

REA110



Real Estate Right of Way and Claims

Date: March 4, 2013
To: Elaine Clifford
Records Center
From: Barbara A. Mention *fam*
Real Estate
Subject: Easement-Section 15, City of Omer, Arenac County, Michigan
Almeda-Twining Capital Project – Parcel ID 06-030-0-015-100-065-00

Attached are papers related to the acquisition of a Transmission Line Easement, dated March 21, 2012 to Michigan Electric Transmission Company, LLC (METC) from Saginaw-Midland Municipal Water Supply Corporation, whose address is 4678 – 3 Mile Road, Bay City, Michigan 48706.

The Almeda-Twining transmission line was upgraded from a 138kV circuit to a future 230kV transmission line. Additional rights were acquired to support the upgrade. The additional easement area is shown shaded in gray on attached survey drawing.

The easement consideration fee was \$1,000.00, charged to Work Order No. B0002664.

The easement was negotiated by Paul Stempin, Stempin & Associates.

Please incorporate these papers into the appropriate METC database file and cross-reference Tract #164-D5-9 and 163-D5-8.

/bam
Attachments

Cc: M. Ely
J. Kehoe
J. Robach
A. Sathe
S. Sczytko
J. Smith

FILE
2013
T.320C



201300126

Darlene Mikkola
Register of Deeds
Arenac County, MI

DOC#: 201300126

January 14, 2013 11:18 AM

Fee: \$29.00

Page 1 of 6

MIKKOLA

EASEMENT

On March 21, 2012, for good and valuable consideration, the receipt of which is hereby acknowledged, Grantor conveys and warrants to Grantee, its successors and assigns, a permanent, perpetual easement over, under, across and through a part of Grantor's Land called the Easement Area, as herein described.

Grantor is: Saginaw-Midland Municipal Water Supply Corporation, a nonprofit municipal corporation, of 4678-3 Mile Road, Bay City, Michigan 48706-9452.

Grantee is: Michigan Electric Transmission Company, LLC, a Michigan limited liability company, of 27175 Energy Way, Novi, Michigan 48377.

Grantor's Land is in Section 15, Township 19 North, Range 5E, City of Omer, County of Arenac and State of Michigan, and is more particularly described and shown as such on the attached Exhibit A.

The Easement Area is within Grantor's Land, and is described as all that part of the Grantor's Land which lies within 85 feet on each side of the electric transmission line, as more accurately described and shown on Exhibit A hereto.

1. Purpose: The purpose of this Easement is to allow Grantee the right to enter at any time upon the Easement Area to (1) operate, maintain, repair, inspect, replace, improve, enlarge or remove overhead electric lines consisting of poles, towers, structures, wires, cables (including fiber optic cable) and other equipment for transmitting electrical energy and communications signals, (2) cross the Easement Area to construct, operate, maintain, repair, inspect, replace, improve, enlarge or remove overhead electric equipment located on other land, and (3) temporarily improve the surface of the Easement Area, as reasonably necessary, in Grantee's discretion, to place and operate Grantee's construction vehicles and equipment; provided Grantee shall remove such temporary surface improvements, and repair pavement and reseed lawn areas it disturbs.

2. Buildings or other Permanent Structures: No buildings, fences or other above-ground structures shall be installed, constructed or permitted in the Easement Area, with the exception of any such structures existing at the time of execution of this Easement. Grantee may remove prohibited structures from the Easement Area without prior notice and without responsibility for any damage that occurs as a result of such removal.

FILE

3. Vegetation Management: Grantee shall have the right at any time to cut, trim remove, destroy or otherwise control any or all trees, bushes, or brush now or hereafter standing or growing within the Easement Area. The complete exercise of this right may be gradual and not fully completed for some time in the future.

4. Access: Grantor also grants to Grantee the right of access, ingress and egress to the Easement Area on, over and across lands now owned by the Grantor.

