

TITLE DATA-

Reservation from Sale

TRACT 7

Quit Claim Deed, 9/15/69 (Unrecorded)

ACCOUNT NO.

MAP 7-11-11

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RESERVATION FROM SALE OF LAND FOR ELECTRIC TRANSMISSION

MICHIGAN Grand Traverse Blair STATE COUNTY TOWNSHIP MUNICIPALITY SECTION TOWN RANGE

QUITCLAIM DEED

(13) THIS INDENTURE, made this 15th day of September, 1969, between CONSUMERS POWER COMPANY, a Michigan corporation, 212 West Michigan Avenue, Jackson, Michigan (successor by merger to Consumers Power Company, a Maine corporation), as First Party, and the COUNTY OF GRAND TRAVERSE, a municipal corporation, Courthouse, Traverse City, Michigan, as Second Party;

WITNESSETH:

WHEREAS, First Party is presently the owner of two dams located on the Boardman River in Grand Traverse County, Michigan, commonly known as the "Boardman" and "Sabin" Dams, together with certain lands and interests in lands used and useful in connection with the maintenance of said Dams, the control of the water level of the reservoirs created by said Dams, and the use of said reservoirs, all of which are herein sometimes called the "Dam and Reservoir Property"; and

WHEREAS, the age of said Dams, and the cost of operating and maintaining the hydroelectric generating facilities associated therewith are such that their continued operation and maintenance for the purpose of generating hydroelectric energy may no longer be justified; and

WHEREAS, Second Party has an interest in the maintenance of said Dams and the preservation of said Dam and Reservoir Property for public recreational purposes, and for such public recreational purposes is desirous that First Party convey to it said Dam and Reservoir Property; and

WHEREAS, in consideration of the proposed use of said Dam and Reservoir Property for public recreational purposes, First Party is willing to convey said Dam and Reservoir Property to Second Party for the sum of One Dollar (\$1.00).

NOW THEREFORE, the said First Party, for and in consideration of the sum of One Dollar (\$1.00) the receipt of which is hereby confessed and acknowledged, does by these presents bargain, sell, remise, release and QUITCLAIM unto Second Party, its successors and assigns, Forever, all those certain parcels of land, interest in land, rights and privileges situate in the Townships of Garfield and Blair, County of Grand Traverse and State of Michigan, known and described as follows, to wit:

1. All that part of the W 1/2 of the SW 1/4 of the NE 1/4 lying N'ly and W'ly of the most S'ly and E'ly line of the backwater of the present dam located on the NW 1/4 of the NE 1/4 of said Section 34, T27N, R11W, except the railroad right of way.

2. The NW 1/4 of the NE 1/4 of Section 34, T27N, R11W, except the railroad right of way now located on said premises.

Table with columns: BALANCE, TRANSFERS, AMOUNT, ITEMS OF COST, JOURNAL ENTRY, DATE. Rows are empty.

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also all generating equipment, generators and excitors, turbines, governors and governor oil pumps, the switchboard, switches and indoor bus structure, step-up transformers, the outdoor substation structure, station battery and charger, station power bank, and seven 2" x 10" wood 14 ft gates on said dam, together with the right to remove same for a period of nine (9) months from and after the date of this instrument.

Excepting and reserving to first party its successors and assigns forever, the easement and right to erect, lay and maintain lines consisting of towers, poles, wires, cables, conduits and other fixtures and apparatuses for the purpose of transmitting and distributing electricity and/or conducting a communication business on, over, under and across the premises herein conveyed including all public highways upon or adjacent to said parcels of land. The route to be taken by said lines of towers, poles, wires, cables and conduits on, over, under and across said land being more specifically described as follows:

One line of poles, wires, cables and conduits to run on a route as now located and constructed, the center line of said route being described as follows: To find the place of beginning of said center line, commence at the E 1/4 post of Section 34, T27N, R11W; thence N 89° 38' 15" W along the East and West 1/4 line of said section 1216.82 feet to the center line of Keystone Road; thence N 19° 25' 40" E along the center line of Keystone Road 1679.47 feet to the center line of Cass Road; thence N 77° 01' 20" W along the center line of Cass Road 542.92 feet; thence S 19° 26' 40" W, 69.36 feet to the place of beginning of said center line; running thence N 64° 40' 00" W, 170.92 feet; thence N 51° 04' 05" W, 170.53 feet; thence N 46° 29' 55" W, 265.92 feet; thence N 55° 00' 25" W, 1051.12 feet to the place of ending.

