

RIGHT OF WAY

Recorded ~~1954~~ day of ~~January~~ 1954 at ~~11:30~~ o'clock ~~P.~~ M. Liber. ~~123~~ Page ~~372~~

LIBER. 123 PAGE 372

Robert F. Miller Register of Deeds

Archie E. Smith and Nellie Smith, also known as Nellie M. Smith, his wf., and in her own right, first parties, in consideration of One Dollar (\$1.00) to them paid by the CONSUMERS POWER COMPANY, a Maine corporation authorized to do business in Michigan, at 212 W. Michigan Ave., Jackson, Michigan, second party, receipt of which is hereby acknowledged, Convey and Warrant to the second party, its successors and assigns, Forever, the easement and right to erect, lay and maintain lines consisting of towers, 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 the following described parcel of land, including all public highways upon or adjacent to said parcel of land, which parcel is situate in the Township of Wilson County of Alpena, and State of Michigan, to-wit:

The West fractional one-half (1/2) of the Northwest one-quarter (1/4) of Section five (5), Township thirty (30) North, Range seven (7) East.

The route to be taken by said lines of ~~towers~~ poles, wires, cables and conduits across, over and under said land being more specifically described as follows:

Second party may locate two lines of poles and wires running in a Northeasterly and Southwesterly direction on, over and across said above described land, one line of poles and wires to be located Northwesterly of and along and not more than 50 feet and one line of poles and wires to be located Southeasterly of and along and not more than 60 feet from the center line of grade of the former Boyne City, Gaylord and Alpena Railroad right of way.

With full right and authority to the second party, its successors, licensees, lessees or assigns, and its and their agents and employees, to enter at all times upon said premises for the purpose of constructing, repairing, removing, replacing improving, enlarging and mainraining such cables, conduits and ~~towers~~ 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 to trim, remove, destroy or otherwise control any trees and brush which may, in the opinion of said second party, interfere or threaten to interfere with or be hazardous to the construction, operation and maintenance of said lines. It is expressly understood that no buildings or other structures will be placed under such wires and/or over such cables without the written consent of said second party. It is expressly understood that non-use or a limited use of this easement by second party shall not prevent second party from later making use of the easement to the full extent herein authorized. Second party to pay at the rate of Eighty Dollars (\$80.00) per mile of length of the line of poles and wires across said above described premises, the same to be paid before any work is done on the land, and also to pay for any damage to crops in erecting and maintaining said line of poles and wires.

WITNESS the hand s. and seal s. of the parties of the first part, this 15th day of January, 1954.

Signed, Sealed and Delivered in Presence of

Arleigh Smith (L.S.)
James F. Miller (L.S.)
Archie E. Smith (L.S.)
Nellie Smith (L.S.)

STATE OF MICHIGAN) On this 15th day of January 1954
) ss. before me, a Notary Public of Cheboygan County,
County of Alpena) Michigan, acting in Alpena County, personally appeared

Archie E. Smith and Nellie Smith

to me known to be the same person s. named in and who executed the foregoing instrument, and severally acknowledged the execution of the same to be their free act and deed.

James F. Miller
Notary Public, Cheboygan Co., Mich.
My commission expires May 21, 1957

C O P Y

THIS INDENTURE, Made this 2nd. day of April,
A.D. 1954, Between CONSUMERS POWER COMPANY, a corporation duly authorized to
do business in Michigan, with its principal office in Jackson, Michigan, as
first party, and ALPENA POWER COMPANY, a corporation duly authorized to do
business in Michigan, with its principal office in Alpena, Michigan, as second
party,

WITNESSETH:

The said first party for and in consideration of the sum of One Dollar
(\$1.00) and other valuable considerations to it in hand paid by the said second
party, the receipt whereof is hereby confessed and acknowledged, does by these
presents grant, bargain, sell, release and QUIT CLAIM unto the said second party,
its successors and assigns, forever, the easement and right to erect, lay and
maintain electric transmission lines consisting of poles, wires, cables, conduits
and other fixtures and appurtenances for the purpose of transmitting and distrib-
uting electricity on, over, under and across the following described parcels of
land, including all public highways upon or adjacent to said parcels of land,
hereinafter more particularly described and on routes as hereinafter designated,
situated in the Townships of Wilson and Green, Alpena County, State of Michigan,
to-wit:

1.

