PLAT OR AREA

DATE OF INST. DATE OF RECORD LIBER RESERVATION FROM SALE OF LAND FOR ELECTRIC TRANSMISSION LINE RIGHTS.

> ALCONA #3 CRAWFORD #14 IOSCO #26 · MANISTEE #28 OSCODA #15

WARRANTY DEED

CONSUMERS POWER COMPANY, a corporation organized and existing under the laws of the State of Michigan, having its principal office at 212 West Michigan Avenue, Jackson, Michigan 49201, GRANTOR, for and in consideration of the sum of THREE HUNDRED SEVENTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$378,000.00), received to its full satisfaction, does by these presents CONVEY AND FOREVER WARRANT UNTO THE UNITED STATES OF AMERICA, Washington, D.C. and its assigns, GRANTEE, certain tracts of land with all appurtenances thereunto belonging or in anywise appertaining, situate in the Township of Curtis, County of Alcona, State of Michigan, said lands hereby conveyed being more particularly described in Exhibit "A" attached hereto and made a part hereof, and said lands containing in aggregate 903.51 acres, more or

SUBJECT TO easements, if any, for established or existing roads, highways, railroads, and utilities to include those utility rights set forth in the instruments recorded in Liber 65, 55, and 36, Pages 338, 540, and 613 respectively, of the Alcona County, Michigan records.

SUBJECT ALSO TO minerals and mineral rights and rights of ingress and egress outstanding of record in third parties as set forth in the instrument recorded in Liber 26, Page 212 of the Alcona County, Michigan records, said outstanding rights affecting only those lands described in Exhibit \*B-2\* attached hereto and made a part hereof.

RESERVING TO Grantor, its successors and assigns, the right to flow those lands described in Exhibit "A" which are adjacent to the AuSable River, together with the right to fluctuate or otherwise affect the flow of water in said river by the normal operation and maintenance of any dam or dams of Grantor in said river, the exercise of said reservation as it pertains to Exhibit "A" lands being subject, however, to the terms, conditions, provisions, and

limitations of the "Order Issuing License (Major)" of the United States of America, Federal Power Commission (Federal Energy Regulatory Commission) now pertaining to Project No. 2447 (Alcona Dam) and, to the extent they may be determined applicable, subject also to the Rules and Regulations of the Secretary of Agriculture dated August 5, 1938, a copy of which is attached hereto and made a part hereof as Exhibit

RESERVING ALSO TO the Grantor, its successors or assigns, all oil, gas, and associated hydrocarbon substances in and under the lands described in Exhibit "B-1", together with the right to enter upon said lands and to prospect for, mine, and remove said oil, gas, and hydrocarbon substances. Forever, subject to the Rules and Regulations of the Secretary of Agriculture, dated April 30, 1963, a copy of which is attached hereto and made a part hereof as Exhibit

RESERVING ALSO TO the Grantor, its successors or assigns, Forever, subject to the Rules and Regulations of the Secretary of Agriculture, dated August 5, 1938, a copy of which is attached hereto and made a part hereof as Exhibit "E", the easement and right to construct, erect, lay and maintain one or more lines consisting of poles, wires, cables, conduits and other fixtures and appurtenances for the purpose of transmitting and distributing electricity and/or conducting a communication business on, over, under, and across certain strips of land 210 feet in width for all transmission lines, and 30 feet in width for all distribution lines, over a portion of the premises herein conveyed, said strips being described in Exhibits "F-1" and "F-2" attached hereto and made a part hereof, with full right and authority to Grantor, its successors, licensees, lessees, or assigns, and its and their agents and employees, subject to said Rules and Regulations set forth at Exhibit "E", to enter at all times upon said strips of land for the purpose of patrolling, constructing, repairing, removing, replacing, improving, enlarging, and maintaining such wires, cables, conduits, structures, towers, pole structures, poles and other supports with all necessary braces, guys, anchors, manholes, and transformers and stringing thereon, and supporting and suspending therefrom lines of wire, cables, or other conductors for the transmission of electrical energy and/or communication, and also the right to cut, trim, remove, destroy, or otherwise control all trees and brush growing upon said 210-foot and 30-foot wide strips of land which may, in the opinion of Grantor, interfere or threaten to interfere with or be hazardous to the

(CORPORATE SEAL)

ATTEST:

STATE OF MICHIGAN COUNTY OF JACKSON On this 23rd day of before me, a Notary Public in and for said county, personally appeared G L Heins to me duly sworn, did say that he is the Vice President of Consumers Power Company, the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and said , acknowledged said instrument to be the free act and deed of said corporation. Notary Public

TOWNSHII

TOWN

CONSUMERS POWER CO.

