

**BOARD OF REGENTS**  
EASTERN MICHIGAN UNIVERSITY

**SECTION: 16**

**DATE:**

April 18, 2024

**RECOMMENDATION**

**EASEMENT – DTE GAS**

**ACTION REQUESTED**

It is recommended that the Board of Regents approve and authorize the President or his designee to finalize and sign Provisional Easements for DTE natural gas near the Cornell Courts Apartment complexes.

**STAFF SUMMARY**

Historically, the University has provided DTE with various permanent easements associated with the infrastructure necessary to deliver electricity and natural gas across the campus. The proposed easements include:

- Two sections including (1) a 10 ft (width) by approximately 235 ft (total length) path running North to South under the sidewalk and lawn adjacent to the East side of the Cornell Courts Apartment complexes, beginning near the Southeast corner of Building H and ending near the Southeast corner of Building C, and (2) a 10 ft (width) by approximately 445 ft (total length) path beginning at the Southwest corner of Huron River Drive and Lyman Street, running North to South along the west side of Lyman Street adjacent to the University’s marching band practice and softball fields.
- A single 10 ft (width) by approximately 525 ft (total length) path running under sidewalk adjacent to the south end of the Cornell Court buildings A, B & C.

**FISCAL IMPLICATIONS**

None

**ADMINISTRATIVE RECOMMENDATION**

The proposed Board action has been reviewed and is recommended for Board approval.

[Redacted Signature]

University Executive Officer

*April 18, 2024*  
Date

## EASEMENT

For one dollar and other good and valuable consideration, exempt under MCL 207.526(a) and MCL 207.505(a), receipt of which is hereby acknowledged,

**State Board of Education of the State of Michigan and Board of Regents of Eastern Michigan University, as their interests may appear**  
207 Welch Hall  
Ypsilanti, MI 48197

(Grantor) hereby grants to **DTE Gas Company, a Michigan Corporation (Grantee)**, with its principal office at One Energy Plaza, Detroit, Michigan 48226, its successors and assigns, an easement to construct, test, reconstruct, renew, operate, maintain, inspect, alter, repair and remove a pipeline or pipelines for the transportation of gas, oil or other substances which can be transported through a pipeline or pipelines, and such mains, service laterals, drips, valves, regulators, fittings, meters and other equipment and appurtenances as may be necessary or convenient for its operations (collectively, "Grantee's Facilities"), over and through the following described real estate in the City of Ypsilanti, Washtenaw County, State of Michigan, to wit:

**REAL ESTATE DESCRIPTION: SEE EXHIBIT A**

Commonly known as: V/L Huron River Drive, Ypsilanti, MI 48197 – Parcel # 11-11-05-175-004

**EASEMENT DESCRIPTION: SEE EXHIBIT A**

### **THE PARTIES FURTHER AGREE THAT:**

**Structures and Trees:** No buildings or other structures shall be erected or placed, and no trees shall be planted, on or in the above-described easement without the written consent of the Grantee. Additionally, Grantee may remove any vegetation, buildings, or structures within in the above-described easement that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's Facilities.

**Additional Work Space:** Additional workspace, contiguous to the easement may be used temporarily during construction, maintenance or removal of the pipeline or pipelines installed hereunder.

**Ground Elevation:** Grantee shall initially bury said pipeline or pipelines at a minimum depth of 24 inches. Grantor shall not materially alter the ground elevation within the above-described easement without a prior written agreement executed by Grantee allowing said alteration.

**Damages/Restoration:** Grantee shall pay reasonable damages to improvements occasioned by said installation or by any of its subsequent operations under this easement or shall replace the damaged area to its original condition as reasonably practical. Grantee shall replace in good workmanlike manner all tile cut in the construction of the pipeline or pipelines.

**Assignment/Successors:** Grantee's rights herein granted may be assigned in whole or in part. This easement runs with the land, and all rights, privileges and obligations created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executors, successors, and assigns of the parties hereto.

**Ownership:** Grantor covenants that they are the lawful fee simple owner of the above-described property and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

**Exercise of Easement:** Grantee's nonuse or limited use of this easement shall not preclude Grantee's later use of this easement to its full extent.