5. Limited Use; Nonuse: Nonuse or limited use of the rights herein granted shall not prevent later use to the full extent herein conveyed.

6. Successors: This easement runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

7. Crop Damage: Grantee shall pay for actual damage to crops located within the Easement Area, arising out of Grantee's maintenance of the transmission line within the Easement Area.

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

GRANTOR:

SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY CORPORATION

By: Michael Quinnell
MICHAEL QUINNELL

Its: Manager

Acknowledged before me in BAY County, State of Michigan, on this 21ST day of MARCH 2012, by MICHAEL QUINNELL, Manager of the SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY CORPORATION, on behalf of the corporation.

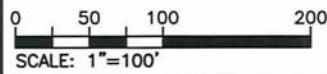
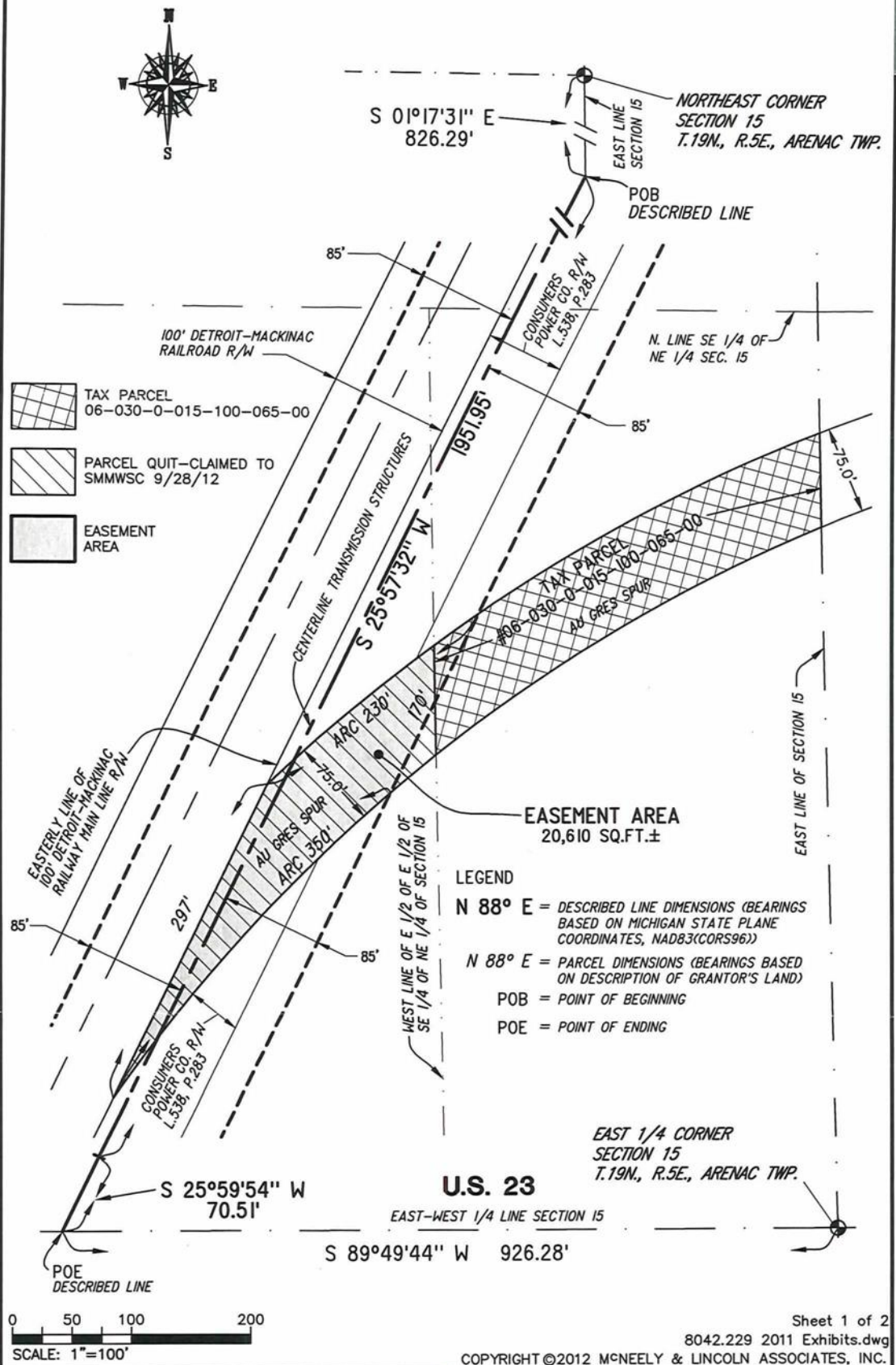
PAUL S. STEMPIN
Notary Public, State of Michigan
County of Macomb
My Commission Expires Oct. 11, 2014
Acting in the County of BAY

