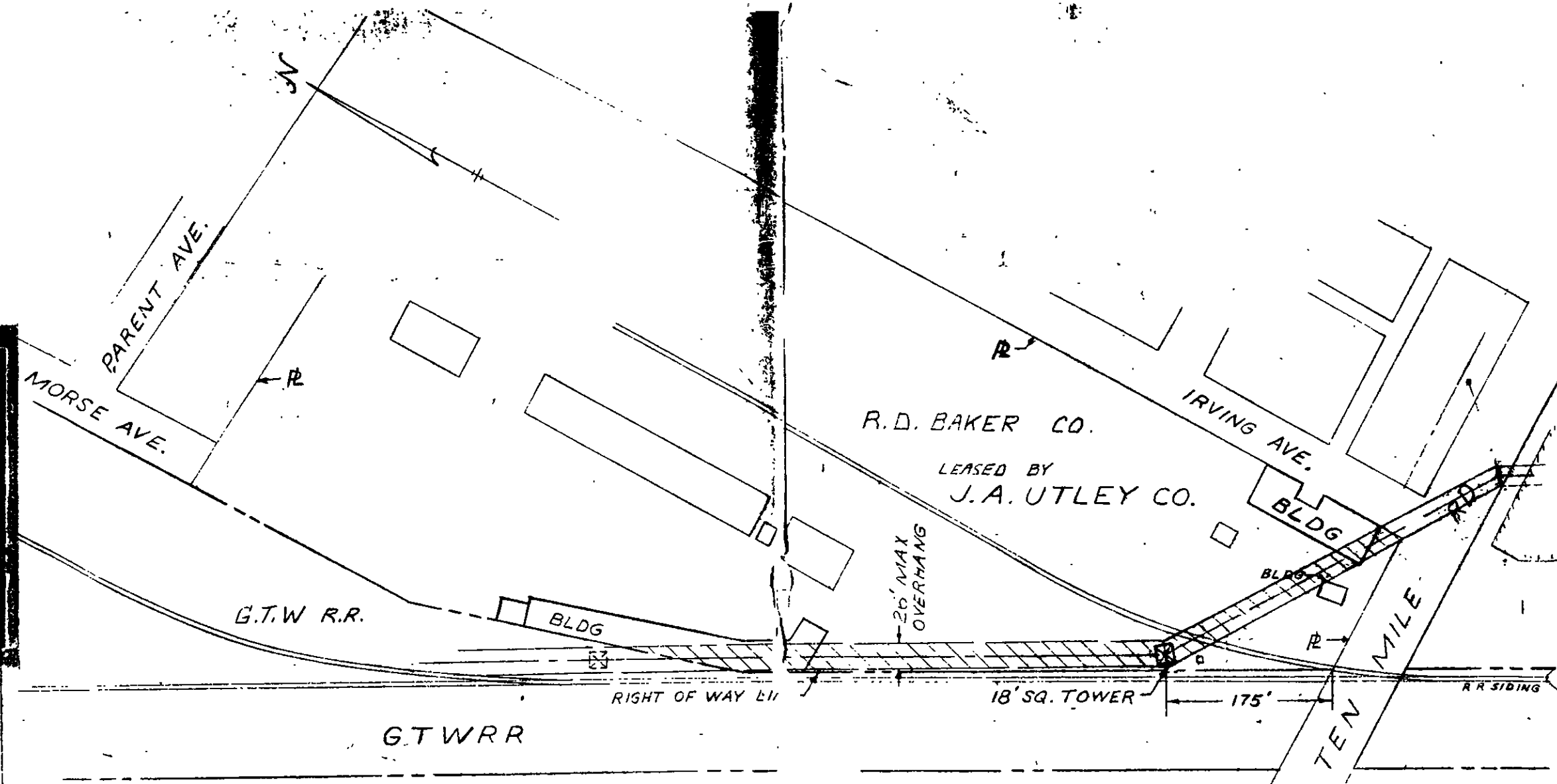
On this 15th day of July, A.D. 1948, before me, the undersigned, a notary public in and for said county, personally appeared Robert D. Baker and Harriett N. Baker, his wife known to me to be the persons who executed the foregoing instrument, and acknowledged the same to be their free act and deed.

Lyle E. Baker
Lyle E. Baker
Notary Public Oakland
County



My commission expires March 15, 1952

RIGHT OF WAY FILE NO. 1151



G.T.W.R.R.