**Indemnity:** Grantee shall indemnify, defend, and hold Grantor harmless from and against all claims and liabilities for injury to persons or property, including without limitation, reasonable attorney's fees expended in defending against any such claims, to the extent caused by Grantee's willful or negligent acts or omissions in exercising the rights granted in this Easement.

It is understood that the person securing this easement is without authority from Grantee to make any agreement in respect of the subject matter hereof not herein expressed.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**State Board of Education of the State of Michigan and Board of Regents of Eastern Michigan University, as their interests may appear**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_

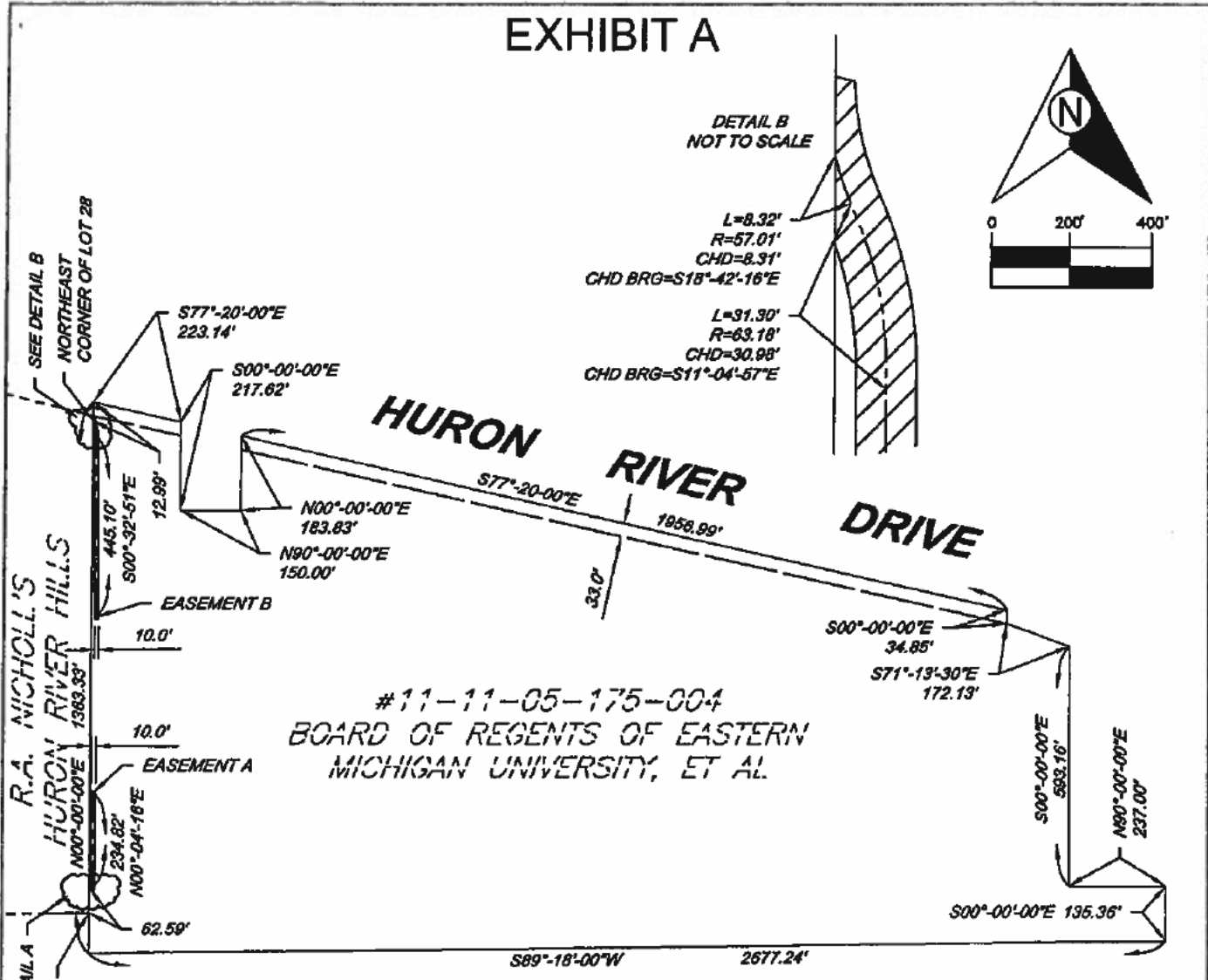
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of State Board of Education of the State of Michigan and Board of Regents of Eastern Michigan University, as their interests may appear.