Paul S. Stempin
PAUL S. STEMPIN, Notary Public
MACOMB County, Michigan
Acting in BAY County, Michigan
My Commission Expires 10-11-2014

Prepared by:
William Logan (P54771)
Law Office of William L. Logan, PLLC
313 Droste Circle
East Lansing, MI 48823

When recorded return to:
Elaine Clifford
ITC Holdings Corp.
27175 Energy Way
Novi, MI 48377

(SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY COMPANY)



LEGEND
 N 88° E = DESCRIBED LINE DIMENSIONS (BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, NAD83(CORS96))
 N 88° E = PARCEL DIMENSIONS (BEARINGS BASED ON DESCRIPTION OF GRANTOR'S LAND)
 POB = POINT OF BEGINNING
 POE = POINT OF ENDING

EAST 1/4 CORNER SECTION 15 T.19N., R.5E., ARENAC TWP.

Sheet 1 of 2
 8042.229 2011 Exhibits.dwg
 COPYRIGHT ©2012 MCNEELY & LINCOLN ASSOCIATES, INC.

<p>MCNEELY & LINCOLN Associates, Inc. CIVIL ENGINEERING & LAND SURVEYING PH. (734) 432-9777 FAX (734) 432-9786 37741 PEMBROKE, LIVONIA, MICHIGAN, 48152 WWW.MNLINC.COM</p>	For	I.T.C.	Date	10/31/12
	Scale	1"=100'	Drawn By	DW
	Job No.	8042.229	Checked By	SA

GRANTOR'S LAND

Land situated in the City of Omer, County of Arenac, State of Michigan, described as follows:

That part of the East 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Town 19 North, Range 5 East, being 75 feet x 430 feet long of the spur of D & M Railroad running between the City of Omer and the City of Au Gres, Arenac County, Michigan

(per First American Title Insurance Company Property Profile Report, File No. 567647 dated January 19, 2012)

Tax Parcel No. 06-030-0-015-100-065-00

ALSO

All that part of the spur of the Detroit & Mackinac Railway running between the City of Omer and the City of Au Gres, Arenac County, Michigan, which lies East of the Easterly line of the Detroit & Mackinac Railway Main Line right of way (100 feet wide), and West of the West line of the East 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Town 19 North, Range 5 East, Arenac Township, Arenac County, Michigan.

(per Quit Claim Deed to Saginaw-Midland Municipal Water Supply Company, dated 09/28/2012)

EASEMENT DESCRIPTION

Part of Section 15, Town 19 North, Range 5 East, Arenac Township, Arenac County, Michigan, described as:




All that part of the above described Grantor's Land which lies within 85.00 feet on each side of the following described line:

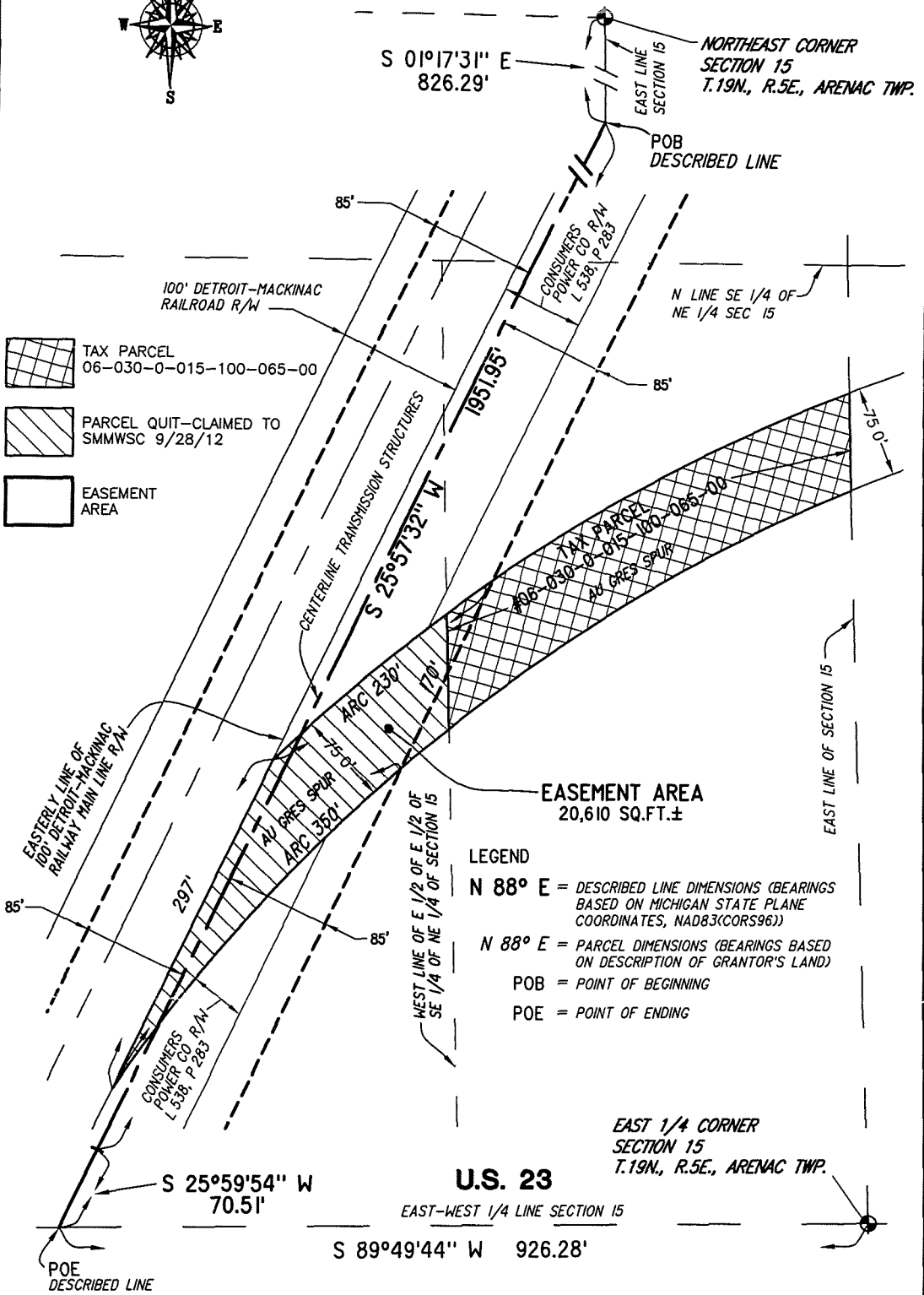
Commencing at the Northeast corner of Section 15, Town 19 North, Range 5 East, Township of Arenac, Arenac County, Michigan;
thence South 01 degree 17 minutes 31 seconds East, along the East line of Section 15, 826.29 feet to the **Point of Beginning** of said described line;
thence South 25 degrees 57 minutes 32 seconds West 1951.95 feet;
thence South 25 degrees 59 minutes 54 seconds West 70.51 feet to the **Point of Ending** of said described line,
said point of ending lying distant South 89 degrees 49 minutes 44 seconds West, along the East-West 1/4 line of Section 15, 926.28 feet from the East 1/4 corner of Section 15. The sidelines of herein described easement are to be extended or shortened so as to terminate at the boundaries of the above described Grantor's Land.

