Duke Power
A Duke Energy Company

Duke Power Company
531 Norwood Drive
Charlotte, NC, 28208
704-382-2664

July 22, 2004

Mr. Howard Gutzeit
Universal Tool & Gauge, Inc.
PO Box 2309
Cornelius, NC, 28031

Re: Request for Nitrication Septic Field within Duke 200' Easement located at Lot 9 Leaf Trent, Inc. Subdivision, Davidson Township, Iredell County, NC

Dear Mr. Gutzeit,

This letter is in reference to your fax to me dated July 19, 2004 concerning a request to place a Nitrication Septic Field within Duke 200' Easement located at Lot 9 Leaf Trent, Inc. Subdivision, Davidson Township, Iredell County, NC. Attached to you fax is an encroachment agreement between Duke Power Company and Mr. George Stiff granting such rights on lot number 5 in this same subdivision.

Duke Power Company will grant your request to supply you with a similar agreement for lot number 9 with the following stipulations:

- You must make all attempts to place the active system and repair area outside of the Duke R/W.
- If all attempts fail to place the system outside of the Duke R/W, you must provide Duke Power Company a letter from Iredell County stating there is no other option but to place the system or part of the system inside the Duke R/W.
- No tanks will be allowed within the Duke R/W.
- A drawing of the proposed system must be submitted to Duke Power.
- There will be attorney's fees payable to Duke Power Company for the provided paperwork and recording.

Duke Energy

DUKE ELECTRIC TRANSMISSION
RIGHTS OF WAY RESTRICTIONS

This list of rights of way restrictions has been developed to answer the most often asked questions about property owner use of transmission rights of way. This list does not cover all restrictions or all possible situations and you should contact Duke Electric Transmission if you have additional concerns about the rights of way. This list of restrictions is subject to changes at any time and without notice. Duke Electric Transmission shall not relinquish any of its rights conveyed by the rights of way agreement. All activity within the rights of way shall be reviewed by a Transmission right-of-way specialist.

1. **Structures, buildings, mobile homes and trailers, satellite signal receiver systems and equipment, swimming pools and associated equipment, human graves, billboards, signs, wells, septic tanks or septic systems, absorption pits, storage tanks (both above and below ground), garbage, trash, rubble, flammable material, building material, junk and wrecked or disabled vehicles are not allowed within the rights of way limits.**
2. **Fences shall not be attached to poles or towers. Fences shall be installed at least 10 feet from poles or towers and shall not exceed 10 feet in height. Fences shall not parallel the centerline within the rights of way but may cross at any angle not less than 30 degrees with centerline. If a fence crosses the rights of way, a gate shall be installed by the property owner per Duke's specifications to allow free access required by Duke equipment.**
3. **Contact Duke Electric Transmission before grading or filling on the rights of way. Grading shall be at least 20 feet from a pole or tower leg, and slope shall not exceed 3:1 on the rights of way. Grading or filling within the rights of way or near a structure, which will prevent free access, will not be permitted. Sedimentation control, including re-vegetation, is required per state regulations.**
4. **Streets, roads, driveways, sewer lines, water lines, or any underground facilities shall not parallel the center line within the rights of way, but may cross at any angle not less than 30 degrees with the center line and cross no closer than 20 feet to any structure. Manholes and underground vaults within the rights of way limits must be approved by Duke Electric Transmission before installation.**
5. **Contact Duke Electric Transmission before installing any overhead or underground utilities, e.g. power, gas, telephone, cablevision, etc.**
6. **Any drainage ditch that allows water to pond or to cause erosion around a structure is prohibited.**
7. **Contact Duke Electric Transmission prior to the construction of lakes or ponds within the rights of way limits.**
8. **Duke Electric Transmission does not recommend the practice of using the area under transmission lines for parking, but will not object if the following restrictions are followed:**
   a. **A barrier, sufficient to withstand a 15 MPH vehicular impact, shall be erected by the party constructing the parking area to protect the pole or tower. The barrier shall be located in such a manner as to restrict parking to at least 5 feet from the structure.**
   b. **Any access areas, entrances, or exits shall cross the rights of way at or near right angles to the centerline, and shall not pass within 20 feet of any structure.**
   c. **Lighting structures higher than 15 feet are not allowed within the rights of way limits.**
   d. **Signs and other attachments to Duke Electric Transmission structures are prohibited.**
9. **Duke Electric Transmission will not object to certain beautification as long as they do not interfere with the existing structures or interfere with access to structures.**
   a. **Any plants within the rights of way such as flowering shrubs, bushes, hedges, or low growing species must not exceed 15 feet in height at maturity.**
   b. **Trees are not allowed within the rights of way limits.**
   c. **Duke Electric Transmission may exercise the right to cut danger trees outside the rights of way limits as granted by the rights of way agreement and as required to properly maintain and operate the transmission line.**