TRACT 22.3-DX5-1

MAP.

(NOTARIAL SEAL)

COUNT

PLAT OR AREA

SECTION

My commission expires:

This instrument was drafted by Michael J. Danaher, Attorney, Office of General Counsel, U. S. Department of Agriculture, Milwaukee, Wisconsin, and B. E. Hagen, Supervisory Attorney, Consumers Power Company.

T25N. RSE. MICHIGAN MERIDIAN. CURTIS TOWNSHIP (con't)

this description any part of a strip of land 100 feet in width being a part of the abandoned right of way of the Detroit and Mackinac Railway located on said land, said exception containing approximately 0.7 acres.

170.4

280.00

CONSUMERS POWER CO.

The N 1/2 of the NW 1/4 of the NE 1/4 and the N 1/2 of  $_{\rm TV}$ the NE 1/4 of the NW 1/4 of said section 14. 36-83-5 (F) 33-83-1 (P)

The W 1/2 of the E 1/2, the NE 1/4 of the NE 1/4, and 43-8--36

41-83-165 10-167 02 2 (8)

·45.63-1 (c)

MAP.

903.51

Exhibit B-1

Page 1 of 2

Exhibit B-1

Page 2 of 2

TITLE DATA

\_ CONSUMERS POWER CO.

COUNTY TOWNSHIP

SECTION TOWN RANGE TRACT\_22.3-DX5-1

PLAT OR AREA

.. ..\_

**MICHIGAN** 

STATE

UNITED STATES DEPARTMENT OF AGRICULTURE

# CONDITIONS, RULES AND REGULATIONS TO GOVERN EXERCISE OF MINERAL RIGHTS RESERVED IN CONVEYANCES TO THE UNITED STATES

Code of Federal Regulations - Title 36 - Chapter II - Section 251.15

FOREST SERVICE

- (a) Except as otherwise provided in paragraphs (b) and (c) of this section, in conveyances of lands to the United States under suthorized programs of the Forest Service, where owners reserve the right to sette upon the conveyed lands and to prospect for, nice and remove minerals, oil, gas, or other inorganic substances, said reservations shall be subject to the following conditions, rules and regulations which shall be expressed in and made a part of the deed of conveyance to the United States and such reservations shall be exercised thereunder and in obedience thereto:
- (1) Whoever undertakes to exercise the reserved rights shall give prior written notice to the Forest Service and shall submit satisfactory evidence of sutbority to exercise such rights. Only so much of the surface of the lands shall be occupied, used, or disturbed as in necessary in bons fide prospecting for, drilling, mining (including the milling or concentration of orce), and removal of the reserved minerals, oil, gas, or other inorganic substances.
- (2)(1) None of the lands in which minerals are reserved shall be so used, occupied, or disturbed as to preclude their full use for authorized programs of the Forest Service until the record owner of the reserved rights, or the successors, assigns, or lescent thereof, shall have applied for and received a permit authorising such use, occupancy, or disturbance of those specifically described parts of the lands as may reasonably be necessary to exercise of the reserved rights.
- . (ii) Said permit shall be issued upon agreement as to conditions necessary to protect the interest of the United States including such conditions deemed necessary to provide for the safety of the public and other users of the land, and upon initial payment of the annual fee, which shall be at the rate of 22 per acre or fraction of acre included in the permit.
- (iii) The permit shall also provide that the record owner of the reserved right or the successors, and age, or leaseses thereof, will repair or replace any improvements damaged or destroyed by the mining operations and restore the land to a condition self-smd reasonably serviceable for authorized programs of the Forest Service, and shall provide for a bond in sufficient amount as determined necessary by the Forest Service to guarantee such repair, replacement or restoration.
- (iv) Failure to comply with the terms and conditions of the aforecald permit shall be cause for termination of all rights to use, cocupy, or disturb the curface of the lands covered thereby, but in event of such termination a new permit shall be issued upon application when the causes for termination of the preceding permit have been estisfactorily remedied and the United States reimbursed for any resultant damage to ti.
- (3) All structures, other improvements, and materials shall be removed from the lands within one year after date of termination of the aforementioned permit. Should the holder of the permit fail to do so within the specified time, the Forest Service may remove, destroy or otherwise dispose of said structures, other improvements, and materials at the permittee's expense, or in lies thereof, may upon written notice to the permittee, assume title thereto in the name of the United States.
- (4) Timber and/or young growth out or destroyed in connection with exercise of the reserved right shall be paid for at rates determined by the Forest

