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Alpena Register of Deeds

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Catherine Murphy, Register Alpena Co., Mi

\$30.00



### ACCESS EASEMENT AGREEMENT

This Access Easement Agreement (this “Easement”) is entered into as of this 12<sup>th</sup> day of May, 2022, by and between by and between ALPENA POWER COMPANY (the “Grantor”), whose address is 401 N. 9<sup>th</sup> Ave., Alpena, Michigan 49707 and MICHIGAN ELECTRIC TRANSMISSION COMPANY, LLC, a Michigan limited liability company (the “Grantee”), whose address is 27175 Energy Way, Novi, Michigan 48377.

#### RECITALS:

A. Grantor, as seller, and Grantee, as purchaser, are parties to that certain Option Agreement dated February 28, 2022 (the “Option Agreement”).

B. Pursuant to the Option Agreement, Grantor has sold or will sell certain real property to Grantee consisting of approximately 5.72 acres (“Grantee’s Property”), all of which property is located in the Alpena Township, Alpena County, Michigan. The Grantee’s Property is legally described in **Exhibit A** attached hereto and the Grantor’s Property is legally described in **Exhibit B** attached hereto (“Grantor’s Property”).

C. Grantee’s Property is located adjacent to Grantor’s Property and does not abut or have access to a public road.

D. Grantee desires to obtain from Grantor and Grantor desires to provide to Grantee an easement for access, ingress, and egress to and from Grantee’s Property across a portion of Grantor’s Property in order to access 4 Mile road together with the right of Grantee to construct, reconstruct, maintain, repair, upgrade, expand, replace, relocate, remove, use and operate communication equipment and/or utility lines and similar facilities, whether now existing or hereafter to be installed, in, at, over, under, along or across portions of Grantor’s Property (“Grantee’s Operations”) as depicted and legally described on **Exhibit C** attached hereto.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

1. Access Easement. Grantor grants, for the benefit of the present and future owners of Grantee’s Property and any future divisions thereof, and their respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, an exclusive perpetual sixty (60)



foot easement as depicted and legally described in Exhibit C (the “Easement Area”) for ingress and egress on, over, across and through Grantor’s Property in order to access 4 Mile road and perform Grantee’s Operations within such Easement Area. The Easement Area is for the purpose of access, ingress and egress to Grantee’s Property on, over, through, and across Grantor’s Property and to provide utilities to Grantee’s Property and otherwise perform Grantee’s Operations thereon. Grantor acknowledges and agrees that neither Grantor nor any of Grantor’s agents, licensees or invitees shall interfere with Grantee’s use and enjoyment of the Easement Area for the purposes set forth herein.

2. Construction and Maintenance of Easement Area and Access Drive.

Grantee shall, at Grantee’s sole expense, install an access drive (the “Access Drive”) within the bounds of the Easement Area. Upon the Access Drive being installed as provided herein, Grantee shall also be responsible, at its sole expense, to cause the Access Drive to be maintained, repaired and/or replaced in accordance with all applicable laws, rules and regulations. The Grantee shall be required to maintain, at Grantee’s sole expense, the Access Drive, including snow removal, as necessary for Grantee’s use of the Access Drive for ingress and egress. In the event Grantee fails to comply with the requirements of this Paragraph 2, Grantor may perform the obligations of Grantee herein and Grantee shall reimburse Grantor for its actual costs and expenses within 30 days after Grantor submits an invoice to Grantee for all such costs and expenses.

3. Successors. This Easement shall be binding upon and inure to the benefit of the parties designated herein, their heirs, executors, administrator, beneficiaries, successors and assigns.

4. Governing Law. This Easement shall be construed in accordance with laws of the State of Michigan.

5. Headings. The paragraph headings in this Easement are for convenience only, shall in no way define or limit the scope or content of this Easement and shall not be considered in any construction or interpretation of this Easement or any part thereof.

6. Counterparts. This Easement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be deemed to be an original, but all such counterparts when taken together shall constitute one and the same Easement.

