Date July

IN CONSIDERATION of the sum of One (\$1.00) Dollar and other valuable

considerations, receipt of which is hereby acknowledged, J. A. UTLEY CO. to the degree of its interest as lessee in the lands hereinafter described (hereinafter referred to as "UTLEY")/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 fol-

lows:

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 M, 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 Utley 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 Utley, its successors and assigns, harmless from and indemnify it against any penalty, damage or charges imposed for any violation of any laws or ordinances, and at all times to protect, indemnify and save Utley 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 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!

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Property Contraction of Deeds Records.

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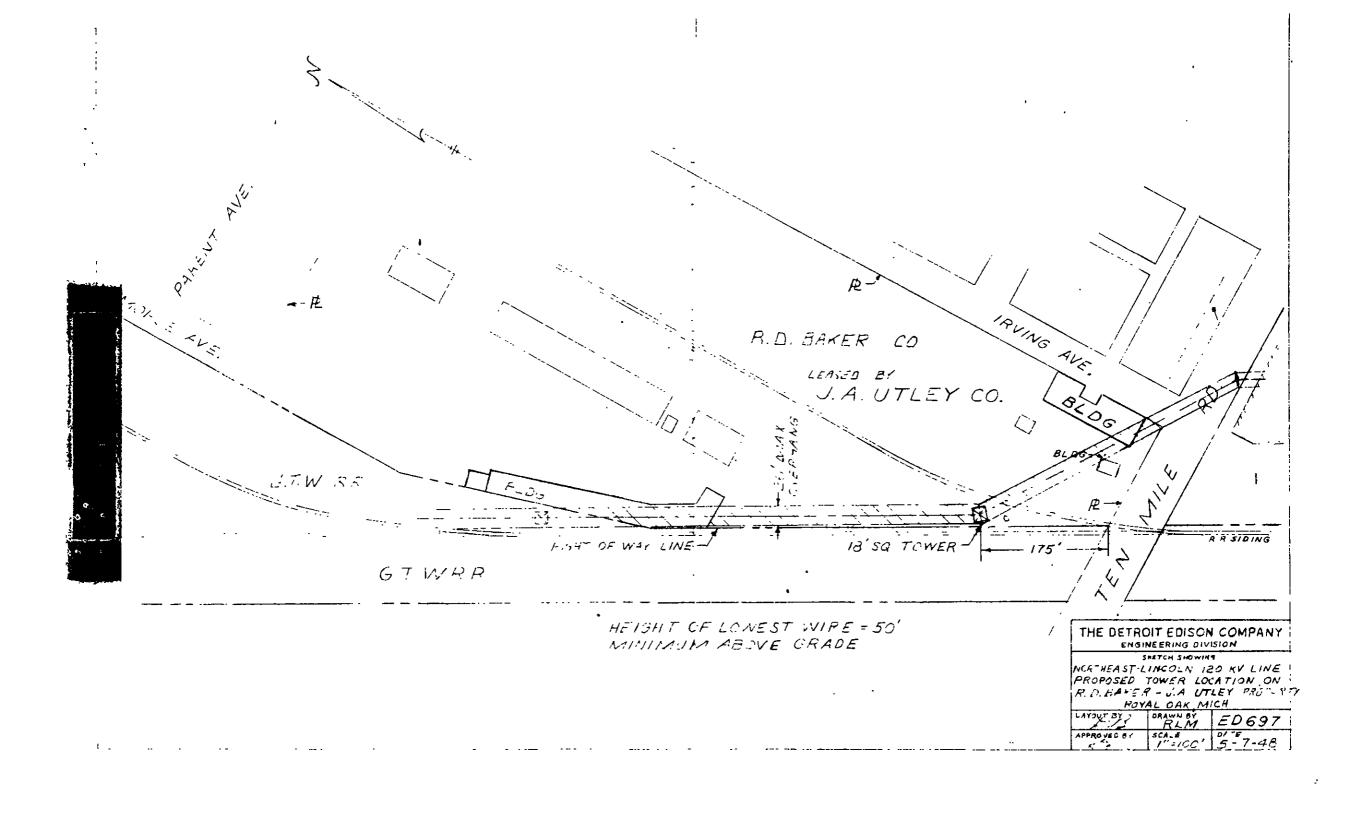
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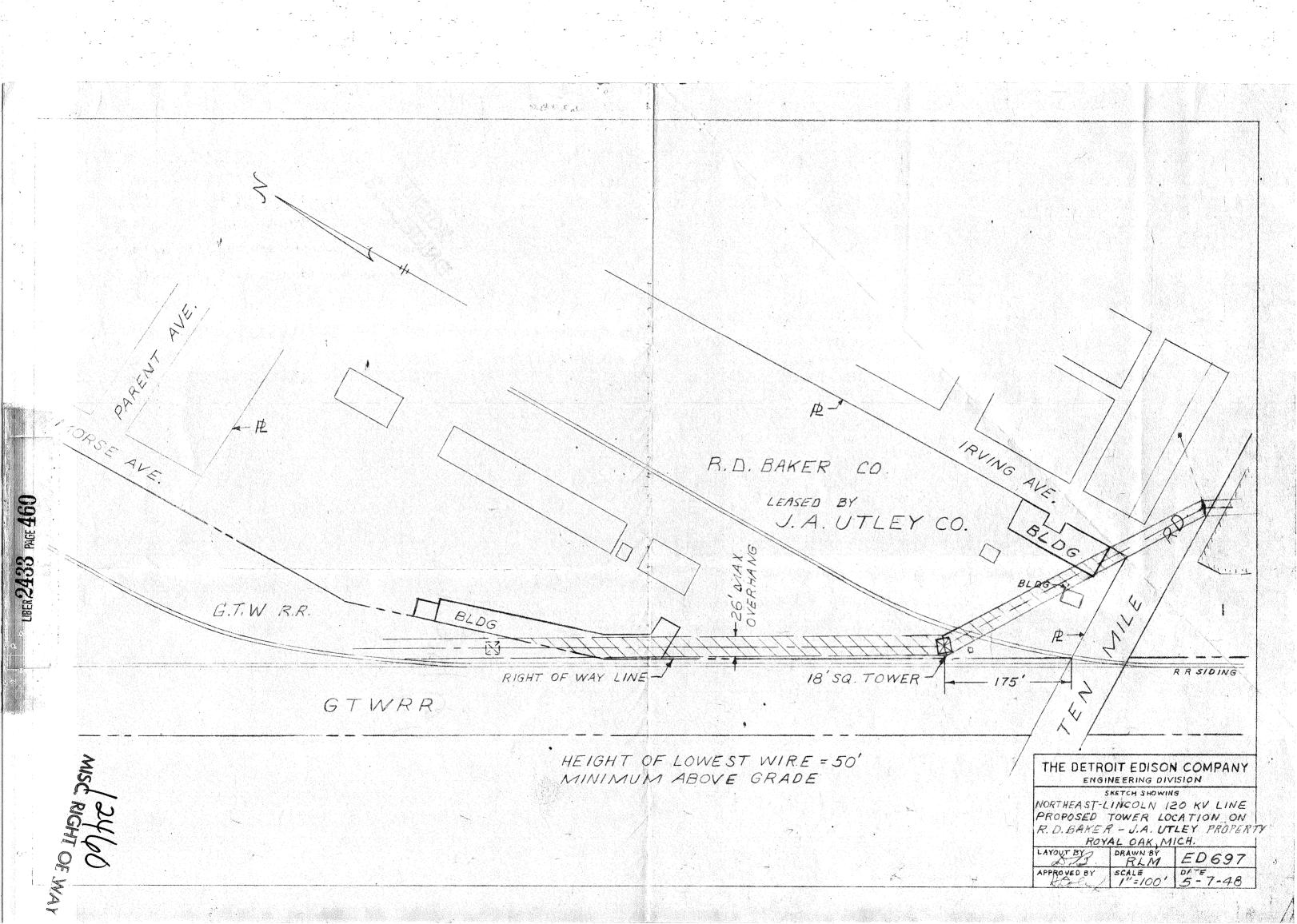
covenants and agrees to protect, indemnify and save (Utley) harmless of and from any and all claims, and against and from any and all loss, cost, damage or expense, including attorneys' fees, arising out of any failure of Edison in any respect to comply with and perform all of the terms and provisions 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 Utley, its successors or assigns, so to do, should the future use of the property by Utley, its 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 WITNESS WHEREOF, the parties hereto have executed this agreement

the day and year first above written.
Witness: Signed: J. A. UTLEY CO.
All Dufresne CHRichert V. P. Solvand Attan Edward Attan Charles Dow
Accepted: THE DETROIT EDISON COMPANY
Circumbacula Right-of-Way Agent STATE OF MICHEGAN 888
On this 13th day of Suly and A.D. 1948, before me appeared
to me personally known, who being by me severally only sworn, did say that respectively are respectively and of harmonical and
a corporation created and existing under the laws of the Wate
is the corporate seal of the said corporation, and that the said instrument was
signed and sealed in the behalf of said corporation by authority of
and like to be the acknowledged the said instrument to be the
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Notary Public, Oakland County, Michigan Notary Public, Oakland County, Michigan