<p>McNEELY & LINCOLN Associates, Inc. CIVIL ENGINEERING & LAND SURVEYING PH. (734) 432-9777 FAX (734) 432-9786 37741 PEMBROKE, LIVONIA, MICHIGAN, 48152 WWW.MNLINC.COM</p>	<p>For <u> I.T.C. </u> Date <u> 10/31/12 </u> Scale <u> NA </u> Drawn By <u> DW </u> Job No. <u> 8042.229 </u> Checked By <u> SA </u></p>
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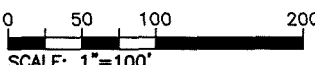
(SAGINAW-MIDLAND MUNICIPAL WATER SUPPLY COMPANY)



-  TAX PARCEL
06-030-0-015-100-065-00
-  PARCEL QUIT-CLAIMED TO
SMMWSC 9/28/12
-  EASEMENT
AREA



LEGEND
N 88° E = DESCRIBED LINE DIMENSIONS (BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, NAD83(CORS96))
N 88° E = PARCEL DIMENSIONS (BEARINGS BASED ON DESCRIPTION OF GRANTOR'S LAND)
 POB = POINT OF BEGINNING
 POE = POINT OF ENDING



Sheet 1 of 2

8042 229 2011 Exhibits.dwg

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 37741 PEMBROKE, LIVONIA, MICHIGAN, 48152
 WWW.MNLINC.COM

For I.T.C Date 10/31/12
 Scale 1"=100' Drawn By DW
 Job No. 8042 229 Checked By SA

GRANTOR'S LAND

Land situated in the City of Omer, County of Arenac, State of Michigan, described as follows

That part of the East 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Town 19 North, Range 5 East, being 75 feet x 430 feet long of the spur of D & M Railroad running between the City of Omer and the City of Au Gres, Arenac County, Michigan

(per First American Title Insurance Company Property Profile Report, File No 567647 dated January 19, 2012)

Tax Parcel No 06-030-0-015-100-065-00

ALSO

All that part of the spur of the Detroit & Mackinac Railway running between the City of Omer and the City of Au Gres, Arenac County, Michigan, which lies East of the Easterly line of the Detroit & Mackinac Railway Main Line right of way (100 feet wide), and West of the West line of the East 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Town 19 North, Range 5 East, Arenac Township, Arenac County, Michigan

(per Quit Claim Deed to Saginaw-Midland Municipal Water Supply Company, dated 09/28/2012)

EASEMENT DESCRIPTION

Part of Section 15, Town 19 North, Range 5 East, Arenac Township, Arenac County, Michigan, described as

All that part of the above described Grantor's Land which lies within 85 00 feet on each side of the following described line

Commencing at the Northeast corner of Section 15, Town 19 North, Range 5 East, Township of Arenac, Arenac County, Michigan,
 thence South 01 degree 17 minutes 31 seconds East, along the East line of Section 15, 826 29 feet to the **Point of Beginning** of said described line,
 thence South 25 degrees 57 minutes 32 seconds West 1951 95 feet,
 thence South 25 degrees 59 minutes 54 seconds West 70 51 feet to the **Point of Ending** of said described line,
 said point of ending lying distant South 89 degrees 49 minutes 44 seconds West, along the East-West 1/4 line of Section 15, 926 28 feet from the East 1/4 corner of Section 15 The sidelines of herein described easement are to be extended or shortened so as to terminate at the boundaries of the above described Grantor's Land

Sheet 2 of 2
 8042 229 2011 Exhibits.dwg

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TITLE SEARCH REPORT

Beginning Search Date: April 2, 1902 @ 8:00 AM
Ending Search Date: January 19, 2012 @ 8:00 AM
Loan Number:

Search File No.: 567647
Property Address:
Reference No.:

Legal Description of Property:

(SEE EXHIBIT A LEGAL DESCRIPTION)

(the Property)

Instruments shown in this search report include:

Conveyances, liens and easements recorded in the office of the Register of Deeds for Arenac County, Michigan during the period of this search.