Service to be fair and equitable for comparable timber and/or young growth in the locality. All slash resulting from cutting or destruction of timber or young growth shall be disposed of as required by the Forest Service.

MAP.

- (5) In the prospecting for, mining, and removal of reserved minerals, oil, gas, or other inorganic substances all reasonable provisions shall be made for the disposal of tailings, dumpage, and other delaterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of water resources.
- (6) Nothing herein contained shall be construed to exempt operators or the mining operations from any requirements of applicable State laws nor from compliance with or conformity to any requirements of any law which later may be enacted and which otherwise would be applicable.
- (7) While any activities and/or operations incident to the exercise of the reserved rights are in progress, the operators, contractors, subcontractors, and any amployees thereof shall use due diligence in the prevention and suppression of fires, and shall comply with all rules and regulations applicable to the land.
- (b) The conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section shall not apply to reservations contained in conveyances of lands to the United States under the Act of March 8, 1925, as amonded (45 Stat. 1185, 64 Stat. 82; 16 U.S.C. 685).
- 68 Stat. 32; 16 U.S.C. 585).

  (c) In cases where a State, or an agency, or a political subdivision thereof, reserves minerals, oil, gas, or other inorganic substances, in the conveyance of land to the United States under subtorized programs of the Forest Service and there are provisions in the laws of such State or in conditions, rules and regulations prosulgated by such State, agency or political subdivision thereof, which the Chief, Forest Service, determines are adequate to protect the interest of the United States in the event of the exercise of such reservation, the Chief, Forest Service, determines are adequate to service, its hereby sutherised, in the discretion, to subject the exercise of the reservation, the Chief, Forest Service, is hereby sutherised, in the discretion, to subject the exercise of the reservation to such statutory provisions or such conditions, rules and regulations shall be expressed in and made a part of the deed of conveyance to the United States and in obedience thereto.
- All regulations bevetofore insued by the Secretary, of Agriculture to govern the exercise of mineral rights reserved in conveyance of lands to the United States under authorized programs of the Forest Service shall continue to be effective in the cases to which they are applicable, but are hereby superseded as to mineral rights hereafter reserved in conveyances under such programs.

(30 Stat. 35, se amended, 16 U.S.C. 551. Interprets or applies 36 Stat. 961, as amended, 16 U.S.C. 513-519, 42 Stat. 465, as amended, 16 U.S.C. 484, 486, and 50 Stat. 525, as amended, 7 U.S.C. 1011)

Signed at Washington, D.C., on April 30, 1968.

(8) ORVILLE L. FREEMAN,

5400-34 (5/63)

EFO 9 44 55 1

EXHIBIT C

COUNT

TOWNSHIP

TOWN

CONSUMERS POWER CO.

NAME OF GRANTOR

MUNICIPALITY

SECTION

RANGE

TRACT 22 3-DX5-1

KIND OF INSTRUMENT

DATE OF INST. DATE OF RECORD

PLAT OR AREA

MAP.

