

Condemnation Awards to Waterway Navigation Company

TRACT _____
MAP _____ 20

| | | | | | |
|--------------------|-----------------|----------------|--------|------|-------|
| Easement Right | NAME OF GRANTOR | 9-6-60 | 9-6-60 | 212 | 49-54 |
| KIND OF INSTRUMENT | DATE OF INST. | DATE OF RECORD | LIBER | PAGE | |

ACCOUNT NO. U. 340104

4221
Recs. 62 + 73

MICHIGAN STATE | Cheboygan COUNTY | Banton TOWNSHIP

126,27,31 | T 37 N | R 1 W

MUNICIPALITY | SECTION | TOWN | RANGE

PLAT OR AREA

STATE OF MICHIGAN
In the Probate Court for the County of Cheboygan
No. _____
In the Matter of the Petition of Consumers Power Company, a Corporation, for the Condemnation of Certain Interests in Lands in Cheboygan County, Michigan, for the Purpose of Transmitting, Distributing, Selling and Supplying Electric Energy for Public Use

ORDER CONFIRMING REPORT OF COMMISSIONERS ON REHEARING

At a session of said Court held in the Probate Office in the City of Cheboygan, in said County, on the 6th day of Sept., 1960.

Present: HONORABLE ROBERT S. BAIRD, Judge of Probate.

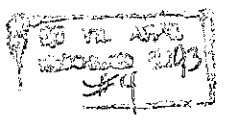
This matter came on to be heard on the motion of the petitioner to confirm the report of the commissioners, J. Gilbert Quail, Eugene S. DeMara and Stanley Marx, appointed by this Court to retry the question of damages and just compensation to be paid by petitioner for taking and using the easements and interests in lands described in said petition over and across premises described in said petition as Parcels Three, Four and Five for the purposes named therein, and to ascertain and determine the just compensation to be paid therefor to the owners thereof or persons otherwise interested in said premises, which report of commissioners as to said Parcels Three and Four dated Aug. 29, 1960, is on file herein, and

It appearing to the Court that notice of the time and place of hearing on said Motion to Confirm Report of Commissioners was duly given to the owners of the lands described as Parcels Three and Four in said petition, as shown by proof of service of Order Setting Date for Hearing on Motion to Confirm Report of Commissioners, on file herein, and

It appearing that said commissioners have met together as provided for by order of this Court and that said commissioners have in every respect proceeded in accordance with the order heretofore made by this Court and the laws of this state in such case made and provided and have honestly and impartially executed the trust imposed on them, and no valid objections or exceptions

| DATE | JOURNAL ENTRY | ITEMS OF COST | AMOUNT | TRANSFERS | BALANCE |
|----------|---------------|---|-------------|-----------|-------------|
| Dec 1960 | 581 | Original Cost (See Vol 1R4, Exhibit 103a-3, Working Papers) | \$ 3,210 73 | | \$ 3,210 73 |
| Dec 1961 | 581 | | | | |
| May 1962 | 581 | Original Cost (See Vol 1R4, Exh. 103a-4 Working Papers) | 155 95 | | 3,366 68 |
| Oct 1962 | 581 | | | | |

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Line Map No. P-16304 Sheet 2 of 7 Sheets
Plan & Profile No. _____ Sheet _____ of _____ Sheets
Survey Map No. _____ Sheet _____ of _____ Sheets

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

1. Abstract _____
2. Opinions of Title _____
3. Title Search _____
4. Mortgage Release _____
5. Tree Vouchers _____
6. Other Documents _____

Petition filed on 1/18

ACCOUNT NO. _____

MAP _____

422 7

422 7

having been made to said report or to any of the matters therein or herein,
and

It appearing that the necessity of the proposed public use as described in the petition filed in this cause and the necessity of taking, acquiring and using the interests in the land described in said petition as Parcels Three and Four were determined and established by Report of Commissioners dated April 29, 1960, and confirmed by order of this Court dated Sept. 6, 1964 and

The Court being fully advised in the premises, on motion of Francis E. Lindsay, attorney 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 as Parcels Three and Four, 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 in the parcels of land hereinafter described acquired by petitioner are as follows:

The easement and right to erect, lay and maintain one line of 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 parcels of land hereinafter described, including all public highways upon or adjacent to said parcels of land; the route to be taken by said line of poles, wires, cables and conduits across, over and under said land being more specifically described with reference to each described parcel.

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, conduits and poles and other supports, with all necessary braces, guys and

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anchors and stringing thereon and supporting and suspending therefrom lines of wires, cables or other conductors for the transmission of electrical energy and/or communication, 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 45 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.) Said easement shall be subject to the condition that no buildings or other structures will be placed under such wires and/or over such cables without the written consent of said Consumers Power Company, and the condition that nonuse 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.

01/7/R
11/60
Pol 6277
A/R
11/1/60

Dec 348.1-D103-5

PARCEL THREE
Description

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, T 37 N, R 1 W, and all that part of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 36, lying Easterly of Black River Highway. Benton Township, Cheboygan County, Michigan.