HEIGHT
MINIMU

EST WIRE = 50'
E GRADE

THE DETROIT EDISON COMPANY		
ENGINEERING DIVISION		
SKETCH SHOWING		
NORTHEAST-LINCOLN 120 KV LINE		
PROPOSED TOWER LOCATION ON		
R. D. BAKER - J. A. UTLEY PROPERTY		
ROYAL OAK, MICH.		
LAYOUT BY	DRAWN BY	ED 697
APPROVED BY	SCALE	DATE
	1" = 100'	5-7-48

CORPORATE REAL ESTATE SERVICES

Project No. NOA0101242

Date: January 13, 2003
To: Record Center
From: Elaine Clifford, Ext.: 58313
Subject: Permit to encroach

Attached are papers granting Nolan Realty Investments, LLC permission to encroach within an ITC easement with a 3' deep detention basin.

The easement is on property located in part of the SW ¼ of Section 22, City of Royal Oak, Oakland County, MI.

A check for \$300 was received and sent to Cash Management on February 23, 2001 and charged to MIK - Bus Unit -Distr, Std Actv-002150, Rsrc Typ-700, Src Dept-E0563, User-E0563.

Please incorporate these papers into Right of Way File number R12459.



NOLAN REALTY INVESTMENTS, LLC
4541 Bellaire Drive South, Suite 100
Fort Worth, Texas 76109

Attn: Mr. Steve Nolan:

RE: License (Permit) to encroach within an Edison Easement

Dear Mr. Nolan:

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 within 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, gives no rights to the public, and gives no rights adverse to Edison. It must refer to Edison's Project No. NOA0101242.
2. **Description of easements:** Located in part of the SW $\frac{1}{4}$ of Section 22, City of Royal Oak, Oakland County, Michigan.
3. **Portion of the easement you are permitted to encroach upon:** As shown on "Attachment A".
4. **Purpose of encroachment:** To construct a 3' deep detention basin.
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 (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 (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.

RECEIVED

SEP 18 2002

NOWAK & FRAUS PLLC

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.

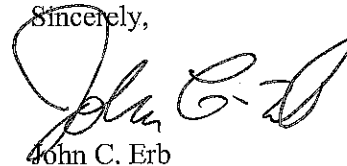
11. **Termination** This permit will terminate if you violate this agreement, or if you violate any applicable laws and regulations, or if you abandon your use for more than 6 months, or if you sell the land associated with this permit. If you sell the land associated with this permit, the new owner 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. Detroit Edison maintains the right of full twenty-four hour ingress and egress on this easement.
- c. Edison must be notified of any changes to the present design or prints.
- d. The fence must be grounded.
- e. Grade within easement area must not be altered.
- f. The detention basin/pond must maintain a 50' clearance from the tower structures.
- g. A 15' access road is required for tower maintenance with a 55' turning radius.
- h. 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.

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.

Sincerely,



John C. Erb
Real Estate Associate

ACCEPTED:

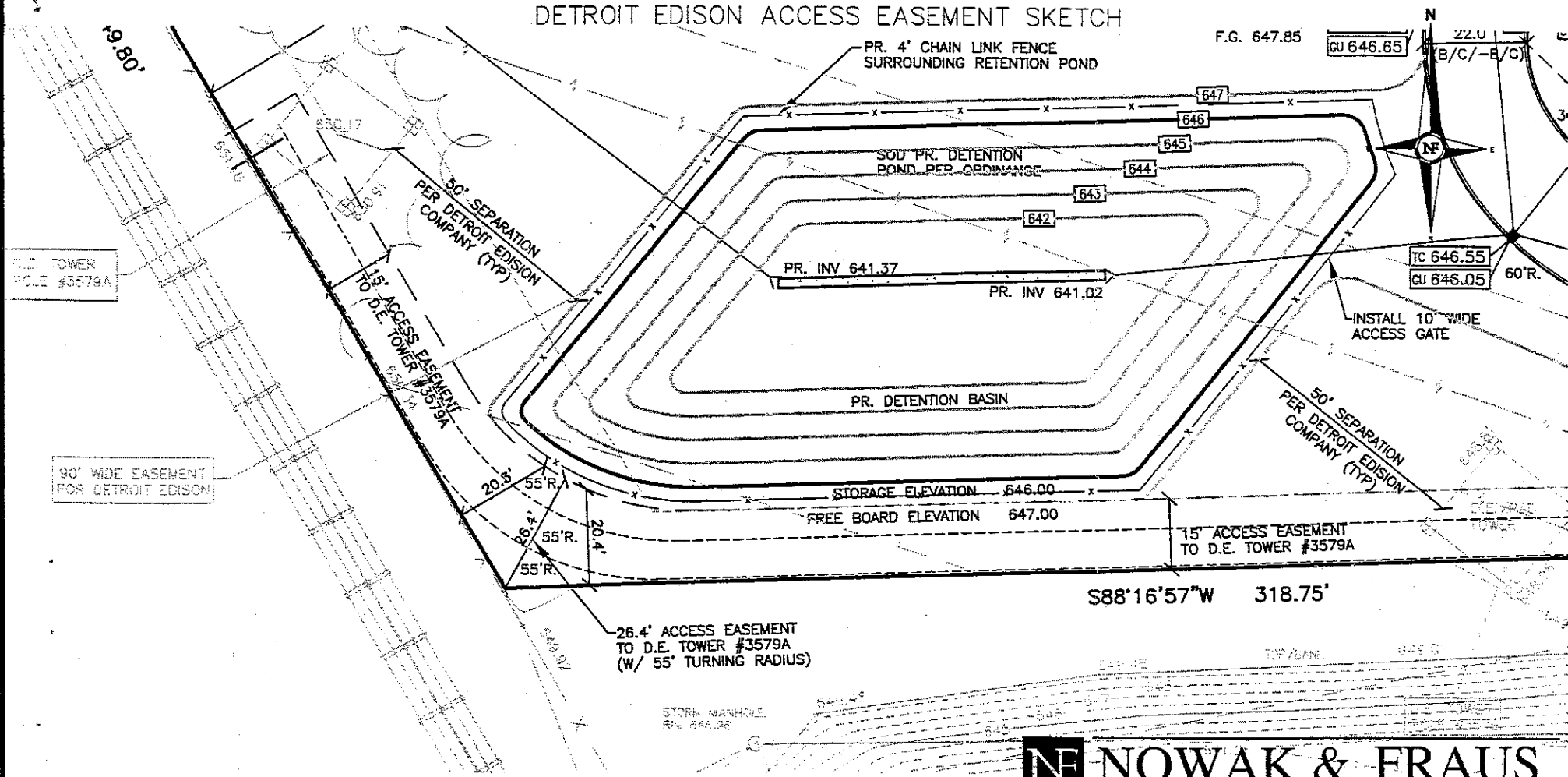
BY: Stephen M. Nolan

ITS: Member

DATE: 12/27/02

Exhibit A

DETROIT EDISON ACCESS EASEMENT SKETCH



NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

PREPARED FOR:
DETROIT EDISON COMPANY
NOLAN REALITY INVESTMENTS L.L.C.

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 30'	07-16-02	B.W.B.	3-8556	1 of 1

February 21, 2001

Detroit Edison Company
2000 2nd Avenue, Suite 2310 WCB
Detroit, MI 48226

Attn: Ms. Elaine Clifford

Re: **Residential Development**
Southfield, Michigan

Dear Ms. Clifford:

One behalf of our client, Nolan Brothers of Texas, please find attached the following documentation for the above referenced project:

- Fourteen sets of the "Engineering Site Plan Documents" in accordance with the attached requirements.
- One check in the amount of \$300.00 for the non-refundable processing fee.

The proposed development is an eighty-two unit site condominium project with pavement, underground utilities and detention. Storm water detention is proposed within an existing 90' wide Detroit Edison Easement per the attached drawings. The detention basin will be approximately three (3) feet deep and will be designed as a dry pond. Storm water will remain in the pond for up to 48 hours after a standard 10-year storm event. The storm water will be outlet into existing sewers and will typically be empty most of the time.

The property owner is the Nolan Brothers of Texas, 4541 Bellaire Drive South, Suite 100, Fort Worth, Texas, 76109. The project contact is Mr. Steve Nolan: Phone: (817) 735-9996, Fax: (817) 732-8998.

Please review the attached documentation and advise this office of any required modifications. Please feel free to contact me if there are any questions relative to this matter.