Notary Public \_\_\_\_\_ County  
Acting in \_\_\_\_\_ County  
My Commission Expires: \_\_\_\_\_

Prepared by and return to: [REDACTED]

# EXHIBIT A

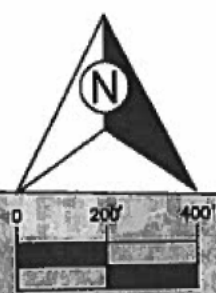


BEARINGS ARE REFERENCED TO MID-AMERICAN TITLE COMPANY FILE NO. 52360 RW-SP1-175-004

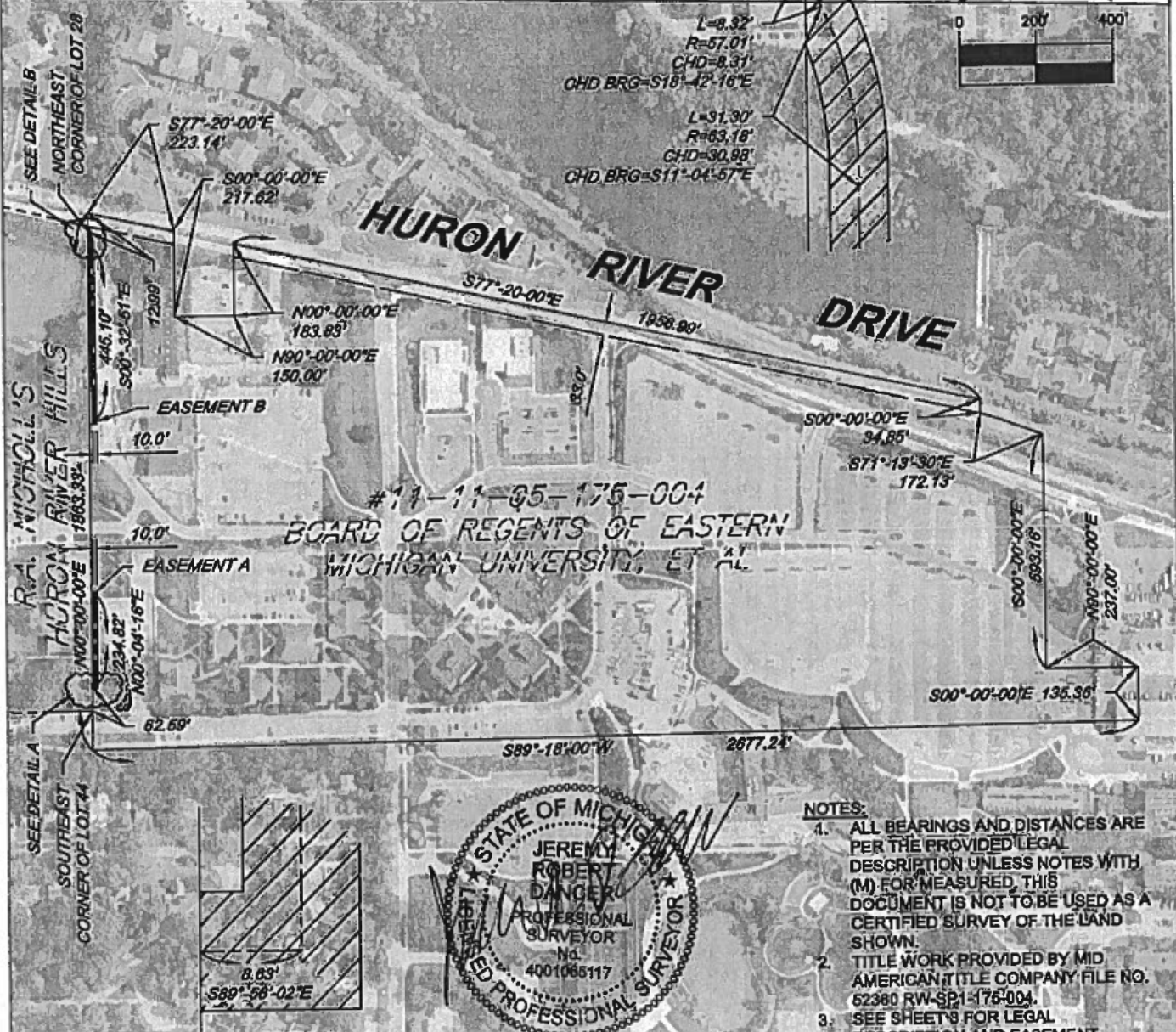
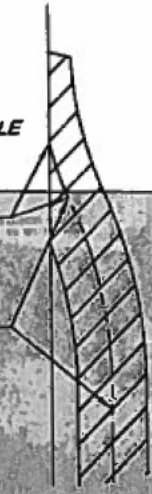
FIELD:	 	DRAWING TITLE		
DRAWN: CDS		Utility Easement Exhibit		
CHECKED: JRD		Lyman Avenue		
DATE: 2-7-2024		SECTION: 5	CITY: YPSILANTI	
REVISION:		TOWN: 3S	TOWNSHIP:	
REVISION DATE:		RANGE: 7E	COUNTY: WASHTENAW	
SHEET: 1 OF 3		DRAWING FILE NAME: A-29383		
SCALE: 1" = 400'		DTE PROJECT NUMBER:		
VENDOR JOB NO.: 135910				



