

EMMET-MCGULPIN

C.P.C.'s file # 3698
w.o. # 5544

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LIBER 283 PAGE 244

State of Michigan) Recorded 23rd Day of
County of Emmet)
A.D. 1978 At 1:05
P
O'clock M
Julia E. Beer
REGISTER OF DEEDS

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF EMMET

In the Matter of the Petition of Consumers Power Company, a Corporation, for the condemnation of certain interests in land in Emmet County, Michigan, for the purpose of transmitting, distributing, selling, and supplying electric energy for public use. No. 7642

ORDER CONFIRMING REPORT OF COMMISSIONERS AS TO PARCELS 1, 2, 3, 13 and 16

At a session of said Court held in the Courthouse, in the City of Petoskey, Emmet County, Michigan, on July 25, 1977

Present: HONORABLE John T. Murphy
Probate Judge

The Court appointed Commissioners having heretofore heard the evidence presented in this case and having filed, on DECEMBER 10, 1976, their report finding that there is necessity for the acquisition of a transmission line easement in Parcels 1, 2, 3, 13 and 16, as said parcels and said easements are described in the petition, as amended, and determining that the just compensation for damage to be paid by the petitioner, Consumers Power Company, is the amount hereafter stated, this matter having come on to be heard on petitioner's motion to confirm said Commissioners' report, and the Court being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

- That said Commissioners' report as to necessity and determination of just compensation for damages as to Parcels 1, 2, 3, 13 and 16 be and the same is hereby confirmed.
- That title to said easements in Parcels 1, 2, 3, 13 and 16, and the right to possession thereof is hereby vested

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in petitioner, Consumers Power Company, its successors and assigns forever; provided that said petitioner within 20 days after the entry of this Order shall deposit with the Register of this Court the sum hereinafter stated as just compensation for damages to be paid to the respondents or, in the alternative, that said petitioner pay said sum directly to the respondents or their attorney of record and file a receipt therefor signed by said respondents or their attorney of record with the Register of this Court.

3. The interests in the land hereinafter described which is hereby vested in petitioner, its successors and assigns forever, is as follows:

Easements 72 feet in width upon which to erect, lay and maintain one electric transmission line consisting of single wood poles, wires, cables, conduits, crossarms, braces, guys, anchors and other fixtures and appurtenances necessary or appropriate for the purpose of transmitting electric energy and electric control circuits and devices on, over, under and across the parcels of land described below, including all public highways upon or adjacent to said parcels of land; said 72-foot easements being more specifically described below with reference to each described parcel, and as hereafter surveyed and located. Also the right to enter at all times upon said 72-foot easements described below for the purpose of constructing, operating, and repairing, renewing, extending, changing, patrolling and maintaining such poles, wires, cables, conduits, crossarms, braces, guys, anchors, fixtures and appurtenances, together with the right to renew or repair the aforesaid. Also the right, at any time, to cut, trim, remove, destroy or otherwise control all trees and brush within the areas described below. Also the easement and right to construct, lay and maintain underground counterpoise wires or cables within the boundaries of said 72-foot easements. The use of the land lying within said 72-foot easements by the fee owners and their grantees shall be subject to the restriction that no buildings or other structures will be placed on the 72-foot easements described below without the written consent of Consumers Power Company.

4. The description of said parcels and descriptions and locations on said parcels of the transmission line easement interests and tree interests, the owners and parties in interest in each of said parcels, and the just compensation determined by

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SCHEDULE A

PARCEL TWO

Description

C. P. Co. P. 12?

(421.0-D85-10)

The S 1/2 of the SW 1/4 of Section 10, T34N, R5W, excepting therefrom the West 780 feet of the North 660 feet thereof, Bear Creek Township, Emmet County, Michigan.

Easement rights, as described in the Petition for Condemnation of Interests in Land to which this Schedule is attached as a part thereof, over all that part of a strip of land 72 feet in width lying within the land described above, said 72-foot-wide strip of land being 36 feet on each side of a center line described as follows:

Beginning at a point 665 feet East of the West line of Section 10, T34N, R5W, at a point on the South 1/8 line of Section 10, thence E'ly along the South 1/8 line of Section 10 to the East line of Section 10.

Also the right, at any time, to cut, trim, remove, destroy or otherwise control (1) all trees and brush within that part of a strip of land 90 feet in width being 45 feet on each side of (and measured at right angles to) the above-described center line which lies within the land described above; and (2) all trees in excess of 40 feet in height within that part of a strip of land 160 feet in width being 80 feet on each side of (and measured at right angles to) the above-described center line which lies within the land described above and which are not included within (1) above. Also the right to enter upon said areas, from time to time, to cut, trim, remove, destroy or otherwise control trees and brush as aforesaid.

Name of person owning or having an interest in Parcel Two:

[Gerald B. Fettig] (13)
Route 3
Petoskey, Michigan

Just Compensation \$ 2,558.00