

GENERAL ENGINEERING MAP REFERENCES

Line Map No. 16403 1 of 9 Sheets
Plan & Profile No. 24 of Sheets
Survey Map No. Sheet of Sheets

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

1. Abstract yes
2. Opinions of T.L.C. _____
3. Title Search _____
4. Mortgage Release _____
5. Tax Vouchers _____
6. Other Documents Petition Report of Commissioners

*Petition & report in file
4-2-1963.*

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or herein, and

It appearing that by stipulation of the parties on the record, Parcel Two described in the petition filed herein was withdrawn from these proceedings, and

The Court being fully advised in the premises, on motion of Smith, Brooker and Harvey, attorneys for petitioner,

It is Ordered, Adjudged and Decreed that said report of commissioners and all proceedings and acts of said commissioners as shown by their said report be and the same are hereby approved and in all respects confirmed.

It further appearing that petitioner has on this day deposited in the Probate Court the amounts found by said report of commissioners as just compensation and damages to be paid by petitioner to the owners of the lands described in said petition, for the taking, acquiring and using of the easements and interests in lands hereinafter described,

It is Ordered, Adjudged and Decreed that the title and right to possession and use of the easements and interests in land hereinafter described are hereby vested in petitioner.

The interests acquired by petitioner are as follows:

PARCEL ONE

The easement and right to erect, lay and maintain one line of poles, wires, cables and other fixtures and appurtenances for the purpose of transmitting and distributing electricity on, over, under and across the parcel of land herein described, including all public highways upon or adjacent to said parcel of land, which land is located in the Township of Kawkawlin, Bay County, Michigan, and described as follows:

The Southwest 1/4 of the Northwest 1/4 of Section 28, Township 15 North, Range 4 East.

The route to be taken by said lines of wires and cables across and over said land being more specifically described as follows:

The center line of said line of poles and wires shall be East of and along and not more than 2 feet from the East line of said above-described land. No poles are to be set on the land above described, only lines of wire to overhang said land.

With full right and authority to Consumers Power Company, 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, poles and

other supports, and stringing thereon and supporting and suspending therefrom lines of wires, cables or other conductors for the transmission of electrical energy, and also the right, at any time, to trim, remove, destroy or otherwise control all trees and brush on a strip of land 90 feet in width being 45 feet on each side of (and measured at right angles to) the center line of said electric transmission line, also the right to remove all trees, greater than 40 feet in height standing or growing on a strip of land 140 feet in width being 70 feet on each side of (and measured at right angles to) the center line of said transmission line. No buildings or other structures will be placed under such wires and/or cables without the written consent of said Consumers Power Company. Nomise or a limited use of this easement by Consumers Power Company shall not prevent Consumers Power Company from later making use of the easement to the full extent herein authorized.

PARCEL THREE

The easement and right to erect, lay and maintain one line of poles consisting of not more than three poles, together with wires, cables and other fixtures and appurtenances for the purpose of transmitting and distributing electricity on, over, under and across the land herein described, including all public highways upon or adjacent to said land, which land is located in the Township of Fraser, Bay County, Michigan, and described as follows:

The South 1/2 of the Northeast 1/4 of Section 21, Township 16 North, Range 4 East.

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

The center line of said line of poles, wires and cables shall be 652 feet West of and parallel with the East line of said Section 21.

With full right and authority to Consumers Power Company, 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, poles and other supports, and stringing thereon and supporting and suspending therefrom lines of wires, cables or other conductors for the transmission of electrical energy, and also the right, at any time, to trim, remove, destroy or otherwise control all trees and brush on a strip of land 90 feet in width being 45 feet on each side of (and measured at right angles to) the center line of said electric transmission line, also the right to remove all trees which might endanger said transmission line standing or growing on a strip of land 140 feet in width being 70 feet on each side of (and measured at right angles to) the center line of said transmission line. No buildings or other structures will be placed under such wires and/or cables without the written consent of said Consumers Power Company. Nomise or a limited use of this easement by Consumers Power Company shall not prevent Consumers Power Company from later making use of the easement to the full extent herein authorized.

It is understood that Consumers Power Company will pay reasonable compensation for all trees cut under the rights granted herein

Since Parcel #12

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outside of the strip of land 90 feet in width, being 45 feet on each side of the center line of said transmission line as above described. No guy wires will be placed on said land. Consumers Power Company agrees to pay for any damage to crops, tile, fences and fields in erecting and maintaining said line of poles and wires, which damage shall be paid to the owner or person entitled to damages at the time of such erection and maintenance. It is understood that the owners of said land may remove sand from under said line of wires; provided, however, that no sand shall be removed within 10 feet of any of the poles located on said land and that a slope of at least one foot vertical to four feet horizontal shall be maintained at all times beyond said 10-foot area, and provided further that no cranes, derricks or other similar equipment which would interfere or threaten to interfere with the line shall be used in the removal of such sand.

It is further Ordered, Adjudged and Decreed that, in conformance with the Report of Commissioners, the compensation to be paid by petitioner to the owners of said premises shall be in full and complete payment, settlement and satisfaction for said easement rights, including all trees which may of necessity be cut in establishing said lines, except as herein provided as to Parcel Three, provided however that petitioner will, in addition to said compensation, pay all damage to crops, tile, fences and fields in erecting and maintaining said line of poles and wires, which damage shall be paid to the owner or person entitled to damages at the time of such erection and maintenance.

It is further Ordered, Adjudged and Decreed that petitioner shall cause a certified copy of this order to be recorded in the office of the Register of Deeds for Bay County, Michigan, the recording thereof to be indexed under the names of [Carl Pressler and Ida Pressler, his wife] of 2231 Fraser Road, Kawkawlin, Michigan, as grantors of the interests in the parcel of land described above as Parcel One, and under the names of Lester Vandenoob and Alta Vandenoob, his wife, of 1333 Provo Road, P.R.D. #1, Linwood, Michigan, as grantors of the interests in the parcel of land described above as Parcel Three, and that such recording be further indexed under the name of Consumers Power Company as grantee of said interests in all of said parcels of land as notice that title to the interests in said parcels of land has vested in petitioner, Consumers Power Company.

RAPHAEL G. PHILLIPS

Judge of Probate

STATE OF MICHIGAN
THE PROBATE COURT FOR THE COUNTY OF BAY

IN THE MATTER OF THE ESTATE OF The Petition of Consumers Power Company, a Corporation, for the Condemnation of Certain Interests in Lands in Bay County, Michigan, for the Purpose of Transmitting, Distributing, Selling and Supplying Electric Energy for Public Use

I, H. M. MARIENTHAL, Register of Probate of said Court, having the legal custody of the files and records thereof, do hereby certify that I have compared the attached copy of _____ order confirming report of commissioners

with the original thereof on file in said Court, and have found the same to be a correct transcript therefrom, and of the whole of such original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Bay City, in said County, this _____ day of _____, A. D. 1960

H. M. Marienthal
Register of Probate