7. Severability. In the event any provisions of this Easement is held by any court of competent jurisdiction to be invalid or unenforceable, such holding will not affect the remainder thereof, and the remaining provisions shall continue in full force and effect at the same extent as would have been the case had such invalid or unenforceable provision or portion never been a part hereof.

8. Amendments. Any amendment or modification of this Easement must be in writing, executed by all of the then current owners of the Grantor’s Property and Grantee’s Property and recorded with the Alpena County Register of Deeds.

9. Remedies. In the event of any violation and threatened violation of any of the provisions of this Easement by one of the parties, the other party shall have the right to apply to a



court of competent jurisdiction for an injunction or temporary restraining order against such violation or threatened violation and/or for a decree of specific performance in addition to any other remedy allowed by law.

10. Easement Runs With The Land. This Easement shall be recorded by the parties hereto. The Easement granted herein shall run with the land.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(a) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(a).

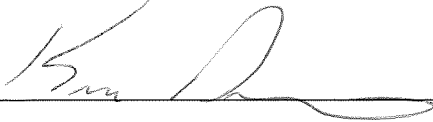
IN WITNESS WHEREOF, the parties below have executed this Easement as of the date stated above.

*(SIGNATURES ON NEXT PAGE)*



**GRANTOR:**

ALPENA POWER COMPANY,  
a Michigan corporation

By: 

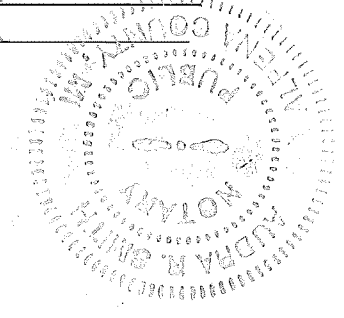
Name: Kenneth A. Dragiewicz

Its: President and COO

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF ALPENA     )

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

Audra R. Smith  
AUDRA R. SMITH Notary Public, Michigan County, Alpena  
My Commission Expires: 2/16/29  
Acting in the County of Alpena



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, 2024  
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 S. Hetzner (P73044)  
ITC Holdings Corp.  
27175 Energy Way  
Novi, Michigan 48377

When recorded return to:  
Real Estate Manager  
ITC Holdings Corp.  
27175 Energy Way  
Novi, Michigan 48377

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



EXHIBIT A

GRANTEE'S PROPERTY

Land Situated in the State of Michigan, County of Alpena, Township of Alpena more particularly 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 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 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 to the Point of Beginning;

thence continuing along said Southwesterly 33 foot right of way line the following three (3) courses:

- (1) South 69 degrees 01 minute 47 seconds East 255.21 feet;
- (2) Southeasterly 185.09 feet along the arc of a 01 degree 58 minutes 39 seconds curve to the left (long chord bearing South 70 degrees 51 minutes 35 seconds East 185.05 feet); and
- (3) South 72 degrees 41 minutes 24 seconds East 67.65 feet;

thence South 04 degrees 07 minutes 05 seconds West, along the East North-South 1/8 line, 500.78 feet; thence North 71 degrees 52 minutes 22 seconds West 401.45 feet; thence North 18 degrees 08 minutes 03 seconds East 20.17 feet; thence North 71 degrees 52 minutes 22 seconds West 127.22 feet; thence North 06 degrees 21 minutes 42 seconds East 491.00 feet to the Point of Beginning.

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

Parcel Identification No.: 012-007-000-300-03 (includes more land); New Parcel Identification No. for 2023: 012-007-000-300-28



**EXHIBIT B**

**GRANTOR'S PROPERTY**

Part of Government Lot 4 of Fractional Section 7, Town 31 North, Range 8 East, Alpena Township, Alpena County, Michigan, described as:

