

15

TITLE DATA

[Watson L. Gregory Jr & wf]

MICHIGAN STATE

Emmet COUNTY

Bear Creek TOWNSHIP

CONSUMERS POWER CO.

Easement NAME OF GRANTOR 6-10-76 DATE OF INST. 6-10-76 DATE OF RECORD 267 LIBER. PAGE 162

MUNICIPALITY

SECTION 2

TOWN 34N

RANGE 5W

TRACT 430-D85-15

MAP 3

KIND OF INSTRUMENT DATE OF INST. DATE OF RECORD LIBER. PAGE PLAT OR AREA

EMMET TO RIGGSVILLE-MC GULPIN 138KV

Form 314 3-74



File #3698

EASEMENT

LIBER 267 PAGE 162

pd 114

Watson L. Gregory Jr. and Hope Theresa Gregory, his wife, R. 2, E. Mitchell Road, Petoskey, MI 49770 Grantor, in consideration of One and no/100 Dollars (\$ 1.00) to him paid by CONSUMERS POWER COMPANY, a Michigan corporation, 212 W. Michigan Avenue, Jackson, Michigan, Grantee, receipt of which is hereby acknowledged, Conveys and Warrants to Grantee, its successors and assigns, Forever, the easement and right to erect, lay and maintain lines consisting of towers, pole structures, poles, or any combination of same, wires, cables, conduits, crossarms and other fixtures and appurtenances for the purpose of transmitting and distributing electricity and electric control circuits and devices on, over, under and across the following described land, including all public highways upon or adjacent to said land, which land is situate in the Township of Bear Creek, County of Emmet, and State of Michigan, to-wit:

The West 20 rods of the North 1/2 of the Northeast 1/4 of Section 2, Township 34 North, Range 5 West.

State of Michigan Recorded 10th Day of June A.D. 1976 At 3:25 Julia E. Beer REGISTER OF DEEDS

The center line of said line of towers, pole structures, poles, wires, cables and conduits, on, over, under and across said land being described as:

Beginning at a point approximately 713 feet West of the North and South 1/4 line of Section 2, T 34 N, R 5 W, at a point approximately 70 feet South of the North 1/8 line of said Section, running thence NE'ly to a point approximately 996 feet North of the North 1/8 line of said Section 2, at a point approximately 80 feet East of the North and South 1/4 line of said Section, running thence North along and approximately 80 feet distant East of the North and South 1/4 line of said Section to the North line of said Section, at a point 79.45 feet East of the North 1/4 post of said Section 2.

SEE NEXT SHEET FOR ADDITIONAL TITLE.

Also conveying the full right and authority to Grantee, 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, patrolling, improving, enlarging and maintaining such towers, pole structures, poles and other supports or any combination of same, with all necessary crossarms, braces, guys, anchors, and transformers, and stringing thereon and supporting and suspending therefrom lines of wire, cables or other conductors for the transmission of electrical energy and electric control circuits and devices.

Also conveying the right to cut, trim, remove, destroy or otherwise control (1) all trees and brush on the land of the Grantor described in this easement within 45 feet on each side of the center line of the towers, pole structures, poles and wires comprising said electric line, and (2) all trees in excess of 40 feet in height on the land of the Grantor described in this easement within 85 feet on each side of the center line of the towers, pole structures or poles. It is expressly agreed that the complete exercise of the rights herein granted to cut, trim, remove, destroy or otherwise control trees and brush may be gradual and not fully completed for some time in the future. Grantee may enter upon said land, from time to time, to cut, trim, remove or otherwise control trees and brush as aforesaid.

It is expressly agreed that, for the protection of said electric line, no buildings or other structures will be placed within 36 feet on each side of the center line of the towers, pole structures, poles and wires comprising said electric line. Grantee shall pay for all damage to crops arising out of the construction, operation and maintenance of the electric line.

It is expressly understood that nonuse or a limited use of this easement by Grantee shall not prevent Grantee from later making use of the easement to the full extent herein conveyed.

Where applicable, pronouns and relative words used herein shall be read as plural, feminine or neuter.

IN WITNESS WHEREOF, Grantor has executed this instrument or has caused this instrument to be executed by its Resident this 10th day of June, 1976.

WITNESSES:

Richard W. Smith

William H. Zimmerman

Watson L. Gregory Jr. Hope Theresa Gregory

MAPS AND CHECKED

(INDIVIDUAL ACKNOWLEDGMENT)

STATE OF MICHIGAN) County of EMMET) ss.