1. Quit Claim Deed recorded in Liber 33, page 365.
2. Agreement recorded in Liber 142, page 266.
3. Easement Agreement recorded in Liber 135, page 190.
Note: Copy of above Easement Agreement was not available at the time of this search. This search is subject to change upon receipt and review of said Easement Agreement.
4. Agreement of Sale recorded in Liber 167, page 331.
5. First Amendment of Easement Agreement recorded in Liber 167, page 335.
6. Quit Claim Deed recorded in Liber 202, page 277.
7. Notice of Claim of Interest in Land recorded in Liber 249, page 259.
8. Quit Claim Deed recorded in Liber 270, page 786.
9. Easement recorded in Liber 538, page 283.

NOTE: The above information is to be used for reference purposes only. It is not to be relied upon as evidence of title nor as evidence of compliance with any of the provisions of PA 123 of 1999. The issuance of this search is not to be construed as a promise to insure. This search is being provided for a reduced rate and the company's liability shall in no event exceed the amount paid for said information. The company reserves the right to decline any application for the issuance of a title policy based on the information provided in this document.

Tax Information:

10. Taxes are EXEMPT.
Tax item No.: 06-030-0-015-100-065-00



First American Title Insurance Company

This Search Report does not include any instrument which has been filed pursuant to the Uniform Commercial Code or filed in records other than those in the Office of the Register of Deeds. This Search Report should not be construed as a guarantee or opinion of title. First American Title Insurance Company agrees to provide this title search based upon the understanding and acknowledgment by the applicant that any liability is limited to the amount paid for this title search. The information contained herein should not be used for due diligence inquiry under CERCLA or other federal or state environmental legislation.

**EXHIBIT A
LEGAL DESCRIPTION**

File No.: 567647

The land referred to in this Commitment, situated in the County of Arenac, City of Omer, State of Michigan, is described as follows:

That part of the East 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Town 19 North, Range 5 East, being 75 feet X 430 feet long of the spur of D & M Railroad running between the City of Omer and the City of Augres, Arenac County, Michigan.

Tax Item No. 06-030-0-015-100-065-00



ROSE SMITH
Register of Deeds
ARENAC COUNTY, MI

Page 1 of 3 CD

DOC#: 201204640

November 21, 2012 2 10 PM
Fee \$20 00

QUIT CLAIM DEED

The Grantor: The Central Michigan Railway Company, a Michigan Corporation successor by statutory merger to the Detroit & Mackinac Railway Company, whose address is 1424 Straits Drive, Bay City, Michigan 48706-8705,

Quit Claims to

The Grantee. Saginaw-Midland Municipal Water Supply Company, a nonprofit municipal corporation, whose address is 4678-3 Mile Road, Bay City, Michigan 48706-9452,

Without consideration and for purposes of confirming title already vested in the Grantee,

the following described premises situated in the City of Omer, Arenac County, State of Michigan and as shown on the attached Exhibit A

All that part of the spur of the Detroit & Mackinac Railroad running between the City of Omer and the City of Au Gres, Arenac County, Michigan, which lies East of the Easterly line of the Detroit & Mackinac Railway Main Line right of way (100 feet wide), and West of the West line of the East 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Town 19 North, Range 5 East, Arenac Township, Arenac County, Michigan. Containing 0.47 acres, more or less.