Commencing at the South 1/4 corner of said Section 7;  
thence South 85 degrees 24 minutes 35 seconds East 33.00 feet along the South line of said Section;  
thence North 04 degrees 23 minutes 14 seconds East 32.50 feet parallel with the North-South 1/4 line of said Section to the Northerly right of way line of Lake Winyah Road;  
thence continuing North 04 degrees 23 minutes 14 seconds East 197.35 feet parallel with the North-South 1/4 line of said Section;  
thence South 85 degrees 24 minutes 35 seconds East 781.11 feet parallel with the South line of said Section;  
thence North 04 degrees 06 minutes 46 seconds East 405.24 feet to a meander point on the South bank of the Thunder Bay River; thence continuing North 04 degrees 06 minutes 46 seconds East 566.59 feet to a meander point on the North bank of the Thunder Bay River;  
thence North 06 degrees 22 minutes 01 second East 51.45 feet to the Point of Beginning;  
thence South 83 degrees 06 minutes 35 seconds West 266.17 feet;  
thence South 87 degrees 55 minutes 06 seconds West 91.43 feet;  
thence North 78 degrees 34 minutes 43 seconds West 78.22 to a point on the Easterly line of the 1991 project boundary for Four Mile Dam; thence North 20 degrees 06 minutes 03 seconds West 89.74 feet along said Easterly line; thence North 06 degrees 53 minutes 57 seconds East 190.36 feet along said Easterly line to the Easterly line of a 30 foot easement as described in Liber 290, page 771, Alpena County Records;  
thence North 44 degrees 58 minutes 34 seconds East 147.59 feet along said Easterly easement line;  
thence North 33 degrees 36 minutes 13 seconds East 150.81 feet along said Easterly easement line;  
thence North 26 degrees 02 minutes 10 seconds East 834.43 feet along said Easterly easement line to the Southerly right of way line of Long Rapids Road;  
thence South 89 degrees 01 minute 47 seconds East 17.59 feet along said right of way line to the Northwest corner of Parcel 4-B as described in a survey recorded in Liber 3, page 607, Alpena County Records;  
thence South 06 degrees 22 minutes 01 second West 1233.69 feet along the Westerly line of said Parcel 4-B to the Point of Beginning.

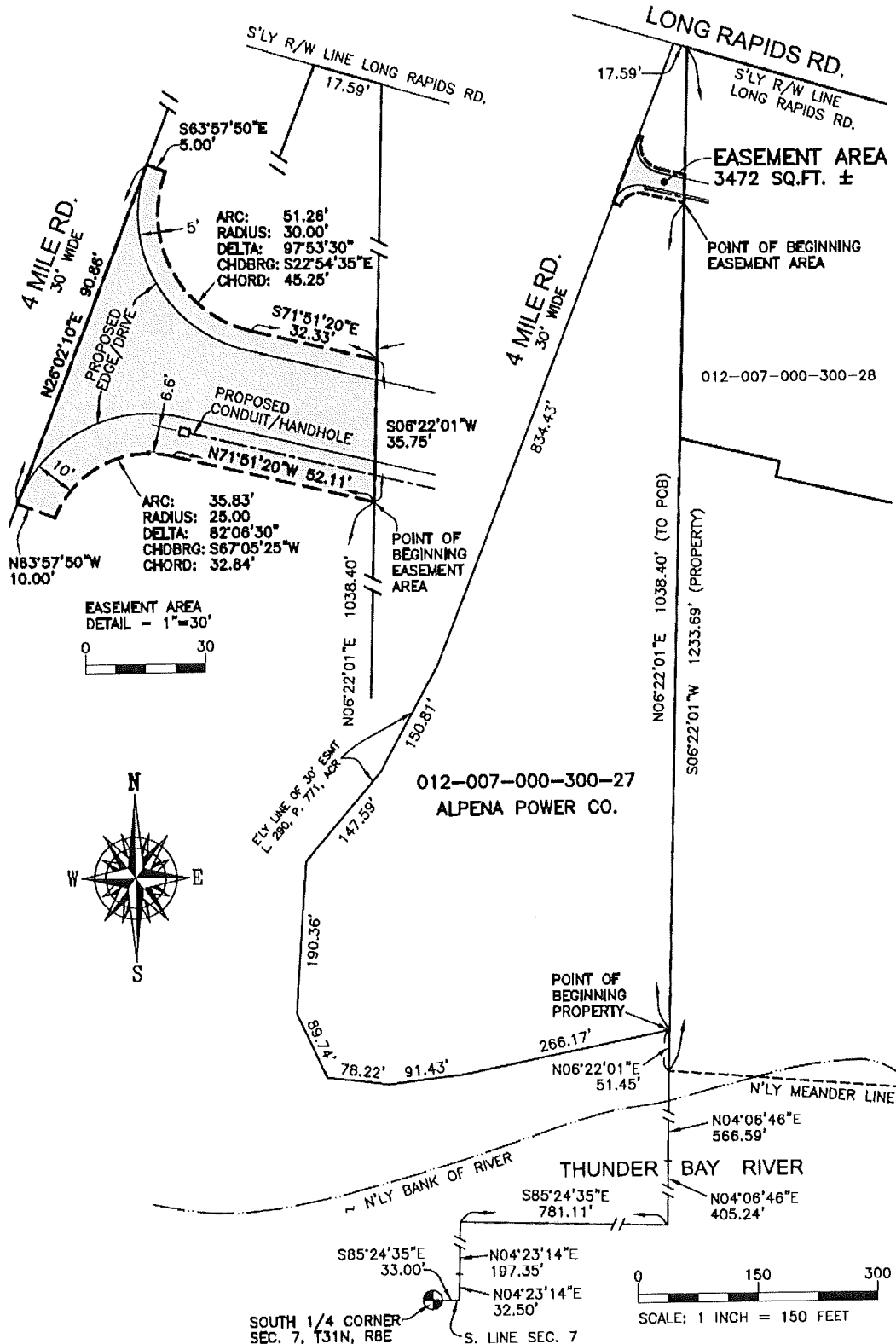
Commonly known as: Vacant Land, Long Rapids Road, Alpena Township