Mr. Tavio Palazzolo, EIT Fazal Khan & Associates 43279 Schoenherr Road Sterling Heights, Michigan 48313

RE: Proposed construction of a new development within an Electric

Transmission Easement Strip in Section 22, T1N, R11E, City of Royal

Oak, Oakland County, Michigan

Dear Mr. Palazzolo:

I am writing in response to your recent inquiry regarding a proposed encroachment within International Transmission Company's ("ITC's") electric transmission easement strip. ITC's easement in this location is not an exclusive easement. Landowners may use or allow others to use ITC's easement strip in any manner that does not unreasonably interfere with the exercise of ITC's easement rights.

It is our understanding that Timothy Patrick Homes is proposing to construct 6 multi-unit buildings for their condominium complex and is also requesting approval to construct a proposed parking lot, a proposed concrete walkway and a sanitary service lead (the "Project") that will cross ITC's easement strip.

Based on our review of your revised construction plan from your set of drawings-Project #13-029 dated 8-6-2014 (Sheet 4 of 13) and Project #13-029 dated 8-6-2014 (Sheet 5 of 13) which is Exhibit B, ITC would not consider the Project to unreasonably interfere with the exercise of its easement rights, provided that the Project is located so that it does not now or hereafter 1) violate any provision of the National Electric Safety Code ("NESC"), including without limitation, the NESC clearance requirements; 2) block access to ITC's electric transmission structures by ITC's vehicles and equipment for purposes of exercising ITC's easement rights; and 3) preclude the construction of such additional electric transmission lines within the easement strip as ITC may, in its discretion, deem necessary or desirable, and further provided that the work necessary to complete the Project is completed in accordance with the requirements of the attached Exhibit A and Exhibit B Drawings as submitted.

ITC's sole purpose in reviewing the Project has been to determine whether it unreasonably interferes with ITC's easement. ITC has not and will not make any review of the Project to identify actual or potential safety hazards to persons or property. During the planning, design and construction of the Project, it is the sole responsibility of you and/or your contractor to identify and manage ALL

safety issues, and to observe ALL applicable workplace and other relevant safety regulations. ITC makes no representation as to safety, and expressly disclaims all liability in any way related to the location of the proposed Project in its easement strip.

This letter should not be interpreted to limit or modify ITC's easement in any way, nor should it be interpreted to limit or modify such rights or interests as ITC or that you may have by virtue of the easement. ITC expressly reserves the right to use its easement strip for all purposes indicated in its easement, including but not limited to the construction, operation, and maintenance of utility facilities and the trimming and removal of trees. Without limiting the foregoing, ITC's use of the easement strip shall not be unreasonably restricted, limited, conditioned, or interfered with as a result of the Project. Should you have additional questions regarding ITC's easement or the information in this letter, please contact me at (248) 946-3517.

Sincerely, Ana Richardson

Trina Richardson

Real Estate Specialist

ITC Holdings Corp.

EXHIBIT A

- Care should be taken and all OSHA clearances are to be maintained and followed during the construction of the building.
- Although the building is closer to the transmission line than Engineering would prefer, the location and dimensions satisfy NESC clearances.
- No material associated with the construction is to be stockpiled within the ITC easement.
- 4. Upon granting this Easement, ITC will preserve its rights for the current expansion capabilities on the property. If any of the proposed facilities interfere with a future transmission project in the existing property, the requesting party will fund any increase in cost of the project to work around these facilities, or for the relocation of the facilities at issue.



Date:

8/6/14

To:

Trina Richardson

Real Estate and Rights of Way

ITC

From:

Erin M. Keeler

Engineering

ITC

Subject:

NOA0143870 - REV 1

Permission to Encroach within an Easement

This request is approved. Although the building is closer to the transmission line than engineering would prefer, the location and dimensions satisfy NESC clearances. Care should be taken during

the construction of the building to insure OSHA clearances are maintained.