Rules and Regulations Governing Exercise of Water Rights Reserved by the Grantor of Lands Conveyed to the United States

In conformity with the provisions of the Act of March 1, 1911 (36 Stat. 961; 16 U.S.C., Sec. 518), I, H. A. Wallace, Secretary of Agriculture, do hereby prescribe the following rules and regulations to govern the exercise of water and related rights reserved by the grantor of lands conveyed to the United States under the provisions of said Act of March 1, 1911.

- (1) All reasonable precautions shall be taken by the grantor and all persons acting for or claiming under him to prevent and suppress forest fires upon or threatening the premises or other adjacent lands of the United States, and any person failing to comply with this requirement shall be responsible for any damages sustained by the United States by reason
- (2) All slash and debris resulting from the cutting and removal of timber shall be disposed of as directed by the Forest Officer in charge.
- (3) Flowage and reservoir areas shall be cleared of timber and debris, in a manner satisfactory to the Forest Supervisor, or in accordance with a special agreement approved by him. Timber cut and destroyed in the exercise of the reserved rights shall be paid for at rates to be prescribed by the Forest Officer in charge, which rates shall be the usual stumpage price charged in the
- (4) The water surface created shall be open to the Forest Service and its permittees when such use does not interfere with the original purpose of the development.
- (5) The water surface shall be open to fishing by the public in accordance with State laws when such use does not interfere with the original purpose of the development.
- (6) Plans for dams and supplemental structures, impounding or controlling more than 10 acre feet of water or with a head in excess of 6 feet, shall be approved by the Regional Engineer of the Forest Service before construction shall begin.

In testimony thereof, I have hereunto set my hand and official seal at the City of Washington, this 5th day of August, 1938.

**[SEAL]** 

H. A. WALLACE, Secretary of Agriculture

F.R. Doc. 38-2288; Filed, August 6, 1938; 12:39 p.m./

Rules and Regulations Governing Rights-of-way Reserved by the Grantor on Lands Conveyed to the United States

In conformity with the provisions of the Act of March 1, 1911 (36 Stat. 961, 16 U.S.C. Soc. 518), I, H. A. Wallaco, Secretary of Agriculture, do horoby prescribe the following rules and regulations to govern the uso, occupancy, and operation of rights-of-way reserved by a grantor of lands to the United States.

- 1. Brush and refuse resulting from the exercise of the rightof-way reservation shall be disposed of to the satisfaction of the Forest Officer in charge.
- 2. Timber cut and destroyed in the exercise of the right-ofway reservation shall be paid for at rates to be prescribed by the Forest Officer in charge, which rates shall be the usual stumpage prices charged in the locality in sales of national forest timber of the same kind or species; for injury to timbor, second growth, and reproduction, the amount of actual damage shall be ascertained by the Forest Supervisor according to the rules applicable in such cases.
- S. All improvements built or maintained upon the right-ofway shall be kept in an orderly, safe and sanitary condition. Failure to maintain such conditions shall be cause for the termination of the reservation after 30 days' notice in writing to the occupant or user that unsatisfactory conditions exist and that the Department intends to terminate all rights under the reservation unless such conditions are forthwith corrected to the satisfaction of the Regional Forester.
- 4. Upon the abandonment of a reserved right-of-way, either by formal release, by termination, or by non-use for a period of one calendar year, all improvements thereon not the property of the United Status shall be removed thorofrom within three months from the date of the abandonment, otherwise such improvements shall vest in and become the property of the United States.
- 5. All reasonable procautions to provent and suppress forest fires shall be taken by the grantor and all persons acting for or elaiming under him; suitable crossings shall be constructed by grantor and/or said persons where the reserved right-of-way intersects existing roads and trails; borrow pits shall not be opened outeide of the immediate graded section except under a special use permit from the Forest Supervisor.
- 6. Officers of the Ferest Service shall have free ingress and egress on and over the reserved rights-of-way for all purposes necessary and incidental to the protection and administration of the national forest.

In testimony thereof, I have hereunto set my hand and official seal at the City of Washington, this 5th day of August, 1938.

