CONSUMERS POWER COMPANY

Condemnation Award to Richard E. Lamb

Easement by Condem- NAME OF GRANTOR

nation Procedings | 5-24-60 | 5-27-60 | 208 | 51-57|

ACCOUNT NO.__

TRACT 400-D103-7*

MAP 21-105

Para 18+82

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF CHEROYGAN

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, Salling and Supplying Electric Energy for Public Use

No.

ORDER CONFIRMING REPORT OF COMMISSIONERS

At a session of esid Court held in the Probate Office in the City of Cheboygan, in said County, on the 24th day of May, 1960.

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

This matter came on to be heard on the motion of the patitioner to confirm the report of the commissioners, Francis E. Merrit, Neil Downing and Michael Pietrzak, appointed by this Court to determine the necessity of acquiring and using the easements and interests in lands described in said petition for the purposes named therein, and to ascertain and determine the just compensation to be paid therefor by petitioner to the owners thereof or persons otherwise interested in said previses, which report of commissioners dated April 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 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 having been made to said report with regard to

118ER 208 PAGE 52

				=	8,40	$L \subset$	<u>}</u>		25		.7	-		_				_	=			===			_	===		_		===
	<u>M</u> .	IC <u>F</u>	IIG	<u> </u>	<u> </u>			1					Ch	eb	юу	ga	n		1			I	ฆง	er	ne	SS				
MICHIGAN I STATE								Cheboygan (county 27.								TOWNSHIP R 2						W								
		,		N	101	IICI	PA	LIT	Y								S	EC	TIO	N	·· ~		TO	W١	1		R	ANG		
	SU	<u> </u>	ΧΛΤ	<u> 50.</u>	<u> </u>	3OF	<u>RDC</u>)[V	117	<u> </u>	PL	AT	S OF	AI	SE/	<u> </u>) <u>F</u>	11	<u> 10.1</u>	AIN	1	KA	11	. A	UN	<u>ro</u>				
щ	1								_									,					-	-			_			
BALANCE		OTC &																		,	:									-
TRANSFERS	- 7	,																					/							
	1	<u> </u>																	===											
AMOUNT		310																												
ITEMS OF COST	j	103a-3, Working Papers)							1																					
JOURNAL	581																													
DATE	ec -1960																													

MANUAL AMO CHECKED

AND INCHES IN THE TRACES der 839 80. ______ Sheet 1 of Shaft. Plaa & Profile No. ______ Short Socials Shrony Map Ro. _____ Sheel Sheeta DUGUNSHIS FILED WITH ORIGINAL INSTRUGENTS 1. Abstract __________

2. Opinions of Title

3. The Spenh

4. Morgage Helsese _____

5. Tree Youthers _____

6. Oliser Documents <u>Yes</u>

ACCOUNT NO._____

422 7

ORM 3

the determination by the commissioners that:

- The proposed public use described in the petition filed in this cause is necessary in that the proposed public use has been established.
- That it is necessary to take, acquire, and use the interest in the land described in Schedule A in said petition as
 Farcels Two, Three, Four, Five and Saven, and

It appearing that by stipulation of the parties on the record,

Parcels One and Six described in the petition filed herein were withdrawn
from these proceedings, and

It appearing that Harry W. Lower, Attorney of record for George Deroshia and Celia Deroshia, his wife, and Leonard Beroshia and May Allis Deroshia, his wife, ewners of Parcel Five, as described in Schedule A of said petition, has objected to the adequacy of the award of the commissioners on Parcel Five.

It appearing that Osward T. McGinn, Attorney of record for Waterways Navigation Company and for Erwin W. Laimback and Gladys Leimback, his wife, the owners respectively of Parcels Four and Three, has objected to the adequacy of the award of the commissioners to the owners of Parcels Three and Four. It is hereby Ordered, Adjudged, and Decreed that the hearing of the Motion of Petitioner praying for confirmation of the Report Notice for Hearing on May 24, 1960, is hereby adjourned to June 1, 1960, with regard to Parcel Five, and is adjourned to June 8, 1960, with regard to Parcels Three and Four.

The Court being fully advised in the premises, on motion of Francis E. Lindsay, Attorney for petitioner,

It is further 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 with regard to:

The determination that it is necessary to take, soquire, and
use the interest and the land described in Schedule A in

said description in Farcels Two, Three, Four, Five and Seven.