Parcel Tax Id No 030-0-015-100-065-00

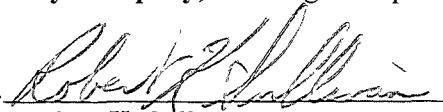
This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

This conveyance does not make a division of the transferred parcel and is exempt from the provisions of Sections 108 and 109 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended (MCL 560.101 et seq., as amended)

Real Estate Transfer taxes exempt under MCL 207.505(l) and 207.526(n)


Dated this 28th day of September, 2012.

THE CENTRAL MICHIGAN RAILWAY COMPANY,
successor by statutory merger to the Detroit & Mackinac
Railway Company, a Michigan corporation

By. 
Robert K. Sullivan

Its Chief Financial Officer

Acknowledged before me in Bay County, State of Michigan, on this 28th day of September, 2012, by Robert K. Sullivan, the Chief Financial Officer of The Central Michigan Railway Company, successor by statutory merger to the Detroit & Mackinac Railway Company, a Michigan corporation, on behalf of said corporation


William F. Bartlett Notary Public
Midland County, State of Michigan
Acting in Bay County
My Commission Expires November 12, 2012

Prepared by
William L. Logan
Law Office of William L. Logan, PLLC
313 Droste
East Lansing, MI 48823

When recorded return to
Barbara Mention
ITC Holdings Corp.
27175 Energy Way
Novi, MI 48377

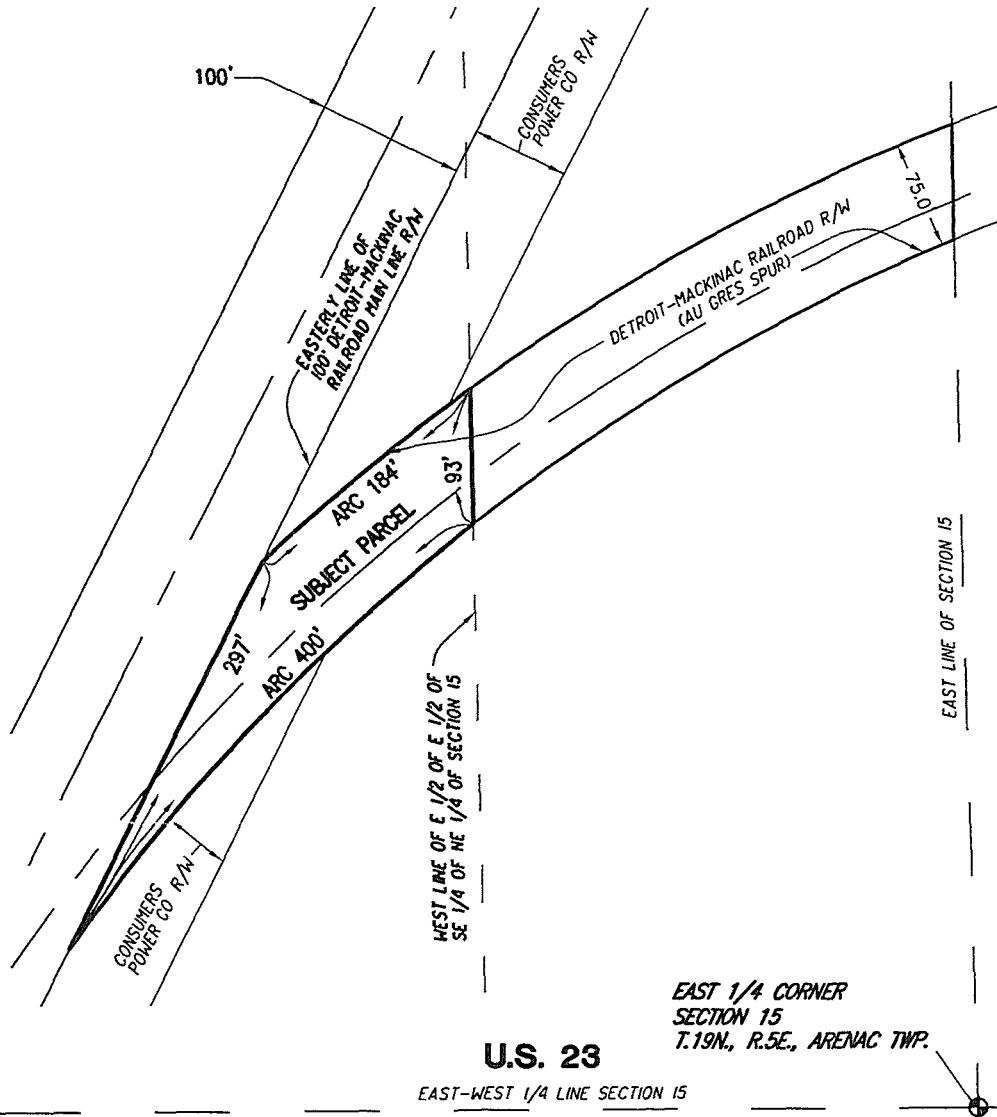
EXHIBIT "A"