ZSEALT

H. A. WALLACE,

Socretary of Agriculture. F.R. Doc. 38-2290; Filod, August 6, 1938;

12:40 p.m.7

#### ALCOHA COUNTY

#### Electric Transmission Line Easements

Several strips of land, each being 210 feet in width and 105 feet on each side of the following described centerlines, all located within T25N, R5E, Curtis Township, Alcona County, Michigan:

# Section 3

The centerline of an existing electric transmission line across a portion of the west 1/2 of the northwest 1/4, the southeast 1/4 of the northwest 1/4, and all that part of the northeast 1/4 of the southwest 1/4 lying northeasterly of AuSable Road, all within said Section 3, T25N, R5E, said centerline being more particularly described as follows: To find the point of beginning commence at the south 1/4 corner of said section; thence N 0 01 00 W, along the north and south 1/4 line of said section, 2594.89 feet to said centerline and the point of beginning for this description; thence N 50 49 00 W, along said centerline, 1850.0 feet; thence N 50 24 00 W, along said centerline, 638.0 feet; thence N 50 34 00 W, along said centerline, 556.0 feet; thence N 51 20 00 W, along said centerline, to the west line of Section 3 and the point of ending for this description. (NOTE: Bearings are based on the south line of Section 3 from the southeast corner to the south 1/4 corner assumed as N 89 15 00 W.)

# Section 4

The centerline of an existing electric transmission line across a portion of that part of the northeast 1/4 of said Section 4, T25N, R5E, lying northeasterly of the center thread of the AuSable River, said centerline being more particularly described as follows: To find the point of beginning commence at the south 1/4 corner of Section 3, T25N, R5E; thence N 00° 01' 00" W along the north and south 1/4 line of said Section 3, 2594.89 feet; thence N 50° 49' 00" W, 1850.0 feet; thence N 50° 24' 00" W, 638.0 feet; thence N 50° 34' 00" W, 556.0 feet to a point hereafter referred to as point "A"; thence N 51° 20' 00" W to the east line of said Section 4 and the point of beginning for this description; thence continuing N 51° 20' 00" W to a point which is 504.0 feet from the above mentioned point "A"; thence N 51° 55' 00" W to the center thread of the AuSable River and the point of ending for this description. (NOTE: Bearings are based on the south line of Section 3 from the southeast corner to the south 1/4 corner assumed as N 89° 15' 00" W.)

Exhibit F-1

Page 1 of 3

#### Section 10

The centerline of an existing electric transmission line across all that part of the northeast 1/4 of said Section 10, T25N, R5E, lying northeasterly AuSable Road, said centerline being more particularly described as follows: To find the point of beginning commence at the northeast corner of said section; thence S 0° 34° 12° W, along the east line of said section, 424.98 feet to said centerline and the point of beginning for this description; thence N 38° 21° 30° W, 547.69 feet to the north line of said section at a point which is 344.14 feet westerly of the northeast corner of said section and the point of ending for this description. (NOTE: Bearings are based on the east line of Section 10 from the northeast corner to the east 1/4 corner assumed as S 0° 34° 12° W.)

#### Section 11

The centerline of an existing electric transmission line across part of the southwest 1/4 of the southeast 1/4 of said Section 11, T25N, R5E, said centerline being more particularly described as follows: To find the point of beginning commence at the south 1/4 corner of said section; run thence N 0° 33' 18" E, along the north and south 1/4 line of said section, 2051.24 feet to the centerline of said electric transmission line; thence N 84° 37' E, along said centerline, 97.39 feet; thence S 60° 35' E, along said centerline, 138.95 feet; thence S 17° 48' E, along said centerline, 218.6 feet; thence S 12° 00' E, along said centerline, 504.33 feet to the south 1/8th line of said section and the point of beginning of this description; thence continuing S 12° 00" E, along said centerline, to the south line of said section and the point of ending of this description, said point being 657.50 feet easterly of the south 1/4 corner of said section, as measured along said section line. (NOTE: Bearings are based on the north and south 1/4 line of Section 11 assumed as N 0° 33' 18" E.)

