

Detroit Edison



CORPORATE REAL ESTATE SERVICES

Project No.: NO1488

Date: October 23, 1998
To: Brenda Golson
Records Center
From: John Erb *J.E.*
Subject: Permit on an Edison easement

Attached are papers related to a license to encroach on an Edison easement in order to raise the grade of the land requested by Mr. Barton Roeser of Cunningham-Limp Company, whose address is 38799 West Twelve Mile-Suite 100, Farmington Hills, Michigan, 48331-2903.

The license is located in the NE ¼ of Section 4, City of Auburn Hills, Oakland County, Michigan.

Please incorporate copies of these papers into Recorded Right of Way File 17410.

Attachments

cc: C. Groncki
R. Bednarz

RECORDED RIGHT OF WAY

17410

Detroit Edison



Mr. Barton D. Roeser
Cunningham-Limp Company
38799 West Twelve Mile-Suite 100
Farmington Hills, MI 48331-2903

RE: License (Permit) to encroach on an easement that has been granted to Edison

Dear Mr. Roeser:

In reply to your request, the Detroit Edison Company, a Michigan corporation, ("Edison") voluntarily grants you this license (permit) to encroach on 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.
2. **Description of easements:** Located in the NE ¼ of Section 4, City of Auburn Hills, Oakland Co., Michigan.
3. **Portion of the easement you are permitted to encroach upon:** Portion shown on Attachment 'A'.
4. **Purpose of encroachment:** Raise the grade of the land within the easement.
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 to liable to you for any damage.
7. **Indemnity**
 - a. You will indemnify DTE Energy, Detroit Edison and it's affiliated entities (their officers, directors, agents, subsidiaries and employees) for any and all 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. If any claims covered by your indemnity is brought against these entities, you will defend the claim at your expense. You will also pay any costs, charges, expenses, attorney fees or judgments that are incurred or are subject to the claims.
 - c. You will also indemnify these entities (their officers, directors, agents, subsidiaries and employees) for any claims for direct, indirect, consequential, or liquidated damages sought by Edison customers, based upon energy supply agreements, where those claims arise directly or indirectly out of the use of this agreement by you (the company, its contractors, lessees and licensees), This includes, but

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is not limited to, claims which arise from 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. This indemnification will not apply to any claims arising out of Edison's sole negligence.

8. Edison Damages: You must pay Edison for all damages, losses or injuries to Edison's facilities caused by you, or your agents, employees, servants or independent contractors while completing or maintaining your project.

9. Clearances You and your contractors must maintain a 30 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.

Additional Terms

- a. All OSHA, MOSHA and National Electric Safety Code (NESC) safety rules must be adhered to.
- b. No dumpsters are to be placed within the easement area.

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.

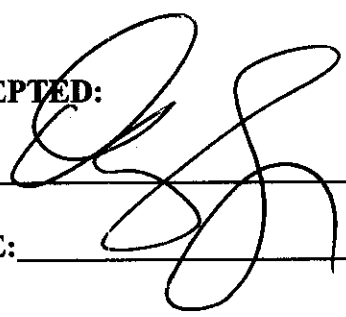
Sincerely,

Paul W. Potter
Director, Corporate Real Estate Services

ACCEPTED:

BY: _____

DATE: _____

A large, stylized handwritten signature in black ink is written over the signature line. The signature is cursive and appears to be the name of the person accepting the permit.

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17410

CUNNINGHAM-LIMP COMPANY

ENGINEERS • BUILDERS • DEVELOPERS

38799 WEST TWELVE MILE ROAD • SUITE 100 • FARMINGTON HILLS • MICHIGAN 48331-2903 • 248-489-2300 • FAX 248-489-2310

April 20, 1998

Mr. John Erb
Corporate Real Estate R.O.W.
Detroit Edison Company
2000 Second Avenue
Room 2310WCB
Detroit, MI 48226

RE: Federal Express

Dear Mr. Erb:

You were referred to us by Bruce Conrad regarding raising the grade under the Detroit Edison power lines at the above referenced site.

Specifically, we plan to raise the grade under the power lines approximately five feet and want to know what activities and/or permits that may be necessary to complete the grading.

An engineered site drawing is enclosed identifying the location of the area to be graded and the overhead power lines.

Please call me with a timing schedule for approval and if you have any questions or need further information.

Sincerely,

CUNNINGHAM-LIMP COMPANY



Barton D. Roeser
Project Coordinator

BDR:ah

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