MAP_

- The datermination that the proposed public use described in the petition filed in this cause is necessary in that the proposed public use has been extablished,
- 3. The determination that just compensation and damages to be paid by the petitioner to the respective owners for the interests sought and to be taken by petitioner in these proceedings are as follows:
 - a. To Claude A. Crusos and Marie M. Crusos, his wife, on account of their ownership of Parcel Two as described in said Petition, the sum of Two Hundred Ninety Dollars.
 - b. To Richard E. Lamb and Eleanor R. Lamb, his wife, on account of their ownership of Parcel Seven as described in said Petition, the sum of Fifty Dollars.

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 Two and Saven, for the taking, acquiring and using of the easements and interests in lands hereinsfter 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 patitioner.

The interests in the parcels of land hereinefter described acquired by petitioner are as follows:

The exament and right to erect, lay and maintain one line of poles, wires, cables, cashits and other fixtures and appurtaneous for the purpose of transmitting and distributing electricity and/or conducting a communication business on, over, under and across the percels of land hereinsfter described, including all public highests upon or adjacent to said parcels of land; the route to be taken by said line of poles, wires, cables and cenduits 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, lisensees, lessees or assigns, and its and their

118ER 208 PAGE 53

LIRER 208 PAGE 54

ACCOUNT NO.__

477

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 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 Talso 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 tress, 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 assement 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 Fower Company, and the condition that no use 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

422 7

11

PARCEL TWO

Description

The SWk of the MXk, the Mi of the SRk, the SRk, of the SEk, the MEk of the SWk, and so much of the SEk of the MW fri k as is included and occupied by a certain line fence, excepting therefrom a parcel of land in the MW corner of the SWk, of the MEk, being now er formerly owned by Steve Lafrinare, all being in Sec. 5, T 36 N, R I E. Grant Township, Chaboygen, 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: Reginning on the East line of said land at a point 1258 feet North of the South line of said Sec. 6, running thence Northwesterly to the West line of said land at a point 673 feet North of the East and West k line of said land at a

Owned by: Claude A. Crusce and Marie H. Crusce, his wife, 19795 James Gouzens Highway Detroit, Michigan

PARCEL SEVEN

Description

Lot number 3 of Supervisor Gordon Taliman's Flat of Indian Trail Acres, being a subdivision of part of the NEK of Sec. 27, T 37 N, R 2 W, according to the recorded plat thereof as recorded in Liber 3 of Plats, page 51, Chaboygan County Records, Inverses Township, Chaboygan County, Michigan.

The route to be taken by said lines of poles, wires, cables and conduits screes, over and under said land being more specifically described as follows: Estiming on the Northeasterly line of

said Lot 8 at a point 440 feet Westerly (measured along said Northeasterly lot line) from the center line of Indian Trails Road, running thence Southwesterly 234 feet to a point 18 feet East of the West line of said Lot 8, thence Westerly to the West line of said lot 8 at a point 619 feet (measured along said West lot line) from the center line of said Indian Trails Road,

MAP.

Owned by: Richard E. Lamb and Eleanor R. Lamb, his wife, 15263 Astor Avenue Allen Fark, Michigan

It is further Ordered, Adjudged and Decreed that, in conformance with the Report of Commissioners, the compensation to be paid by patitioner 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 patitioner 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 exection and maintanance.

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 there-of to be indexed under the names of Claude A. Crusoe and Marie M. Crusoe, his wife, as grantors of the interests in the parcel of land described above as Parcel Two, and under the names of Richard E. Lamb and Eleanor R. Lamb, his wife, as grantors of the interests in the parcel of land described above as Parcel Seven, and that such recording be further indexed under the name of Consumers Power Company as grantes 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

-5-

118ER 208 PAGE 56

HBER 208 PAGE 55

TRACT_	400-D103-7*	CONTINUE				

ACCOUNT NO ._

TRACT_	400-D103-7*	CONTINUED
MAP	_	_

petitioner, Consumers Power Company.

May 25. 1960 Approved Lany W. Town Atty for Muscheso' Luye Celes Senand and nany allie

018. Canald J. M. Sun atty-for Tunded Waterways Nanyation &.

118ER 208 PAGE 57

1420年上湖之、1600 EXEMPLIFICATION OF RECORD

State of Michigan,

The Brobate Court for the County of CHEBOYGAN

In the Marter of the Estate of the Consumers power co, vs. Florence wilson, et als

of said Court, having Harriet Viau, Register 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.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of sa

in said County, this

day of May

1960

Register

118ER 208 PAGE 51