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Date 6/3/22 Time 9:41a

Alpena Register of Deeds

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06/03/2022 10:24 AM Page: 1 of 7  
Catherine Murphy, Register Alpena Co., Mi

\$30.00



### STORM WATER DETENTION AND DRAINAGE EASEMENT AGREEMENT

THIS STORM WATER DETENTION AND DRAINAGE EASEMENT AGREEMENT (this "Agreement") is made as of this 12<sup>th</sup> day of May, 2022, by and between ALPENA POWER COMPANY, whose address is 401 N. 9th Ave., Alpena, Michigan 49707 ("Grantor") and MICHIGAN ELECTRIC TRANSMISSION COMPANY, LLC, a Michigan limited liability company, whose address is 27175 Energy Way, Novi, MI 48377 ("Grantee").

#### RECITALS

A. Grantor owns a parcel of land located in Alpena Township, County of Alpena, State of Michigan, described on Exhibit A attached hereto (the "Property").

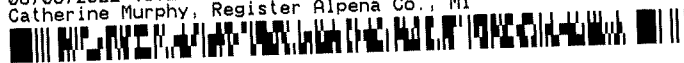
B. The parties desire to enter into a written agreement to provide for detention and drainage easement rights and the construction and maintenance of certain storm water detention and drainage facilities on the Property.

**NOW, THEREFORE**, for consideration of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the parties hereto agree as follows:

1. Grantor hereby grants a non-exclusive, perpetual easement upon, under, over, above and across that portion of the Property legally described on Exhibit B (the "Storm Drainage Easement Area") to Grantee, its successors and assigns, for (i) the discharge, drainage, use, detention and retention of storm water runoff, and (ii) the construction, installation, maintenance, repair and replacement of a swale and detention basin (the "Detention and Drainage Facilities"), as such Storm Drainage Easement Area is depicted on Exhibit C attached hereto. Once constructed, Grantee shall maintain the Detention and Drainage Facilities and make any and all repairs that may from time to time be required with respect thereto.

2. Grantor hereby grants a non-exclusive, perpetual easement to Grantee, its successors and assigns, to enter upon the Property in an access area approved by Grantor to construct, install, repair and maintain the Detention and Drainage Facilities. Grantee shall be solely responsible for the cost of constructing, installing, maintaining and repairing the Detention and Drainage Facilities. In connection with this easement, Grantee and its successors, assigns, and licensees may cut or trim any and all trees, shrubs, underbrush, bushes and similar growth, now or hereafter growing upon or extending over the Storm Drainage Easement Area, but only as may be reasonably necessary to exercise the rights and obligations hereunder granted.

*A0778252 DER*



3. No buildings, structures or other improvements shall be erected within the Storm Drainage Easement Area.

4. In the event Grantee fails to maintain the Detention and Drainage Facilities as required hereunder, Grantor may undertake that maintenance obligation upon providing Grantee (30) days written notice. In the event Grantor shall undertake maintenance obligations under this Paragraph, Grantee shall reimburse Grantor for its actual and direct costs incurred in performing such maintenance obligations within thirty (30) days after Grantee's receipt of an invoice and reasonable documentation evidencing such costs.

5. This Agreement shall run with the land and be binding on each party's successors and assigns.

6. This Agreement may be terminated, modified or amended only by a written instrument recorded in the office of the Register of Deeds in Alpena County, Michigan signed by all of the owners then having an interest in the Parcels, and any portion thereof.

7. This Agreement is exempt from state and county transfer taxes pursuant to MCL 207.526(a) and MCL 207.505(a).

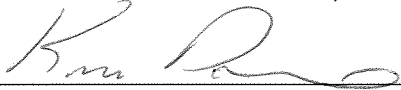
[signature pages follow]



IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**GRANTOR:**

ALPENA POWER COMPANY, a Michigan corporation


By: 

Name: Kenneth A. Dragiewicz

Its: President and COO

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF ALPENA )

The foregoing instrument was acknowledged before me this 11th day of May, 2022 by Kenneth A. Dragiewicz, President and COO of Alpena Power Company, a Michigan corporation, on behalf of the company.

  
Print Name: Audra R. Smith  
Notary Public, Alpena County, MI  
Acting in Alpena County, MI  
My Commission Expires: 2/16/29



[Grantee's signature page follows]



GRANTEE:

MICHIGAN ELECTRIC TRANSMISSION COMPANY, LLC,  
a Michigan limited liability company

By: ITC Holdings Corp., a Michigan corporation  
Its: Sole Manager

By: [Signature]

Name: Jean Kim D'Anna  
Its: Vice President and Deputy General Counsel – Legal Services

STATE OF MICHIGAN )  
 )ss  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of May, 2022 by Jean Kim D'Anna, the Vice President and Deputy General Counsel – Legal Services of ITC Holdings Corp., a Michigan corporation, the Sole Manager of Michigan Electric Transmission Company, LLC, a Michigan limited liability company, on behalf of said limited liability company.