Very truly yours,

NOWAK & FRAUS, PLLC

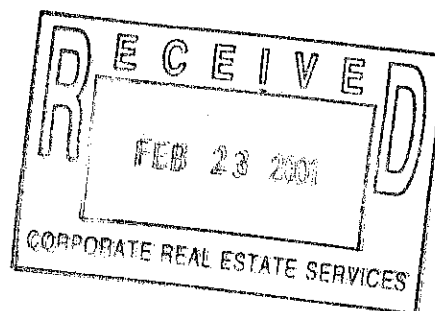


Timothy L. Germain, P.E.
Associate

TLG/cc

Enclosures

cc: Nolan Brothers of Texas, Mr. Steve Nolan
Great Northern Land Co., Mr. Bill Bowman
Project File: 3-A990



NOWAK & FRAUS, PLLC

Detroit Edison



A DTE Energy Company

Date: September 10, 2002
To: Elaine Clifford
From: Cheryl Groncki *CG*
Property Inquiry Coordinator
Project Management
Subject: Permission to Encroach within an ITC Easement
NOA0101242
Royal Oak, Oakland County

Request by Nowak & Fraus to encroach on an ITC easement near the Lincoln-Northeast 120-kV transmission line is APPROVED with the following stipulations to be observed.

- Detroit Edison maintains the right of full twenty-four hour ingress and egress on this easement.
- Detroit Edison and Northeast Distribution Planning request that they be notified of any changes to the present design or prints.

Note: We recommend that the proposed four-foot cyclone fence be grounded, EMF could advise the customer on grounding.

/cag

Approved:

Steven M. Topolewski
Principal Engineer
Project Management

Adam Jacob
Engineer Transmission Planning
International Transmission Company


Detroit Edison



A DTE Energy Company

DATE: October 9, 2002

TO: Elaine Clifford
Corporate Real Estate
2310 WCB

FROM: Charles Tinker 
Manager
Royal Oak Service Center

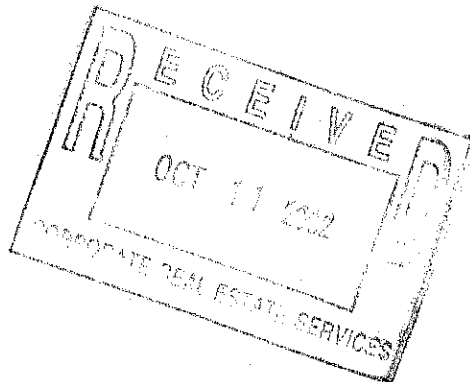
SUBJECT: **Permission to encroach within an ITC easement. Property is located in the SW ¼ of Section 22, City of Royal Oak, Oakland County.**
Project No.: NOA 0101242

Request made by Nowak & Fraus to construct a retention pond within an ITC 90 feet wide easement.

Royal Oak Service Center has reviewed the subject request and there are no objections.

If you have any questions, feel free to contact Annie Grimmatt at 248.745.5064.

AG/kat



Requested By Nowak & Fraus PLLC

General Ledger Coupon
DE 963-0409 11-98

- Type
- Agents Remittance
 - Cash Group
 - Change Orders
 - Commissions
 - Deferred Credit
 - Energy Drafts
 - Gift Certificate
 - Insurance
 - Land Contracts/Rentals
 - Legal
 - Overages/Shortages
 - Refrigerator Replacement
 - Refunds
 - Returned Checks
 - Savings Plan
 - State of Michigan
 - Subsidiaries

Prepared By Chaffin Ext. 58313 Date 2/23/01 Check No. 51590

Management Information Key (MIK) Distribution (Bus. Unit is Mandatory)						Amount
MIK-Bus Unit	Std. Acct	Rsrc Type	Src Dept	User Dept	Sub Proj	
<u>DLSE</u>	<u>002150</u>	<u>700</u>	<u>E0563</u>	<u>E0563</u>		<u>300.00</u>
Actv Occ		Proc	Actv Eqmt	Prod	Cust	

NOA 0101242 Subtotal from Back Here \longrightarrow

For your convenience Additional MIK fields on reverse side

Grand Total	<u>300.00</u>
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THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

NOWAK & FRAUS, P.L.L.C.
1310 N. STEPHENSON HWY.
ROYAL OAK, MI 48067

CITIZENS BANK
AUBURN HILLS, MICHIGAN

51590

74-52724

PAY ***Three Hundred Dollars and 00/100*****

TO THE ORDER OF DATE 02/21/01 AMOUNT *****\$300.00

DETROIT EDISON

[Handwritten Signature]

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈051590⑈ ⑆072400528⑆ 4513631764⑈