

13

TITLE DATA

CONSUMERS POWER COMPANY

Department of Conservation, State of Michigan

16

TRACT 142-D113-2

Easement

NAME OF GRANTOR

3-20-56

4-6-56

149

221

247601

ACCOUNT NO.

U-551606

MAP

19 & 19-40

KIND OF INSTRUMENT DATE OF INST. DATE OF RECORD LIBER PAGE

MICHIGAN STATE

Emmet COUNTY

Wawatam TOWNSHIP

10 SECTION

T39N TOWN

T4W RANGE

MUNICIPALITY

SECTION

TOWN

RANGE

PLAT OR AREA

Parcel No. 2 L-2706

STATE OF MICHIGAN DEPARTMENT OF CONSERVATION

EASEMENT TO CONSTRUCT AND MAINTAIN AN ELECTRIC SUBMARINE CABLE LINE

FOR AND IN CONSIDERATION OF Six hundred and no/100 Dollars (\$600.00) in hand paid, the receipt of which is hereby acknowledged, the STATE OF MICHIGAN by the DEPARTMENT OF CONSERVATION acting under and pursuant to a resolution adopted by the CONSERVATION COMMISSION at its meeting held on March 16, 1956, and by virtue of the authority conferred by Act No. 10, P. A. 1953, does hereby convey and Quit-claim, without warranty express or implied, to CONSUMERS POWER COMPANY, a corporation duly authorized to do business in Michigan, with its principal office therein at 212 West Michigan Avenue, Jackson, Michigan, and to its successors and assigns, the easement and right to erect, construct, lay and maintain electric submarine cables consisting of cables and proper protective equipment for the purpose of transmitting and distributing electricity, together with the right to go upon the lands herein described and maintain, replace and remove said cables on, over and across the following State-owned lands:

Land in the Straits of Mackinac in the State of Michigan, described as follows:

All bottom lands of the Straits of Mackinac, in the State of Michigan, lying within an area of one hundred (100) feet on each side of a center line beginning at a point on the Northerly shore line of the Straits of Mackinac on a bearing of South fifty-one degrees, twenty-nine minutes and twenty seconds East (S 51° 29' 20" E) and distant three thousand and twenty-five (3025) feet from United States Lake Survey Triangulation Station "Green" (Latitude-forty-five degrees fifty minutes seven and three hundred thirty-three thousandths seconds (45° 50' 07.333") Longitude eighty-four degrees forty-four minutes fifty-seven and five hundred forty-one thousandths seconds (84° 44' 57.541"), thence on a bearing of South fourteen degrees twenty-four minutes forty seconds West (S 14° 24' 40" W) a distance of nineteen thousand seven hundred ninety-three (19,793) feet to a point on the Southerly shore line of the Straits of Mackinac, said point being distant thirteen hundred thirty-nine (1339) feet and on a bearing of South seventy-seven degrees four minutes no seconds East (S 77° 04' 00" E) from United States Lake Survey Triangulation Station "A Mackinac West Base" Latitude forty-five degrees forty-seven minutes thirteen and seven hundred thirty-two thousandths seconds (45° 47' 13.732") Longitude eighty-four degrees forty-six minutes twenty-two and four hundred sixty-two thousandths seconds (84° 46' 22.462").

This easement is granted subject to the following regulations and conditions:

(1) The route to be taken by said line of cables over and under said land being more specifically described as parallel to and as near as practicable to the center line of the above described land.

Table with columns: DATE, JOURNAL ENTRY, ITEMS OF COST, AMOUNT, TRANSFERS, BALANCE. Includes entries for May 1964 with journal entry 709 and amount \$324.18.