The Southeast one-quarter (SE $\frac{1}{4}$) of the Southeast one-quarter
(SE $\frac{1}{4}$), the Southwest one-quarter (SW $\frac{1}{4}$) of the Southeast one-quarter
(SE $\frac{1}{4}$) of Section thirty-one (31), Township thirty-one (31) North,
Range seven (7) East. The East fractional one-half (E fr $\frac{1}{2}$) of
the Northwest one-quarter (NW $\frac{1}{4}$), the West fractional one-half (W fr $\frac{1}{2}$)
of the Northwest one-quarter (NW $\frac{1}{4}$) of Section five (5), Township
thirty (30) North, Range seven (7) East. The East one-half (E $\frac{1}{2}$) of
the Northeast one-quarter (NE $\frac{1}{4}$), the West one-half (W $\frac{1}{2}$) of the North-
east one-quarter (NE $\frac{1}{4}$) and the Northwest one-quarter (NW $\frac{1}{4}$) of the
Southeast one-quarter (SE $\frac{1}{4}$) of Section six (6), Township thirty (30)
North, Range seven (7) East.

The route to be taken by said lines of poles, wires, cables and
conduits across said land being described as follows:

Said line of poles and wires shall be located on a strip of land
fifty (50) feet wide, the Southerly line of said strip being the cen-
ter line of the former Boyne City-Gaylord and Alpena Railroad right
of way, which center line is described as beginning at a point on the
East line of Section thirty-one (31), Township thirty-one (31) North,
Range seven (7) East, at a point ten hundred thirty-three (1033) feet
North of the Southeast corner of said Section, running thence South-
westerly in a straight line to a point on the West line of Section
five (5), Township thirty (30) North, Range seven (7) East, eight hundred
fifty-five (855) feet South of the Northwest corner of said Section
five (5) and continuing thence Southwesterly in a straight line on the
same course to a point on the West line of the Northwest one-quarter
(NW $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of Section six (6), Township
thirty (30) North, Range seven (7) East, at a point one hundred twenty
(120) feet South of the Northwest corner of the Northwest one-quarter
(NW $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of said Section six (6).

2.

The North one-half (N $\frac{1}{2}$) of the Southwest one-quarter (SW $\frac{1}{4}$) of the
Southwest one-quarter (SW $\frac{1}{4}$) of Section six (6), Township thirty (30)
North, Range seven (7) East; the North one-half (N $\frac{1}{2}$) of the Northwest
one-quarter (NW $\frac{1}{4}$) of Section twelve (12), Township thirty (30) North,
Range six (6) East.

The route to be taken by said lines of poles, wires, cables, and
conduits across said land being described as follows:

2. (Continued)

Said line of poles and wires shall be located on a strip of land fifty (50) feet wide, the southerly line of said strip being described as beginning at a point on the North and South quarter line of said Section six (6), Township thirty (30) North, Range seven (7) East, at its intersection with the center line of grade of the former Boyne City-Gaylord and Alpena Railroad right of way, running thence Southwesterly along the center line of said grade to a point not more than nine hundred (900) feet nor less than seven hundred (700) feet East of the West line of said Section six (6), measured at right angles thereto, running thence Southwesterly to a point not more than one hundred (100) feet East of the West line of said Section six (6) at a point not more than eleven hundred (1100) feet and not less than nine hundred (900) feet North of the South line of said Section six (6), running thence Southwesterly in a straight line to the center line of the grade of the Boyne City-Gaylord and Alpena Railroad right of way at a point not more than one hundred (100) feet East of the West line of Section twelve (12), Township thirty (30) North, Range six (6) East, running thence Southwesterly along the center line of grade of said Railroad right of way to the West line of said Section twelve (12).

3.

