

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

INTERNATIONAL TRANSMISSION  
COMPANY, d/b/a *ITCTransmission*, a  
Michigan corporation,

Civil Action

Plaintiff,

Hon.

vs.

Parcel No.:

[INSERT DEFENDANTS],

Defendants.

**CONSENT JUDGMENT AS TO  
DEFENDANT CITY OF ANN ARBOR  
ONLY**

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**CONSENT JUDGMENT AS TO DEFENDANT CITY OF ANN ARBOR ONLY**

At a session of the Court, held in the  
County of Washtenaw, State of Michigan  
on \_\_\_\_\_.

PRESENT: THE HONORABLE \_\_\_\_\_  
Circuit Court Judge

This matter having come before the Court upon the stipulation of the undersigned parties  
and the Court being otherwise fully advised in the premises;

On \_\_\_\_\_, 2018, Plaintiff International Transmission Company, d/b/a  
*ITCTransmission* (“ITC”), filed a Complaint for Condemnation (“Complaint”) against  
\_\_\_\_\_ (the “Property Owner”), and other defendants, including City of Ann Arbor

("Ann Arbor"), who was named as a potential interest holder in the property that is the subject of this action. With its Complaint, ITC seeks to take an easement, which is described in the Declaration of Taking dated \_\_\_\_\_ (the "Easement"), and attached as Exhibit B to the Complaint.

Defendant Ann Arbor, after being served with the Complaint, now stipulates to (a) waive its rights to contest the necessity of the taking of the Easement; (b) waive its rights or claims to apportionment of the just compensation for the taking; (c) waive its rights or claims to other damages arising out of the use of ITC's Easement; and (d) consents to the payment of the full amount of the just compensation to the Property Owner, or as further directed by the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Any rights and interests held by Defendant Ann Arbor in the Property are hereby preserved and are not changed, altered, or diminished by ITC's taking of the Easement.
2. Defendant Ann Arbor waives any right that it has or may have had to challenge the necessity of, the taking of, or the possession of, the Easement by ITC.
3. Defendant Ann Arbor is not entitled to receive any just compensation and waives 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") or otherwise at law or equity.
4. Defendant Ann Arbor has consented to the payment of the full amount of the just compensation to the Property Owner, or as further directed by the Court.
5. Prior to installation of any object within the Easement, ITC shall provide plans to and consult with the City to ensure that all objects will be a sufficient distance from existing or proposed City infrastructure to allow the City to access, maintain, and replace the City

infrastructure, and that all objects will be installed in a manner that complies with applicable laws.

6. If ITC's use of the Easement damages or necessitates modification or rerouting of the City's infrastructure or causes the City to incur additional costs to access, maintain, or replace City infrastructure, ITC shall pay the costs therefor.

7. This Consent Judgment is with prejudice as to any further assertion of claims by Defendant Ann Arbor against ITC relating to the Easement which may be allowed under the UCPA, and Defendant Ann Arbor, only, is dismissed without costs or fees to any party.

8. 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.

9. A copy of this Consent Judgment may be recorded by ITC with the Washtenaw County Register of Deeds.

**THIS JUDGMENT DOES NOT RESOLVE THE LAST PENDING CLAIM BUT RESOLVES ALL CLAIMS IN THIS CASE BETWEEN PLAINTIFF AND DEFENDANT CITY OF ANN ARBOR.**

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Circuit Court Judge

**APPROVED AS TO FORM AND SUBSTANCE:**

**CITY OF ANN ARBOR**

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\_\_\_\_ (P\_\_\_\_)  
Attorney for City of Ann Arbor

**DYKEMA GOSSETT PLLC**

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