MAPPED AND CHECKED

40 YR. APPT. RECORDED 18 93

GENERAL ENGINEERING MAP REFERENCES

Line Map No. C-16054 Sheet 142 of 2 Sheets
Plan & Profile No. C-16054 Sheet 142 of 2 Sheets
Survey Map No. C-16054 Sheet 142 of 2 Sheets

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

1. Abstract _____
2. Opinions of Title _____
3. Title Search _____
4. Mortgage Release _____
6. Other Documents Department of Army Permit #55 16 37
" " Department of Army Permit #57-16-13
" " Department of Army Permit #64-16-51

TITLE HISTORY

1. Department of Conservation, State of Michigan
3-20-56 4-6-56 149-221 Esmt.
2. Consumers Power Company

ACCOUNT NO. _____

MAP _____

(2) Grantee, its successors or assigns by the acceptance of this instrument, agrees to notify the authorized representative of the Department of Conservation indicated at the end of this easement prior to commencing operations under this easement, so that the Department shall be properly notified as to the time and place that such operations shall begin on the State-owned land herein described.

(3) Grantee, its successors or assigns by the acceptance of this instrument, agrees that any relocation of the line constructed under this easement will be made only upon approval of the Department of Conservation before such relocation takes place.

(4) Grantee, its successors or assigns, accepts this easement subject to all prior and valid easements, permits, licenses, leases and other rights existing or pending at the time of the issuance of this easement, which may have been granted on said land.

(5) Grantee hereby agrees that it will comply with the requirements of the United States Coast Guard and the Army Corps of Engineers and secure the necessary permits from all governmental authorities, Federal or State, prior to the exercise of the rights under this easement.

(6) In case the said easement herein conveyed shall not be used by Second Party, its successors and assigns, for a period of ten (10) years, from and after the date of issuance, then and in that event said easement shall terminate. The grantee herein, for itself, its successors and assigns, agrees upon abandonment of its line and upon request of the owner of said land showing a prima facie title to same, to release and Quit-claim all rights secured hereby on said land to the then Owner.

(7) It is expressly understood that the grantee shall not assign this easement or any portion thereof to any person other than the owner of said land, as provided in paragraph 6 hereof, without first securing the written approval of the Department of Conservation for the State of Michigan. No application to assign will be considered unless the assignee is organized for the purpose of operating a public utility business.

(8) Second party agrees that said cables shall be buried beneath the bottom of the Straits of Mackinac from the shore lines Northerly and Southerly for a distance necessary to assure a cover above said cable where the water is less than four (4) feet deep, in accordance with plans and specifications as set forth in sheets 1 and 2 of specifications for a 44 KV Submarine Cable, which are attached hereto, made a part hereof and marked Exhibit "A".

(9) The Grantee, its successors or assigns, shall hold harmless the State of Michigan for all damages or losses caused to third persons or property outside of the right-of-way conveyed by this easement arising out of the negligence of the grantee in its operations on the right-of-way hereby conveyed.

254 1/2'

IN WITNESS WHEREOF, the Conservation Commission has caused this instrument to be executed for the State of Michigan by the Department of Conservation by its Deputy Director, this 20th day of March 1956.

Approved March 16, 1956

DEPARTMENT OF CONSERVATION
FOR THE STATE OF MICHIGAN

Signed, Sealed and Delivered
in Presence of

R. G. Wood
R. G. Wood

Wayland Osgood
Wayland Osgood, Deputy Director

Bernice Botke
Bernice Botke

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

On this 20th day of March A.D. 1956, before me, a Notary Public in and for said County, personally appeared Wayland Osgood, Deputy Director of the Department of Conservation for the State of Michigan, to me known to be the same person who executed the within instrument, and who acknowledged the same to be his free act and deed and the free act and deed of the Department of Conservation, pursuant to authority granted by the Conservation Commission for the State of Michigan, in whose behalf he acts.

Robert G. Wood
Robert G. Wood,
Notary Public, Ingham County, Michigan

My commission expires: December 7, 1958

NOTE: Department field representatives to be contacted relative to operations under this easement are: E. C. Ruecker, District Supervisor, Department of Conservation, Newberry, Michigan and C. A. Eagle, District Supervisor, Department of Conservation, Gaylord, Michigan

MAPPED
AND
CHECKED

~~GENERAL ENGINEERING MAP REFERENCES~~

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