# EXHIBIT A



DETAIL B  
NOT TO SCALE



DETAIL A  
NOT TO SCALE



**NOTES:**

1. ALL BEARINGS AND DISTANCES ARE PER THE PROVIDED LEGAL DESCRIPTION UNLESS NOTES WITH (M) FOR MEASURED. THIS DOCUMENT IS NOT TO BE USED AS A CERTIFIED SURVEY OF THE LAND SHOWN.
2. TITLE WORK PROVIDED BY MID AMERICAN TITLE COMPANY FILE NO. 62380 RW-SP1-175-004.
3. SEE SHEETS FOR LEGAL DESCRIPTION AND EASEMENT DESCRIPTION.

BEARINGS ARE REFERENCED TO MID-AMERICAN TITLE COMPANY FILE NO. 52360 RW-SP1-175-004

FIELD:	 	DRAWING TITLE		
DRAWN: CDS		Utility Easement Exhibit Lyman Avenue		
CHECKED: JRD		SECTION: 5	CITY: YPSILANTI	
DATE: 2-7-2024		TOWN: 3S	TOWNSHIP:	
REVISION:		RANGE: 7E	COUNTY: WASHTENAW	
REVISION DATE:		DRAWING FILE NAME: A-29383		
SHEET: 2 OF 3		DTE PROJECT NUMBER: .		
SCALE: 1" = 400'				
VENDOR JOB NO.: 135910				



# EXHIBIT A

**Parent Parcel Description: (Mid-American Title Company File No. 52360 RW-SP1-175-004)**

Land situated in the City of Ypsilanti, County of Washtenaw, and State of Michigan, described as: Beginning at center of Section 5; thence North 1363.33 feet on the North-South 1/4 line to the centerline of Huron River Drive; thence S.77°-20'-00"E., 223.14 feet; thence South 217.62 feet; thence East 150.00 feet; thence North 183.83 feet; thence Southeasterly 1956.99 along the centerline of Huron River Drive to the Northwest corner of Huron Home Sites Subdivision; thence South 588.04 feet; thence N.89°-18'-00"E., 400.00 feet to the East line of Section; thence South to the South line of former Railroad right-of-way; thence West approximately 2819.28 feet to the point of beginning. ALSO Lots 1 through 20, inclusive, also Newton Road vacated, Huron Home Sites Subdivision, as recorded in Liber 5 of Plats, Page 8, Washtenaw County Records. EXCEPT beginning at the East 1/4 corner of said Section; thence N.00°-00'-00"W. to the Southerly right of way line of Huron River Drive; thence N.71°-13'-30"W., 250.32 feet; thence S.00°-00'-00"E., 593.16 feet; thence N.90°-00'-00"E., 237.00 feet to the point of beginning, Section 5, T.3 S. - R.7 E.