Pol 73

A/R
11/1/60

The route to be taken by said lines of poles, wires, cables and conduits across, over and under said land being more specifically described as follows: Beginning on the East line of said land at a point 79 feet North of the South line of said land, running thence Northwesterly 1665 feet to a point 1376 feet West of the North and South quarter line of said Section 36 and 294 feet South of the East and West quarter line of said Section 36, running thence Northwesterly to the North line of said land at a point 1930 feet West of the North and South quarter line of said section.

Owned by: Erwin W. Leimback and Gladys Leimback, his wife, 19712 Telegraph Road R. F. D. Romulus, Michigan

Contract Purchasers: Irving Johnson and Dora Johnson, his wife, R. F. D. #2 Cheboygan, Michigan

348-D103-2

PARCEL FOUR
Description

All that part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 27, T 37 N, R 1 W, lying Northeasterly of the West Black River Road; excepting a parcel of land conveyed to Henry Joseph Richter by instrument dated February 11, 1911 and recorded in Liber 49 at page 611, Cheboygan County Records, also excepting a parcel of land conveyed to Gilbert C. Niesen and Virginia Niesen,

Pol 62
A/R
11/1/60

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husband and wife, by instrument dated May 29, 1940 and recorded in Liber 119 at page 398, Cheboygan County Records, also except two separate parcels of land conveyed to Most Reverend Francis J. Haas, Catholic Bishop of the Diocese of Grand Rapids, by separate instruments dated May 19, 1948 and recorded in Liber 137 at page 480 and in Liber 136 at page 472, Cheboygan County Records. Also all that part of Government Lot No. 4, Section 26, T 37 N, R 1 W, lying Northwesterly of a line described as beginning on the South line of said section at a point 1378.4 feet East of the Southwest corner of said section, running thence North 43° 30' East to the center line of the Black River, excepting therefrom the North 292 feet of the South 325 feet of the West 148.97 feet thereof. Benton Township, Cheboygan County, Michigan.

The route to be taken by said lines of poles, wires, cables and conduits across, over and under said land being more specifically described as follows: Beginning on the South line of said land at a point 1277 feet East of the Southwest corner of said Section 26, running thence Northwesterly 853 feet to a point 417 feet North of the center line of Orchard Beach Road, thence Westerly to the West line of the land above described at a point 415 feet North of the center line of said Orchard Beach Road.

Owned by: Waterways Navigation Company,
a Michigan Corporation,
1403 Ford Building
Detroit, Michigan

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, provided however that petitioner will, in addition to said compensation, pay all damage to crops 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 Cheboygan County, Michigan, the recording thereof to be indexed under the names of Erwin W. Leimback and Gladys Leimback, his wife, and Irving Johnson and Dora Johnson, his wife, as grantors of the interests in the parcel of land described above as Parcel Three, and under the name of Waterways

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Navigation Company as grantor of the interests in the parcel of land described above as Parcel Four, and that such recording be further indexed under the name of Consumers Power Company as grantee of said interests in both of said parcels of land as notice that title to the interests in said parcels of land has vested in petitioner, Consumers Power Company.

Robert S. Baud
Judge of Probate

STATE OF MICHIGAN }
COUNTY OF CHEBOYGAN } SS:


I, *Samuel Vau* Register of the Probate Court for said County, the same being a Court of Record and having a seal, do hereby certify that I have compared the annexed copy of *Order* with the original record thereof now remaining in my office and have found the said copy to be, and the same is, a true and 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 Cheboygan, this *6th* day of *Sept.*, 19*42*

Samuel Vau
Register of Probate Court

ACCOUNT NO. _____

423E

2711

EXEMPLIFICATION OF RECORD 4012 DOUBLEDAY HUNT-DOLAN CO., KALAMAZOO


State of Michigan,

The Probate Court for the County of CHEBOYGAN

In the Matter of ~~the estate of~~ CONSUMERS POWER CO. VS. FLORENCE WILSON, ET ALS.

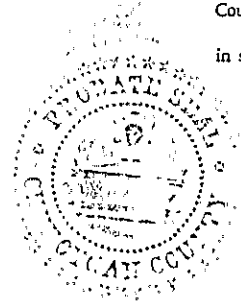
I, Harriet Vian, Register of said Court, having the legal custody of the files and records thereof, do hereby certify that I have compared the attached copy of

ORDER CONFIRMING REPORT OF COMMISSIONERS ON REHEARING

SEP 6 1960
STATE OF MICHIGAN RECEIVED _____ DAY OF
COUNTY OF CHEBOYGAN _____ A.D. 19 _____ AT 3:20
O'CLOCK P.M.
Glenn H. Fisher
REGISTER OF DEEDS

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.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at the City of Cheboygan, in said County, this 6th day of September 19 60



Harriet Vian
Harriet Vian
Register of Probate

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