Approved By:

Erin M. Keeler

Principal Engineer

Eun M Keeler



Date:

6/9/14

To:

Trina Richardson

Real Estate and Rights of Way

ITC

From:

Erin M. Keeler Engineering

ITC

Subject:

NOA0143870

Permission to Encroach within an Easement

This request is not approved as submitted. The setback ITC requires for its structures is normally 25'. Currently the walkway is less than 10' away and the sanitary sewer (which would require digging near the tower for installation) is less than 15' away. If this can be redesigned with greater setbacks from the structure engineering can re-evaluate.

Approved By:

Erin M. Keeler

Principal Engineer

Eun M Keeler





Project No: NOA0143870

Property: Northeast - Lincoln Corridor

Date: April 2, 2014

To: ____ Rod Lewis, Underground __X_ Jeff Wyman, Planning __X_ Erin Keeler, Design Engineer (ITC) ___ Ashley Dupree, Design Engineer (METC) ___ Jessica Krzeminski, Station ___ Bruce Whitney, EMF

From: Trina Richardson – Real Estate/Legal Ext. 3517

Subject: Permission to Encroach within an Easement

Tavio Palazzolo of Fazal Khan & Associates, Inc. is requesting on behalf of his client, Timothy Patrick Homes, permission to have a proposed parking lot, a concrete walkway, and a sanitary service lead near our **structures 3580 and 3581**. Timothy Patrick Homes is planning to construct 6 multi-unit buildings for their condominium complex.

The site is located in the SW ¼ of Section 22, T1N, R11E, City of Royal Oak, Oakland County, Michigan.

Please review and send your recommendation to me by email at trichardson@itctransco.com or interoffice mail by April 16, 2014.

Attachment (s)

FAZAL KHAN & ASSOCIATES, INC.

Civil Engineers & Land Surveyors

Faziullah M. Khan, P.E., MSCE Donald H. King, P.S. Carol P. Thurber, P.E., CFM Shannon L. Filarecki, P.E. Thomas R. DaHondt, P.E.

March 10, 2014

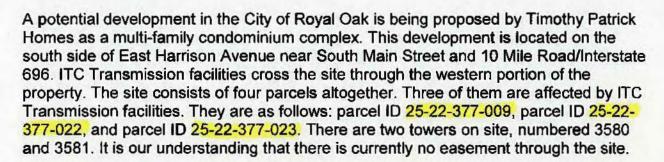
Trina Richardson ITC Holdings Corp. 27175 Energy Way Novi, MI 48377

RE: Proposed development along ITC Transmission facilities

33 on Harrison Condominiums

FKA Job No. 13-029

Dear Ms. Richardson:



The proposed development will have six multi-unit buildings. Potential encroachments are noted on the attached engineering plans as being the parking lot in the cul-de-sac of the access drive, the walkway serving Building 6 on the south end of the development, and a sanitary sewer lead serving Building 6.

The parking lot in the cul-de-sac of the access drive is designed with the ITC tower in mind. There is an 8.67 foot setback from the walkway to the tower base. Said parking lot will also be located underneath the overhead power lines leading from the tower. The parking lot will be used for residents of the development and their guests. Therefore, the lot will primarily be occupied with passenger cars. The lot will be paved with three (3) inches of asphalt on top of a six (6) inch base, and will have a six (6) inch curb and gutter. It will be flanked by a five (5) foot wide, four (4) inch thick concrete walkway. The edge of the walkway closest to the tower will be approximately two (2) feet below the lowest point on the tower base.

Ms. Trina Richardson March 10, 2014 Page 2 of 2

Building 6 will be located at the southern portion of the development, at the point where the property narrows into an approximately 30 foot wide strip of land which houses the remainder of the ITC Transmission facilities on site. The walkway leading to three of the units housed in Building 6 will be located 9.02 feet from the center line of ITC transmission lines leading from towers 3580 and 3581. The walkway will be five (5) feet wide and four (4) inches thick, except at a point where the walkway widens as it leads to the southwestern entrance of the building.

The sanitary sewer lead servicing Building 6 will be a six (6) inch, SDR 23.5 pipe with an approximate depth of nine (9) feet below proposed grade. The centerline of the pipe will be at a minimum of 12.91 feet from the tower base. Said lead will be installed via standard excavation along with the rest of the site utilities before the remainder of the site, including buildings and pavement, is developed.

I request that this documentation be reviewed by ITC engineers to insure that our development remains in compliance with current ITC regulations.

Sincerely.