**Proposed Easement A Description:**

A 10.00 foot wide strip of land in the Fractional Northeast 1/4 of Fractional Section 5, T.3 S. - R.7 E., City of Ypsilanti, Washtenaw County, Michigan, the sidelines of said strip of land being 5.00 feet, measured at right angles, each side of the following described centerline: Beginning at a point on the North and South 1/4 line of said Section which is 62.59 feet due North from the Southeast corner of Lot 44 of R.A. Nicholl's Huron River Hills, according to the plat recorded in Liber 5 of Plats, Page 13 of Washtenaw County Records; thence S.89°-56'-02"E., 8.63 feet; thence N.00°-04'-16"E., 234.82 feet and there end, the sidelines of said strip of land to be extended or shortened so as to meet at their respective intersections.

**Proposed Easement B Description:**

A 10.00 foot wide strip of land in the Fractional Northeast 1/4 of Fractional Section 5, T.3 S. - R.7 E., City of Ypsilanti, Washtenaw County, Michigan, the sidelines of said strip of land being 5.00 feet, measured at right angles, each side of the following described centerline: Beginning at a point on the North and South 1/4 line of said Section which is 12.99 feet due South from the Northeast corner of Lot 28 of R.A. Nicholl's Huron River Hills, according to the plat recorded in Liber 5 of Plats, Page 13 of Washtenaw County Records, said point being on a 57.01 foot radius curve to the left; thence Southerly on the arc of said curve, 8.32 feet to the point of curvature of a 63.18 foot radius curve to the right, said arc being subtended by a chord bearing and distance of S.18°-42'-16"E., 8.31 feet; thence Southerly on the arc of said curve, 31.30 feet, said arc being subtended by a chord bearing and distance of S.11°-04'-57"E., 30.98 feet; thence S.00°-32'-51"E., 445.10 feet and there end, the sidelines of said strip of land to be extended or shortened so as to meet at their respective intersections.



BEARINGS ARE REFERENCED TO R.A. NICHOLL'S HURON RIVER HILLS, ACCORDING TO THE PLAT RECORDED IN L. 5 OF PLATS, P. 13

FIELD: . DRAWN: CDS CHECKED: JRD DATE: 2-7-2023 REVISION: REVISION DATE: SHEET: 3 OF 3 SCALE: 1" = 400' VENDOR JOB NO.: 135910	DTE Gas Company Land & Survey Department  	DRAWING TITLE <h2 style="text-align: center; margin: 0;">Utility Easement Exhibit Lyman Avenue</h2> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">SECTION: 5</td> <td style="width: 50%;">CITY: YPSILANTI</td> </tr> <tr> <td>TOWN: 3S</td> <td>TOWNSHIP:</td> </tr> <tr> <td>RANGE: 7E</td> <td>COUNTY: WASHTENAW</td> </tr> <tr> <td colspan="2">DRAWING FILE NAME: A-29383</td> </tr> <tr> <td colspan="2">DTE PROJECT NUMBER: .</td> </tr> </table>	SECTION: 5	CITY: YPSILANTI	TOWN: 3S	TOWNSHIP:	RANGE: 7E	COUNTY: WASHTENAW	DRAWING FILE NAME: A-29383		DTE PROJECT NUMBER: .	
SECTION: 5	CITY: YPSILANTI											
TOWN: 3S	TOWNSHIP:											
RANGE: 7E	COUNTY: WASHTENAW											
DRAWING FILE NAME: A-29383												
DTE PROJECT NUMBER: .												

## EASEMENT

For one dollar and other good and valuable consideration, exempt under MCL 207.526(a) and MCL 207.505(a), receipt of which is hereby acknowledged,

**Board of Regents of Eastern Michigan University and State Board of Education of the State of Michigan**, a Michigan public corporation  
207 Welch Hall  
Ypsilanti, MI 48197

(Grantor) hereby grants to **DTE Gas Company, a Michigan Corporation** (Grantee), with its principal office at One Energy Plaza, Detroit, Michigan 48226, its successors and assigns, an easement to construct, test, reconstruct, renew, operate, maintain, inspect, alter, repair and remove a pipeline or pipelines for the transportation of gas, oil or other substances which can be transported through a pipeline or pipelines, and such mains, service laterals, drips, valves, regulators, fittings, meters and other equipment and appurtenances as may be necessary or convenient for its operations (collectively, “Grantee’s Facilities”), over and through the following described real estate in the City of Ypsilanti, Washtenaw County, State of Michigan, to wit:

**REAL ESTATE DESCRIPTION: SEE EXHIBIT A**

Commonly known as: 100 Cornell Ct, Ypsilanti, MI – Parcel # 11-11-05-281-001

**EASEMENT DESCRIPTION: SEE EXHIBIT A**

**THE PARTIES FURTHER AGREE THAT:**

**Structures and Trees:** No buildings or other structures shall be erected or placed, and no trees shall be planted, on or in the above-described easement without the written consent of the Grantee. Additionally, Grantee may remove any vegetation, buildings, or structures within in the above-described easement that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee’s Facilities.