PROPERTY DESCRIPTION

Land situated in the City of Omer, County of Arenac, State of Michigan, described as:

All that part of the spur of the Detroit & Mackinac Railroad running between the City of Omer and the City of Au Gres, Arenac County, Michigan which lies East of the Easterly line of the Detroit and Mackinac Railway Main Line right of way (100 feet wide), and West of the West line of the East 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Town 19 North, Range 5 East, Arenac Township, Arenac County, Michigan. Containing 0.47 acres, more or less.



0 50 100 200
SCALE: 1"=100'

EAST 1/4 CORNER
SECTION 15
T.19N., R.5E., ARENAC TWP.

U.S. 23
EAST-WEST 1/4 LINE SECTION 15

Sheet 1 of 1

8042 229 2011 Exhibits.dwg

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WWW.MNLINC.COM

For ITC Date 07/17/12
Scale 1"=100' Drawn By DPW
Job No. 8042.229 Checked By MRD



March 16, 2012

VIA FEDERAL EXPRESS

Mr. Michael Quinnell
Saginaw-Midland Municipal Water Supply Corporation
4678 – 3 Mile Road
Bay City, Michigan 48706

Re Exercise of Option pursuant to Easement Option Agreement dated November 14, 2011

Dear Mr. Quinnell:

This letter is in reference to the Easement Option Agreement (the “Option Agreement”) dated November 14, 2011, by and between the Saginaw-Midland Municipal Water Supply Corporation (the “Corporation”) and Michigan Electric Transmission Company, LLC (“METC”), relative to the grant of an easement on the Corporation’s property located in Section 15, Township 19 North, Range 5 East, City of Omer, Arenac County, Michigan.

The purpose of this letter is to notify you that, in accordance with Section 2 of the Option Agreement, METC HEREBY EXERCISES ITS OPTION to obtain an easement upon the land more particularly described in the Survey attached to the enclosed Easement. In accordance with Section 5 of the Option Agreement, you are required to execute and deliver the enclosed Easement to METC within 5 business days from METC’s exercise of the option. Accordingly, Paul Stempin, METC’s agent, will contact you shortly to set up a time to deliver to you the agreed upon compensation amount and to pick up the executed Easement.

Please note that your signatures on the Easement will need to be notarized. As a convenience to you, the METC agent can notarize your signatures if you so desire. If you choose to have him notarize your signatures, you should wait to sign the Easement until he has met with you.

If you have any questions regarding this letter, please do not hesitate to contact Barbara Mention, METC Sr. Property Management Specialist at (248) 946-3000.

Sincerely,

Christine Mason Soneral
Vice President and General Counsel-
Utility Operations

Enclosures: Easement

C:\WilliamLoganPLLC\METC\Almeda Twining\Saginaw Midland Exercise of Option Letter docx