The centerline of an existing electric transmission line across a portion of the southwest 1/4 and across a portion of the west 1/2 of the northwest 1/4 of Section 11, T25N, R5E, all lying northerly and easterly of AuSable Road, said centerline being more particulary described as follows: To find the point of beginning commence at the south 1/4 corner of said section; thence N  $0^{\circ}$  33'  $18^{\circ}$ E, along the north and south 1/4 line of said section, 2051.24 feet to the centerline of said electric transmission line and the point of beginning for this description; thence S 84° 37' W, along said centerline, 167.51 feet; thence N 76° 13' 00" W, along said centerline, 267.0 feet; thence N 52° 30' 30" W, along said centerline, 226.0 feet; thence N 38° 57' 00" W, along said centerline to the east and west 1/4 line of said section; thence continuing N 38° 57' 00" W, along said centerline 689.83 feet to the west 1/8th line of said section; thence continuing N 38° 57' 00" W, along said centerline, 889.73 feet; thence N 38° 21' 30" W, along said centerline, 1184.17 feet to the west line of said section at a point which is 424.98 feet southerly of the northwest corner of said section, as measured along said section line, and the point of ending for this description. (NOTE: Bearings are based on the west line of Section 11 from the northwest corner to the west 1/4 corner assumed as S 0

Exhibit F-1

Page 2 of 3

PLAT OR AREA

Section 14

DATE OF INST. DATE OF RECORD LIBER

KIND OF INSTRUMENT

The centerline of an existing electric transmission line across a portion of the north 1/2 of the northwest 1/4 of the northeast 1/4 of Section 14, T25N, R5E, said centerline being more particularly described as follows: To find the point of beginning commence at the north 1/4 corner of said section; thence N 89 50' 09" E, along the north line of said section, 657.50 feet to the centerline of said electric transmission line and the point of beginning for this description; thence S 12 27' 10" E, along said centerline to the south line of the north 1/2 of the northwest 1/4 of the northeast 1/4 of said section and the point of ending for this description. (NOTE: Bearings are based on the north line of Section 14 from the north 1/4 corner to the northeast corner assumed as N 89 50' 00" E)

ALCONA COUNTY

# Electric Distribution Line Easements

A strip of land 30 feet in width running Northwesterly and Southeasterly across that part of the NE 1/4 of the NE 1/4 of Section 10, T25N, R5E, lying NE'ly of the center of the AuSable Road in said Section 10.

Several strips of land, each being 30 feet in width, and running Northwesterly and Southeasterly across the S 1/2 of the SW 1/4 of Section 11, T25N, R5E; running Northwesterly and Southeasterly across the SW 1/4 of the SE 1/4 of Section 11, T25N, R5E; running Northwesterly and Southeasterly across that part of the NE 1/4 of the SW 1/4 of Section 11, T25N, R5E, lying NE'ly of the center of the AuSable Road; and running Northwesterly and Southeasterly across that part of the W 1/2 of the NW 1/4 of Section 11, T25N, R5E lying NE'ly of the center of the AuSable Road.

Two strips of land, each being 30 feet in width, and running Northwesterly and Southeasterly, and Northeasterly and Southwesterly across the N 1/2 of the NE 1/4 of the NW 1/4 of Section 14, T25N, R5E.

A strip of land 30 feet in width and running Northwesterly and Southeasterly across the W 1/2 of the E 1/2 of Section 15, T25N, R5E.

# Underground Electric Distribution Line Essement

A strip of land 30 feet in width, within the N 1/2 of the NW 1/4 of the NE 1/4 of Section 14, T25N, R5E, and being 15 feet either side of the centerline of an existing underground electric distribution line, which lies within the right of way of an existing road; said road having its northerly end, within this description; approximately 320 feet east of the North 1/4 corner of said Section 14 and its southerly end, within this description, approximately 760 feet east of a point lying 660 feet south of the N 1/4 corner of said Section 14.

Page 1 of 1

Exhibit F-2

Exhibit F-1

Page 3 of 3

	CROSS REFERENCE SHEET
Warranty Deed	was conveyed by Consumers Power Company to The United States of America.
	dated
	rty in Section 3, Township 25 North, Range 5 East - Alcona County
Regarding Prope	ty III <u>Section 3, Iownous</u>
Original filed	in GENERAL DEED FILE- ALCONA COUNTY  Instrument No