FAZAL KHAN & ASSOCIATES, INC.

Tavio Palazzolo

Enclosures:

- Four (4) copies of engineering drawings showing the property, the property location, ITC Transmission facilities, and proposed development
- Warranty deed detailing current ownership by Robert J. Stapleton, Jr.

Cc: Patrick O'Leary, Timothy Patrick Homes

G:\2013\13-029\TTC\TTC encroachment letter.docx

ST. S.W.Corner Accessed Mad 16022 "ASSESSOR'S PLAT Nº.27" EAST HARRISON AVE. BEFEZ 40'E M.26-PART OF THE S.W. 14 OF SEC. 22.T.IN. R.IIE. CITY OF ROYAL OAK. ERBENDALE ARK VACUITY NY ESSENGA KLAND COUNTY, MICH. ADD DOCKER ON 1347-40 SALE INC. 120 FE JANUARY 1934 PULL IN AUTHOR WASHING OF MERERY CERTIFICALLY PROPERTY OF SHO I TRUE DOPY OF THE WAP OR PLAT **Examined** and Approved PARENDHIOSE 60. WD FORWARDED THE FESTINT OF DEEDS abril 18-1934 OR RECORDS DEPARTS CAT THE 18-1934 The Palancy Enoughments the an Presenta That to the continue of the artisety gives exceed by the City of Rayel Dat. On the Court, dotte of Victingen, by winter of the artisety gives exceed by the Clim 15298 Compited Lawre of 1922, hereing been ably to the continue to by the City commission, have caused that individually the continue of 1552 INST PLAT WEET of the Court of the City of Broad Dat, which pean, and beauty of partial, by the City of the City of Broad Dat, which pean, and beauty fig. that is a continue of the City of Broad Dat, which pean, and beauty of the City of t UNCOLNSIDE JUB. A PARENT AVE. EAST FOSTER The Prance SUB. MATHERS SUB i STATE OF PECHISAN)55 On this 25 day of Marchety 123 designs one of the top Date! KENILWORTH œ Blat 1237 5 in and for a sid county, purposed by come the sheek shreek.

Assessed of the City of Royal Oak, Microsom, known is not to typic purpose who consciously and acknowledged the county to be the free act and black from the county assessment to be the free act and black from the county assessment. april 10, 11 d / 10 00000 39 a in liber 5'4 N Miller Natury Politic, Collins County, 65th No Communium Expres Sen. 18, 1848 a Henry I ni Ra 2 5 CERTIFICATE OF HUNCIPAL APPROVAL This plat was appropriate CITY CONSTISSION SELECTLY OF ROYAL GAR, MICHIGAN, at a most ing back affects of the Mark H. Lland Blumony rome DONDERO AVE RAILROAD d > SURVEYOR'S CERTIFICATE 0 I havely cartily farths pict havec defensive is a correct one and that prompted each assumments of the less two one technic describes an fifther inclus in length, we have concrete beautiful hard principles in describe much prompted on the picture of elevation of prompted prompted by the picture of a mysta in the boundaries of the length picture, and the gift medicine of above the picture of th RHODE ISLAND AVE Œ O 3 SO 80 Em Anytun. Registered Croil Fagineer. m 0 Z 0 ... MY O-DESCRIPTION OF LAND PLATTED The lead embraced in the camerage field of NSSES SORP PLAT BYEZ** being part of the SMS, of Section 2E, C. I.M., Ed. II. C. City of Reyel Colls, On Elland County, Fichigan, in dear vibrious being recommended as followed by the Colls of Reyel Colls, On Elland County, Fichigan, in dear vibrious being control of the SMS of the Colls of Reyel Colls, On Elland County, Fichigan, in dear vibrious terms common to Sections 24,822,225; thence along sold section line 8,0114,307 st, 35,61 for thereos 26,642 CL,070, 23 feet; thereos N.073 SOT MLZ/G.556et; thereos 1,72-23 SOT, 55,55fect; thereos 3,507 SOT CL,72,22 feet; thereos 3,507 SOT CL,72,23 feet; thereos 2,507 a 0 ₹ or z 0 MARYLAND AVE Z 7 Z w Approved by " Total Comer Amile ZZ 11 25940 **∢**⊃ IO Sumoort. Seether 1945 3 68"38"00" M. 1346.24 588 38 00 W 747.18 21 /22 TEN MILE ROAD CITY OF PLEASANT RIDGE محمد متر بي المحمد ا The state of the s