The foregoing instrument was acknowledged before me this 10th day of June, 1976, by Watson L. Gregory Jr. and Hope Theresa Gregory, his wife,

William H. Zimmerman Notary Public, Jackson County, Michigan My commission expires June 5, 1978.

(INDIVIDUAL ACKNOWLEDGMENT)

STATE OF MICHIGAN) County of) ss.

The foregoing instrument was acknowledged before me this ___ day of ___, 19___, by ___

Notary Public, ___ County, Michigan My commission expires ___

(CORPORATE ACKNOWLEDGMENT)

STATE OF MICHIGAN) County of) ss.

The foregoing instrument was acknowledged before me this ___ day of ___, 19___, by ___ President of ___ a ___ corporation, on behalf of the corporation.

Notary Public, ___ County, Michigan My commission expires ___

Atty: Wm H Zimmerman Consumers Power Co. 212 W. Mich Ave. Jackson MI

INDEXED

GENERAL ENGINEERING MAP REFERENCES

Line Map No. F-17781 Sheet 1 of 6 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 _____

TITLE DATA

MICHIGAN STATE

Emmet COUNTY

Bear Creek TOWNSHIP

CONSUMERS POWER CO.

Mary Agnes Grigsby

2

34N

5W

TRACT 430-D85-15 Cont'd

Release of R/W 5-21-76 6-28-76 267 588

W.O.# 5544

MUNICIPALITY SECTION TOWN RANGE

MAP 3

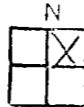
KIND OF INSTRUMENT DATE OF INST. DATE OF RECORD LIBER PAGE PLAT OR AREA

EMMET TO RIGGSVILLE-McGULPIN 138KV
LIBER 267 PAGE 588

File #3698 Pd114
W.O. #5544-350.210-3
Check #22821

LIBER 267 PAGE 588

State of Michigan Recorded 28th Day of
County of Emmet June A.D. 1976 At 2:10
O'clock P M Julia E. Beer
REGISTER OF DEEDS



RELEASE OF RIGHT OF WAY
PARCEL NO. 12

1/4 line of Section 35, T35N, R5W, at a point not more than 670 feet nor less than 650 feet North of the East and West 1/4 line of said Section 35.

WHEREAS, Consumers Power Company has filed a condemnation case in the Probate Court for the County of Emmet, State of Michigan, File No. 7642;

WHEREAS, Parcel No. 12 in said case is described as follows:

The West 20 rods of the N 1/2 of the NE 1/4 of Section 2, T34N, R5W, Bear Creek Township, Emmet County, Michigan. (Tract A)

WHEREAS, Consumers Power Company is attempting in said case to acquire a transmission line easement 160 feet in width over and across said Tract A;

WHEREAS, Mary Agnes Grigsby, Grantor, whose address is 814 North Connecticut, Royal Oak, Michigan, for and in consideration of the sum of \$125.00 and in further consideration of dismissing Grantor as a party in interest in said Parcel No. 12, hereby conveys and grants to Consumers Power Company, Grantee, whose address is 212 West Michigan Avenue, Jackson, Michigan, a permanent easement for the construction and maintenance of an electric transmission line over and across the above described Tract A, said easement being 80 feet on either side of a centerline described as follows:

Beginning at a point not more than 730 feet nor less than 710 feet West of the North and South 1/4 line of Section 2, T34N, R5W, at a point not more than 75 feet nor less than 60 feet South of the North 1/8 line of said section, running thence NE'ly to a point not more than 110 feet nor less than 90 feet East of the North and South 1/4 line of said section, at a point not more than 1050 feet nor less than 950 feet North of the North 1/8 line of said section, thence N'ly to a point not more than 70 feet nor less than 60 feet West of the North and South

WITNESSES:

Mary Agnes Grigsby
MARY AGNES GRIGSBY
Albert Blaine Jr
ALBERT BLAINE JR
Florence Olejniczak
FLORENCE OLEJNICZAK

STATE OF MICHIGAN)
COUNTY OF WAYNE) SS

On this 21 day of MAY, A.D., 1976, before me appeared Mary Agnes Grigsby to me known to be the same persons described in and who executed the within instrument, who then acknowledged the same to be her free act and deed.