**Additional Work Space:** Additional workspace, contiguous to the easement may be used temporarily during construction, maintenance or removal of the pipeline or pipelines installed hereunder.

**Ground Elevation:** Grantee shall initially bury said pipeline or pipelines at a minimum depth of 24 inches. Grantor shall not materially alter the ground elevation within the above-described easement without a prior written agreement executed by Grantee allowing said alteration.

**Damages/Restoration:** Grantee shall pay reasonable damages to improvements occasioned by said installation or by any of its subsequent operations under this easement or shall replace the damaged area to its original condition as reasonably practical. Grantee shall replace in good workmanlike manner all tile cut in the construction of the pipeline or pipelines.

**Assignment/Successors:** Grantee's rights herein granted may be assigned in whole or in part. This easement runs with the land, and all rights, privileges and obligations created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executors, successors, and assigns of the parties hereto.

**Ownership:** Grantor covenants that they are the lawful fee simple owner of the above-described property and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

**Exercise of Easement:** Grantee's nonuse or limited use of this easement shall not preclude Grantee's later use of this easement to its full extent.

**Indemnity:** Grantee shall indemnify, defend, and hold Grantor harmless from and against all claims and liabilities for injury to persons or property, including without limitation, reasonable attorney's fees expended in defending against any such claims, to the extent caused by Grantee's willful or negligent acts or omissions in exercising the rights granted in this Easement.

It is understood that the person securing this easement is without authority from Grantee to make any agreement in respect of the subject matter hereof not herein expressed.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Board of Regents of Eastern Michigan University and State Board of Education of the State of Michigan**, a Michigan public corporation

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

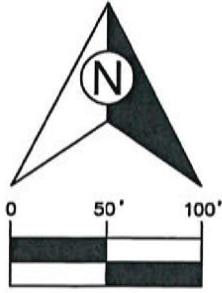
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of **Board of Regents of Eastern Michigan University and State Board of Education of the State of Michigan**, a Michigan public corporation.

Notary Public \_\_\_\_\_ County  
Acting in \_\_\_\_\_ County  
My Commission Expires: \_\_\_\_\_

Prepared by and return to: [REDACTED]