Parcel Identification No.: 012-007-000-300-27



EXHIBIT C

EASEMENT AREA SURVEY AND LEGAL DESCRIPTION





**DESCRIPTION OF EASEMENT AREA**

Part of Government Lot 4 of Fractional Section 7, Town 31 North, Range 8 East, Alpena Township, Alpena County, Michigan, described as:

Commencing at the South 1/4 corner of Section 7, Town 31 North, Range 8 East;  
thence South 85 degrees 24 minutes 35 seconds East 33.00 feet along the South line of Section 7;  
thence North 04 degrees 23 minutes 14 seconds East 32.50 feet parallel with the North-South 1/4 line of Section 7 to the Northerly right of way line of Lake Winyah Road;  
thence continuing North 04 degrees 23 minutes 14 seconds East 197.35 feet parallel with the North-South 1/4 line of Section 7;  
thence South 85 degrees 24 minutes 35 seconds East 781.11 feet parallel with the South line of Section 7;  
thence North 04 degrees 06 minutes 46 seconds East 405.24 feet to a meander point on the South bank of the Thunder Bay River;  
thence continuing North 04 degrees 06 minutes 46 seconds East 566.59 feet to a meander point on the North bank of the Thunder Bay River;  
thence North 06 degrees 22 minutes 01 second East 51.45 feet;  
thence continuing North 06 degrees 22 minutes 01 second East 1038.40 feet to the **Point of Beginning**;  
thence North 71 degrees 51 minutes 20 seconds West 52.11 feet;  
thence Southwesterly 35.83 feet along the arc of a curve to the left, radius 25.00 feet, central angle 82 degrees 06 minutes 30 seconds, chord bears South 67 degrees 05 minutes 25 seconds West 32.84 feet;  
thence North 63 degrees 57 minutes 50 seconds West 10.00 feet;  
thence North 26 degrees 02 minutes 10 seconds East 90.86 feet;  
thence South 63 degrees 57 minutes 50 seconds East 5.00 feet;  
thence Southeasterly 51.26 feet along the arc of a curve to the left, radius 30.00 feet, central angle 97 degrees 53 minutes 30 seconds, chord bears South 22 degrees 54 minutes 35 seconds East 45.25 feet;  
thence South 71 degrees 51 minutes 20 seconds East 32.33 feet;  
thence South 06 degrees 22 minutes 01 second West 35.75 feet to the **Point of Beginning**.

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

Parcel Identification No.: 012-007-000-300-27