

TITLE DATA

CONSUMERS POWER COMPANY 16

TRACT 366-D103-9

Condemnation Awards to George Deroshia, et al

Easement by Condemnation proceedings | NAME OF GRANTOR | 9-9-60 | 9-12-60 | 212 | 303-307 | 160820
KIND OF INSTRUMENT | DATE OF INST. | DATE OF RECORD | LIBER | PAGE

ACCOUNT NO. 4.540104

MAP 20

427
=2711 Del 54

MICHIGAN STATE | Cheboygan COUNTY | Benton TOWNSHIP | 28 SECTION | T 37 N | R 1 W | TOWN RANGE

PLAT OR AREA

STATE OF MICHIGAN

In the Probate Court for the County of Cheboygan

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

No. _____

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 9th day of September, 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 Parcel Five dated August 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 Parcel Five 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

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Table with columns: DATE, JOURNAL ENTRY, ITEMS OF COST, AMOUNT, TRANSFERS, BALANCE. Includes entries for Original Cost with journal entries 581 and amounts like \$ 2,717.95.

GENERAL ENGINEERING MAP REFERENCES

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 yes (2)
- 2. Opinions of Title _____
- 3. Title Search _____
- 4. Mortgage Release _____
- 5. Tree Vouchers _____
- 6. Other Documents Yes

Section filed in #18

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impartially executed the trust imposed on them, and no valid objections or exceptions 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 Parcel Five were determined and established by Report of Commissioners dated April 29, 1960, and confirmed by order of this Court dated May 24, 1960, 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 amount found by said report of commissioners as just compensation and damages to be paid by petitioner to the owners of the land described in said petition as Parcel Five, for the taking, acquiring and using of the easements and interests in land 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 parcel 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 parcel of land hereinafter described, including all public highways upon or adjacent to said parcel 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 such 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.

a/T/R
11/1/60

PARCEL FIVE

Description

The Southeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 28, Township 37 North, Range 1 West, Benton Township, Cheboygan County, Michigan.

(pd 54)
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 South line of said land at a point 600 feet East of the center of said Sec. 28, running thence Northwesterly to the West line of said land at a point 715 feet North of the East and West 1/4 line of said Sec. 28.

Owned by: George Deroshia
R. F. D. #1
Cheboygan, Michigan

Leonard Deroshia and
Mary Allis Deroshia, his wife,
R. F. D. #1
Cheboygan, Michigan

Owner of inchoate dower interest: Celia Deroshia, wife of
George Deroshia
R. F. D. #1
Cheboygan, 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

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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 George Deroshia and Celia Deroshia, his wife, and Leonard Deroshia and Mary Allis Deroshia, his wife, as grantors of the interests in the parcel of land described above as Parcel Five, and that such recording be further indexed under the name of Consumers Power Company as grantee of said interests in said parcel of land as notice that title to the interests in said parcel of land has vested in petitioner, Consumers Power Company.

Robert S. Baird
Judge of Probate

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EXEMPLIFICATION OF RECORD

4012

#2711

DOUBLEDAY-HUNT-DOLAN CO., KALAMAZOO



State of Michigan,

The Probate Court for the County of CHEBOYGAN

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

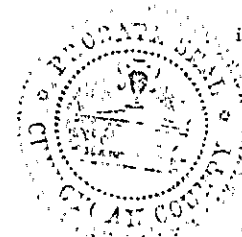
I, Harriet Viau, Register of said Court, having the legal custody of the files and records thereof, do hereby certify that I have compared the attached copy of

ORDER CONFIRMING REPORT OF COMMISSIONERS ON REHEARING

SEP 12 1960
STATE OF MICHIGAN RECEIVED _____ DAY OF
COUNTY OF CHEBOYGAN _____ A.D. 19 _____ AT 10:15
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 9th day of September 19 60



Harriet Viau
Harriet Viau
Register of Probate

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