The North one-half ($N\frac{1}{2}$) of the Northeast one-quarter ($NE\frac{1}{4}$), the South one-half ($S\frac{1}{2}$) of the Northeast one-quarter ($NE\frac{1}{4}$), the Northwest one-quarter ($NW\frac{1}{4}$) of Section eleven (11); the South one-half ($S\frac{1}{2}$) of the Northeast one-quarter ($NE\frac{1}{4}$), the North one-half ($N\frac{1}{2}$) of the North one-half ($N\frac{1}{2}$) of the Southeast one-quarter ($SE\frac{1}{4}$), the South one-half ($S\frac{1}{2}$) of the Northwest one-quarter ($NW\frac{1}{4}$) and the North one-half ($N\frac{1}{2}$) of the Southwest one-quarter ($SW\frac{1}{4}$) of Section ten (10), the North one-half ($N\frac{1}{2}$) of the Southeast one-quarter ($SE\frac{1}{4}$) of Section nine (9), except the West sixteen hundred forty-six (1646) feet thereof, being all in Township thirty (30) North, Range six (6) East.

The route to be taken by said lines of poles, wires, cables and conduits across said land being described as follows:

Said line of poles and wires shall be located on a strip of land fifty (50) feet wide, the southerly line of said strip being the center line of the former Boyne City-Gaylord and Alpena Railroad right of way, which center line is described as beginning at a point on the East line of Section eleven (11), Township thirty (30) North, Range six (6) East, at a point eight hundred fifty-six (856) feet South of the Northeast corner of said Section, running thence Southwesterly on a course sixty-four degrees forty-eight minutes West ($64^{\circ} 48' W$) three thousand two hundred twenty-nine (3209) feet to a point of curve, thence on a one degree thirty minutes ($1^{\circ} 30'$) curve to the right fifteen hundred eighteen (1518) feet to a point of tangency, thence South eighty-one degrees thirty-three minutes West ($S 81^{\circ} 33' W$) a distance of three thousand two hundred eighty (3280) feet to a point of curve, thence on a thirty minutes ($30'$) curve to the left a distance of seven hundred thirty-three (733) feet to a point of tangency, thence South eighty-three degrees fifty-three minutes West ($S 83^{\circ} 53' W$) to a point sixteen hundred forty-six (1646) feet East of and measured at right angles from the North and South quarter line of Section nine (9), Township thirty (30) North, Range six (6) East, to a point of terminus, in accordance with the original survey of the former Boyne City-Gaylord and Alpena Railroad.

With full right and authority to the second party, its successors, licensees, lessees or assigns, and its and their agents and employees, to enter at all times upon said premises for the purpose of constructing, repairing, removing, replacing, improving, enlarging and maintaining such cables, conduits and 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 to trim, remove, destroy or otherwise control any trees and brush which may, in the opinion of said second party, interfere or threaten to interfere with or be hazardous to the construction, operation and maintenance of said lines. It is expressly understood that no buildings or other structures will be placed under such wires and/or over such cables without the written consent of said second party. It is expressly understood that non-use or a limited use of this easement by second party shall not prevent second party from later making use of the easement to the full extent herein authorized.

IN WITNESS WHEREOF, said first party has caused these presents to be signed by its Vice President and its corporate seal to be hereunto affixed and attested by its Secretary as of the day and year first above written.

Signed, Sealed and Delivered
in our Presence

APV'D AS TO FORM
AHA

CONSUMERS POWER COMPANY

C. K. Wallace
C. K. Wallace

By James H. Campbell
James H. Campbell

Vice President

Willoween R. Smith
Willoween R. Smith

Attest: _____ Corporate Seal
C.P.Co.

A. J. Mayotte
A. J. Mayotte

Secretary

STATE OF MICHIGAN }
County of Jackson } ss

On this 2nd. day of April A.D. 1954, before me, a Notary Public in and for said County, personally appeared James H. Campbell to me personally known, who being by me duly sworn, did say that he is 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 in behalf of said corporation by authority of its Board of Directors; and said James H. Campbell acknowledged said instrument to be the free act and deed of said corporation.

Willoween R. Smith
Willoween R. Smith

Notary Public, Jackson County, Michigan

My commission expires: Oct. 16, 1954.