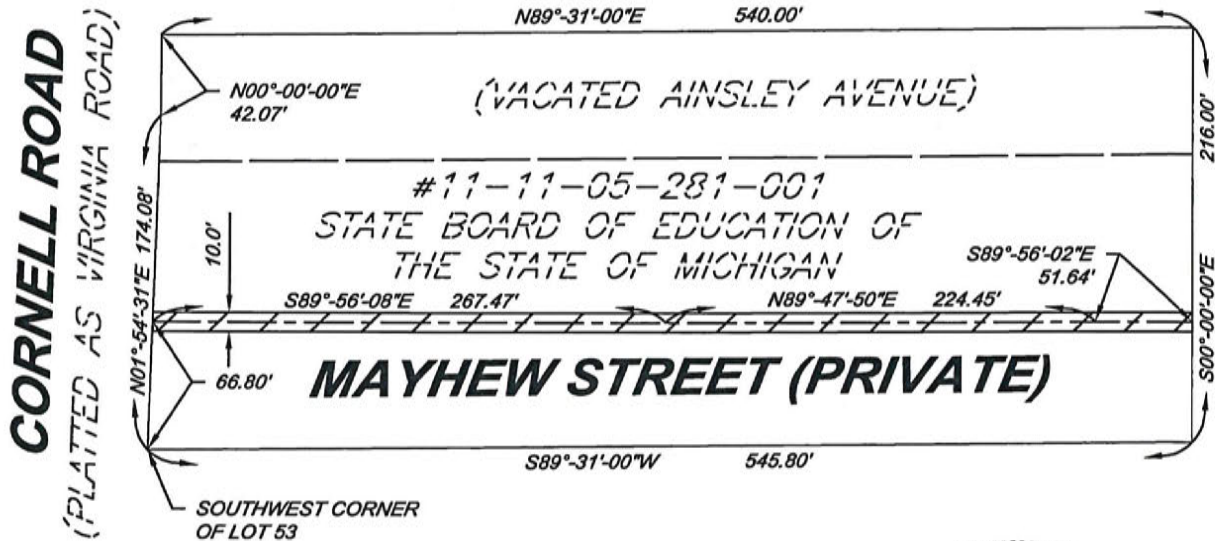


# EXHIBIT A



**NOTES:**

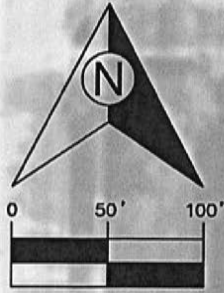
1. ALL BEARINGS AND DISTANCES ARE PER THE PROVIDED LEGAL DESCRIPTION UNLESS NOTES WITH (M) FOR MEASURED. THIS DOCUMENT IS NOT TO BE USED AS A CERTIFIED SURVEY OF THE LAND SHOWN.
2. TITLE WORK PROVIDED BY MID AMERICAN TITLE COMPANY FILE NO. 52415 RW-SP1-281-001.
3. SEE SHEET 3 FOR LEGAL DESCRIPTION AND EASEMENT DESCRIPTION.



BEARINGS ARE REFERENCED TO R.A. NICHOLL'S HURON RIVER HILLS, ACCORDING TO THE PLAT RECORDED IN L. 5 OF PLATS, P. 13

FIELD:	 <b>DTE</b> DTE Gas Company Land & Survey Department	DRAWING TITLE	
DRAWN: CDS		Utility Easement Exhibit Mayhew Street	
CHECKED: JRD	 <b>Spicer</b> group ©2024	SECTION: 5	CITY: YPSILANTI
DATE: 2-7-2024		TOWN: 3S	TOWNSHIP:
REVISION:		RANGE: 7E	COUNTY: WASHTENAW
REVISION DATE:		DRAWING FILE NAME: A-29381	
SHEET: 1 OF 3		DTE PROJECT NUMBER:	
SCALE: 1" = 100'			
VENDOR JOB NO.: 135910			

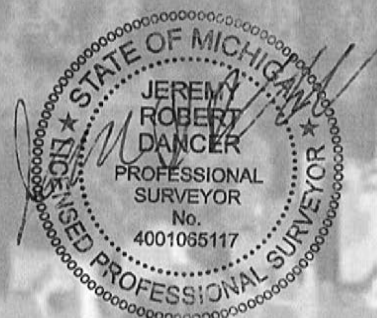
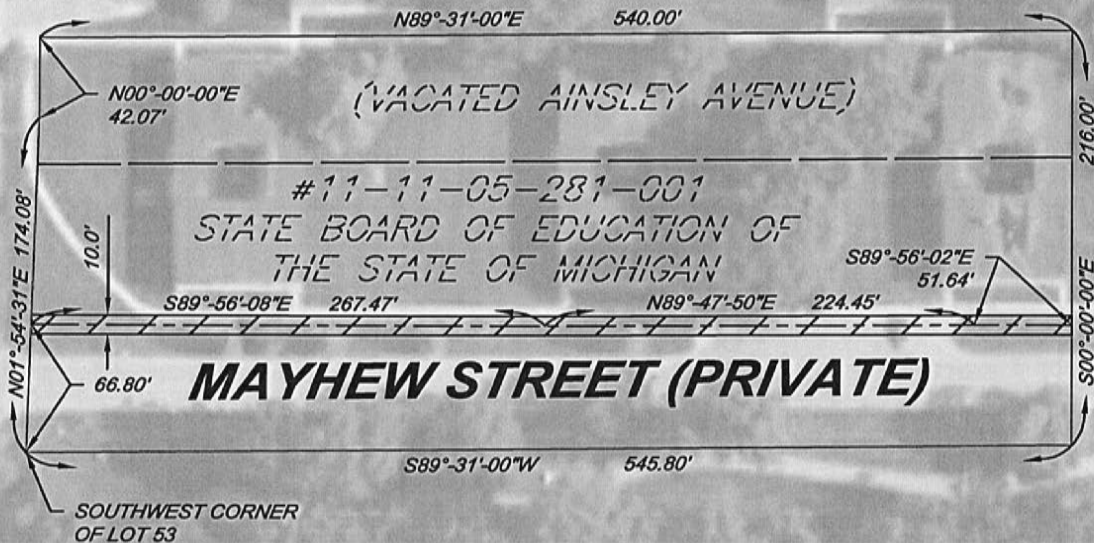
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2. TITLE WORK PROVIDED BY MID AMERICAN TITLE COMPANY FILE NO. 52415 RW-SP1-281-001.
3. SEE SHEET 3 FOR LEGAL DESCRIPTION AND EASEMENT DESCRIPTION.