Albert Blaine Jr
ALBERT BLAINE JR
Notary Public, OAKLAND County
My Commission Expires: MARCH 10, 1980

PREPARED BY ALBERT BLAINE, JR.
10356 WEST WARREN AVENUE
DEARBORN, MICHIGAN 48126

LAW OFFICES TRAVIS WARREN, NAYER & BURGOYNE, 2000 FIRST NATIONAL BLDG., DETROIT, MICH. 48226. (313) 968-2177

LAW OFFICES TRAVIS WARREN, NAYER & BURGOYNE, 2000 FIRST NATIONAL BLDG., DETROIT, MICH. 48226. (313) 968-2177

MAPPED AND CHECKED

GENERAL ENGINEERING MAP REFERENCES

Loc. Map No. _____ Sheet of Sheets
Plan & Profile No. _____ Sheet of Sheets
Survey Map No. _____ Sheet of Sheets

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

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3. Title Search _____
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5. Tree Vouchers _____
6. Other Documents _____

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LIBER 283 PAGE 241

C.P. Co. File # 3698
L.O. # 5544

State of Michigan Recorded 28th Day of
County of Emmet JUL 25 A.D. 1977 At 1:00
O'clock P.M. Julia E. Boer
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 PARCEL 12

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 Parcel 12, as said parcel and said easement is 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:

1. That said Commissioners' report as to necessity and determination of just compensation for damages for a 13/96 interest in Parcel 12 be and the same is hereby confirmed.
2. That title to a 13/96 interest in the said easement in Parcel 12 and the right to possession thereof is hereby vested in petitioner, Consumers Power Company, its successors and

Received and Filed

7-25-77

Registrar

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 parcel of land described below, including all public highways upon or adjacent to said parcel 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 parcel and the description and location on said parcel of the transmission line easement interests and tree easements, the owners and parties in interest in said parcel, and the just compensation determined by the Commissioners for said parcel is as follows:

MAILED
AND
CHECKED

REGISTRAR

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SCHEDULE APARCEL TWELVEDescription

The West 20 rods of the N 1/2 of the NE 1/4 of Section 2, T34N, R5W, 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 713 feet West of the North and South 1/4 line of Section 2, T34N, R5W, at a point 70 feet South of the North 1/8 line of said section, running thence NE'ly to a point 80 feet East of the North and South 1/4 line of said section, at a point 996 feet North of the North 1/8 line of said section, thence N'ly to a point on the North line of Section 2 at a point 80 feet East of the North and South 1/4 line of Section 2.

Also the right to locate guy wires in a SE'ly direction easterly of and not more than 125 feet nor less than 116 feet East of the North and South 1/4 line of said section and anchor same in the ground at a point not more than 215 feet nor less than 210 feet South of the North line of said section.

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.

Names of persons owning or having an interest in Parcel Twelve: 13/96 interest only

\$ 182.26

Donatus Foster (a/k/a Donetou Forster), Deceased, and His Unknown Heirs, Devisees and Assigns

\$ 26.04

James J. Foster and Frances Foster, husband and wife
317 Liberty Street
Petoskey, Michigan

\$ 26.04

Patricia A. Winters
Carp Lake, Michigan

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\$ 26.04

Leo T. Foster and Joan Foster,
Husband and Wife,
441 Oak Hill Road
Red Bank, New Jersey

\$ 26.04

Mattie S. Foster
826 W. Washington Street
Bloomington, Illinois

\$ 26.04

Arthur C. Foster and Carol Foster, Husband and Wife,
Intertown Road
Petoskey, Michigan

\$ 26.04

Margaret L. Pennell
512 Wachtel
Petoskey, Michigan

\$ 26.04

Andrew L. Foster and Patricia Foster, Husband and Wife,
917 Rogers, NW
Grand Rapids, Michigan

The interests sought to be acquired herein shall be subject to and subordinate to the following:

Easement for an electric line owned by: Northern Michigan Electric Cooperative, Incorporated
1050 East Division Street
Boyer City, Michigan

John T. Murphy
JUDGE OF PROBATE

STATE OF MICHIGAN
Probate Court, Emmet County

I have legal custody of the files and records of said Court. I have compared the within copy with the original thereof on file in said Court; the same is a correct transcript of the original record thereof. In Testimony Whereof I have hereunto set my hand and affixed the seal of said Court at the City of Petoskey, in said County,

March 9 1978

Christa Decker
Register of Probate