M. WEAVER  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Jun 20, 2027  
ACTING IN COUNTY OF Oakland

[Signature]  
Notary Public  
Macomb County, Michigan  
My commission expires: 6/20/24  
Acting in the County of Oakland

Drafted by:

Matthew Hetzner (P73044)  
ITC Holdings Corp.  
27175 Energy Way  
Novi, MI 48377

When recorded return to:

Real Estate Manager  
ITC Holdings Corp.  
27175 Energy Way  
Novi, MI 48377

\* RETURN TO:  
Fidelity National Title  
45467 Market St.  
Shelby Twp, MI 48315



EXHIBIT A

Legal Description of the Property

Land in the Township of Alpena, County of Alpena, State of Michigan described as follows:

All that part of Government Lot 4 of Section 7, Town 31 North, Range 8 East, described as:  
Commencing at the Northwest Section corner of said Section 7;  
thence South 03 degrees 33 minutes 30 seconds West, along the West Section line, 1126.30 feet;  
thence along the Southwesterly 33 foot right of way line of Long Rapids Road the following six (6) courses:  
(1) Southeasterly 60.77 feet along the arc of a 00 degrees 59 minutes 40 seconds degree curve to the left  
(long chord bearing South 55 degrees 36 minutes 34 seconds East 60.76 feet);  
(2) South 55 degrees 54 minutes 41 seconds East 1039.27 feet;  
(3) Southeasterly 393.86 feet along the arc of a 00 degrees 30 minutes 06 seconds curve to the right (long  
chord bearing South 54 degrees 55 minutes 26 seconds East 393.84 feet);  
(4) South 53 degrees 56 minutes 10 seconds East 709.01 feet;  
(5) Southeasterly 386.04 feet along the arc of a 03 degrees 54 minutes 36 seconds degree curve to the left  
(long chord bearing South 61 degrees 28 minutes 58 seconds East 384.92 feet);  
and (6) South 69 degrees 01 minute 47 seconds East 1333.51 feet;  
thence South 06 degrees 21 minutes 42 seconds West 491.00 feet to the **Point of Beginning**;  
thence South 71 degrees 52 minutes 22 seconds East 127.22 feet;  
thence South 18 degrees 08 minutes 03 seconds West 20.17 feet;  
thence South 71 degrees 52 minutes 22 seconds East 401.45 feet;  
thence South 04 degrees 07 minutes 05 seconds West, along the East North-South 1/8 line, 694.10 feet;  
thence North 80 degrees 46 minutes 50 seconds West, along a meander line of the Northeast Bank of the  
Thunder Bay River, 541.30 feet; thence North 06 degrees 21 minutes 42 seconds East 794.13 feet to the  
**Point of Beginning**. Containing 8.912 acres North of meander line, more or less. Property lines extend to the  
Northerly water's edge of the Thunder Bay River.

Commonly known as: Vacant Land, Long Rapids Road/4 Mile Road, Alpena Township

Parcel Identification No.: 012-007-000-300-03 (includes more land); New Parcel Identification  
No. for 2023: 012-007-000-300-29



EXHIBIT B

Legal Description of the Storm Drainage Easement Area

Land in the Township of Alpena, County of Alpena, State of Michigan described as follows:

All that part of Government Lot 4 of Section 7, Town 31 North, Range 8 East, described as:  
 Commencing at the Northwest Section corner of said Section 7;  
 thence South 03 degrees 33 minutes 30 seconds West, along the West Section line, 1126.30 feet;  
 thence along the Southwesterly 33 foot right of way line of Long Rapids Road the following six (6) courses:  
 (1) Southeasterly 60.77 feet along the arc of a 00 degrees 59 minutes 40 seconds degree curve to the left  
 (long chord bearing South 55 degrees 36 minutes 34 seconds East 60.76 feet);  
 (2) South 55 degrees 54 minutes 41 seconds East 1039.27 feet;  
 (3) Southeasterly 393.86 feet along the arc of a 00 degrees 30 minutes 06 seconds curve to the right (long  
 chord bearing South 54 degrees 55 minutes 26 seconds East 393.84 feet);  
 (4) South 53 degrees 56 minutes 10 seconds East 709.01 feet;  
 (5) Southeasterly 386.04 feet along the arc of a 03 degrees 54 minutes 36 seconds degree curve to the left  
 (long chord bearing South 61 degrees 28 minutes 58 seconds East 384.92 feet);  
 and (6) South 69 degrees 01 minute 47 seconds East 1333.51 feet;  
 thence South 06 degrees 21 minutes 42 seconds West 491.00 feet;  
 thence South 71 degrees 52 minutes 22 seconds East 60.72 feet to the **Point of Beginning**;  
 thence South 71 degrees 52 minutes 22 seconds East 66.50 feet;  
 thence South 18 degrees 08 minutes 03 seconds West 20.17 feet;  
 thence North 71 degrees 52 minutes 22 seconds West 66.50 feet;  
 thence North 18 degrees 08 minutes 03 seconds East 20.17 feet to the **Point of Beginning**.

Affects land commonly known as: Vacant Land, Long Rapids Road/4 Mile Road, Alpena Township

Parcel Identification No.: 012-007-000-300-03 (includes more land); New Parcel Identification No. for 2023: 012-007-000-300-29

EXHIBIT C

Depiction of Storm Drainage Easement Area