**CORNELL ROAD**  
(PLATTED AS VIRGINIA ROAD)



BEARINGS ARE REFERENCED TO R.A. NICHOLL'S HURON RIVER HILLS, ACCORDING TO THE PLAT RECORDED IN L. 5 OF PLATS, P. 13

FIELD: .	<h1>DTE</h1> DTE Gas Company Land & Survey Department	DRAWING TITLE <h2>Utility Easement Exhibit Mayhew Street</h2>	
DRAWN: CDS		SECTION: 5	CITY: YPSILANTI
CHECKED: JRD	 ©2024	TOWN: 3S	TOWNSHIP:
DATE: 2-7-2024		RANGE: 7E	COUNTY: WASHTENAW
REVISION:		DRAWING FILE NAME: A-29381	
REVISION DATE:		DTE PROJECT NUMBER: .	
SHEET: 2 OF 3			
SCALE: 1" = 100'			
VENDOR JOB NO.: 135910			



# EXHIBIT A


**Parent Parcel Description:** (Mid-American Title Company File No. 52415 RW-SP1-281-001)  
 Land situated in the City of Ypsilanti, County of Washtenaw, and State of Michigan, described as: Lots 44 through 53, inclusive, and Ainsley Avenue, as vacated, R.A. Nicholl's Huron River Hills, a Subdivision, as recorded in Liber 5 of Plats, Page 13, Washtenaw County Records.

**Proposed Easement Description:**

A 10.00 foot wide strip of land in Lots 44 through 53 of R.A. Nicholl's Huron Hills, according to the plat recorded in Liber 5 of Plats, Page 13 of Washtenaw County Records, being part of Fractional Section 5, T.3 S. - R.7 E., City of Ypsilanti, Washtenaw County, Michigan, the sidelines of said strip of land being 5.00 feet, measured at right angles, each side of the following described centerline: Beginning at a point on the East line of Cornell Road (so-called) which is 66.80 feet, N.01°-54'-31"E., from the Southwest corner of said Lot 53; thence S.89°-56'-08"E., 267.47 feet; thence N.89°-47'-50"E., 224.45 feet; thence S.89°-56'-02"E., 51.64 feet and there end, the sidelines of said strip of land to be extended or shortened so as to meet at their respective intersections.



BEARINGS ARE REFERENCED TO R.A. NICHOLL'S HURON RIVER HILLS, ACCORDING TO THE PLAT RECORDED IN L. 5 OF PLATS, P. 13

FIELD: . DRAWN: CDS CHECKED: JRD DATE: 2-7-2023 REVISION: REVISION DATE: SHEET: 3 OF 3 SCALE: 1" = 100' VENDOR JOB NO.: 135910	 <b>DTE</b> DTE Gas Company Land & Survey Department	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">DRAWING TITLE</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Utility Easement Exhibit Mayhew Street</b></td> </tr> <tr> <td>SECTION: 5</td> <td>CITY: YPSILANTI</td> </tr> <tr> <td>TOWN: 3S</td> <td>TOWNSHIP:</td> </tr> <tr> <td>RANGE: 7E</td> <td>COUNTY: WASHTENAW</td> </tr> <tr> <td colspan="2">DRAWING FILE NAME: A-29381</td> </tr> <tr> <td colspan="2">DTE PROJECT NUMBER: .</td> </tr> </table>	DRAWING TITLE		<b>Utility Easement Exhibit Mayhew Street</b>		SECTION: 5	CITY: YPSILANTI	TOWN: 3S	TOWNSHIP:	RANGE: 7E	COUNTY: WASHTENAW	DRAWING FILE NAME: A-29381		DTE PROJECT NUMBER: .	
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