We hope this is useful information. If additional questions arise, or if you plan anything not covered above, please contact

Duke Power.
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ED WILLIAMS
Right-of-Way Asset Protection Specialist
POWER DELIVERY CENTRAL REGION
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704 382 2664

Form 02191(R12/98)

PLANT MATERIALS THAT CAN BE PLANTED ON DUKE ELECTRIC TRANSMISSION RIGHTS OF WAY

Plant materials that exceed 15-feet in height are not to be planted on Duke Electric Transmission Rights of Way in order to protect the public as well as reliability of the lines. The following list of plants generally do not exceed 15-feet in height in the service area of Duke Electric Transmission under the environmental conditions that exist on our rights of way. Even though they are on this list, if over years they exceed the 15-foot limit, they will be subject to removal. This is not an all conclusive list.

Note that some species have cultivars that exceed 15-feet and some that will not.

Botanical Name	Common Name
Acer ginnala	Amur Maple
Acer palmatum (selected cultivars)	Japanese Maple
Acer tataricum	
Aesculus parviflola	Bottlebrush Buckeye
Amelanchier canadensis	Serviceberry
Terastroemai (Cleyera) japonica	Japanese Cleyera
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua
Cornus mas	Cornelian Cherry
Corylopsis glabrescens	Fragrant Winterhazel
Corylus americana	American Filbert
Cotinus coggygria	Common Smoketree
Cyrilla racemiflora	Swamp Cyrilla
Elaeagnus pungens	Thorny Elaeagnus
Elaeagnus angustifolia	Russian Tea-Olive
Euonymus alatus	Winged Euonymous
Exochorda racemosa	Pearlbush
Franklinia alatamaha	Franklin Tree
Hamamelis mollis	Chinese Witchhazel
Hamamelis vernalis	Vernal Witchhazel
Hibiscus syriacus	Rose-of-Sharon
Hydrangea paniculata	Panicle Hydrangea
Hydrangea quercifolia	Oak-leafed Hydrangea
Ilex cornuta burfordi nana	Dwarf Burford Holly
Ilex crenata	Japanese Holly
Ilex decidua	Possumhaw
Ilex verticillata	Winterberry
Ilex vomitoria	Yaupon
Juniperus chinensis 'Hetzi'	Hetzi Juniper
Kolkwitzia amabilis	Beautybush
Laburnum x watereri	Goldenchain Tree
Lagerstroemia indica (cultivars under 15-ft)	Crepe Myrtle
Ligustrum japonicum	Japanese Privette
Loropetalum chinense	Loropetalum
Magnolia stellata (cultivars under 15-ft)	Star Magnolia
Magnolia soulangeana (cultivars under 15-ft)	Saucer Magnolia
Myrica cerifera	Wax Myrtle
Prunus 'Holly Jolivette'	Holly Jolivette Flowering Cherry
Prunus mume	Japanese Flowering Apricot
Prunus x incamp 'Okame'	Okame Cherry
Punica granatum	Pomegranate
Syringa vulgaris	Common Lilac
Viburnum burkwoodi	Burkwood Viburnum
Viburnum dilatatum	Linden Viburnum
Viburnum farreri	Fragrant Viburnum
Viburnum japonicum	Japanese Viburnum
Viburnum plicatum var. tomentosum	Doublefile Viburnum
Viburnum prunifolium	Blackhaw Viburnum
Viburnum rhytidophylloides	Lantanaphyllum Viburnum
Viburnum rhytidophyllum	Leatherleaf Viburnum
Viburnum sargenti	Sargent's Viburnum
Viburnum tinus	Laurustinus Viburnum
Vitex agnus-castus	Chastetree
Vitex negundo	Chastetree
Xanthoceras sorbifolium	Yellowhorn

Crepe Myrtle Cultivars That Generally Do Not Exceed 15-Feet Height

Acoma	Osage
Apalachee	Pecos
Caddo	Sioux
Comanche	Tonto
Hopi	Yuma
Lipan	Zuni

In not objecting to the use of the right-of-way for use as shown on any drawings or by any agreements, Duke Energy is not relinquishing the right to control and maintain the right-of-way as specified in the agreements. Any damage to the tower or lines and claims caused by the damage is the responsibility of the developer. It is the responsibility of the contractors to ensure all persons working near the transmission lines are made aware of the safety hazards associated with this line. I have attached a copy of the right-of-way restrictions as well as the approved plantings list.

Thank you for the opportunity to work with you on this project. If you have any questions, please feel free to contact me at 704-382-2664.

Sincerely,

Ed Williams
R/W Asset Protection

Enclosures: R/W Restrictions, Plant list
Reference: 200' East loop, Spring Run Drive