One line of poles, wires, cables and conduits to run on a route as now located and constructed, the center line of said route being described as follows: To find the place of beginning of said center line, commence at the E 1/4 post of Section 34, T27N, R11W; thence N 89° 38' 15" W along the East and West 1/4 line of said section 1216.82 feet to the center line of Keystone Road; thence N 19° 25' 40" E along the center line of Keystone Road 1259.47 feet; thence N 86° 59' 00" W, 336.35 feet to the place of beginning of said center line; running thence S 07° 24' 30" W, 383.28 feet; thence S 22° 30' 10" W, 2713.89 feet; thence S 36° 59' 10" W, 2541.85 feet; thence S 17° 02' 00" W, 794.70 feet; to the place of ending.

One line of poles, wires, cables and conduits to run on a route as now located and constructed, the center line of said route being described as follows: To find the place of beginning of said center line, commence at the E 1/4 post of Section 34, T27N, R11W; thence N 89° 38' 15" W along the East and West 1/4 line of said section 1216.82

feet to the center line of Keystone Road; thence N 19° 25' 40" E along the center line of Keystone Road; 1679.47 feet to the center line of Cass Road; thence N 77° 01' 20" W along the center line of Cass Road 542.92 feet to the place of beginning of said center line; running thence N 19° 40' 40" W, 435.12 feet; thence N 24° 00' 40" W, 966.85 feet; thence N 08° 26' 40" W, 2074.63 feet; thence N 03° 20' 30" E, 222.81 feet; thence N 30° 46' 30" E, 1559.93 feet; thence N 01° 31' 00" E to the North 1/3 line of Section 27, T27N, R11W, being the North line of the land herein conveyed.

One line of poles, wires, cables and conduits to run on a route as now located and constructed, the center line of said route being described as follows: To find the place of beginning of said center line, commence at the E 1/4 post of Section 34, T27N, R11W; thence N 89° 38' 15" W along the East and West 1/4 line of said section 1216.82 feet to the center line of Keystone Road; thence N 19° 25' 40" E along the center line of Keystone Road 1679.47 feet to the center line of Cass Road; thence N 77° 01' 20" W along the center line of Cass Road 542.92 feet; thence S 19° 26' 40" W, 69.36 feet to the place of beginning of said center line; running thence N 64° 40' 00" W, 170.92 feet; thence N 51° 04' 05" W, 170.53 feet; thence N 46° 29' 55" W, 265.92 feet; thence N 55° 00' 25" W, 1051.12 feet to the place of ending.

One line of poles, wires, cables and conduits to run on a route as now located and constructed, the center line of said route being described as follows: To find the place of beginning of said center line, commence at the E 1/4 post of Section 27, T27N, R11W; thence N 87° 44' 50" W along the East and West 1/4 line of said section 1663.02 feet; thence S 02° 15' 10" W, 68.52 feet to the place of beginning of said center line; running thence N 88° 51' 10" W, 368.00 feet; thence N 79° 51' 10" W, 603.40 feet to the place of ending.

One line of towers or poles, wires, cables and conduits to run over and across the land herein conveyed in the N 1/2 of the NE 1/4 of Section 34, T27N, R11W, on a route described as in an E'ly and W'ly direction S'ly of and not more than 150 feet distant from the center line of that part of Cass Road which runs in an E'ly and W'ly direction over and across said land and said center line extended in a W'ly direction at the point where said Cass Road turns N'ly near the North and South 1/4 line of said Section 34.

With full right and authority to first party, its successors, licensees, lessees or assigns and its and their agents and employees to enter at all times upon said land for the purpose of patrolling, constructing, repairing, removing, replacing, improving, enlarging and maintaining such wires, cables, conduits, towers and poles and other supports with all necessary braces,

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pays, anchors, supports and transformers 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 to trim, remove, destroy or otherwise control any trees and brush which may, in the opinion of first party, interfere or threaten to interfere with or be hazardous to the construction, operation and maintenance of said lines. It is understood that no buildings or other structures will be placed under or over said facilities or within such proximity thereto as to interfere with the construction, operation or maintenance of said facilities. It is further understood that nonuse or a limited use of these easements by first party shall not prevent first party from later making use of the easements to the full extent herein reserved.

Also excepting and reserving to first party, its successors and assigns, forever, the easement and right to maintain all existing electric distribution lines consisting of poles, wires, cables, conduits and other fixtures and appurtenances for purposes of distributing electricity and/or conducting a communication business on any of the lands herein conveyed, which rights have not hereinbefore been specifically reserved, together with the right to repair, remove, replace, improve and enlarge such poles, wires, cables and conduits.

Also saving, excepting and reserving to first party, its successors and assigns, forever, all nonmetallic minerals, coal, oil and gas (but not including sand, clay or gravel) lying and being on, within, or under the land herein conveyed, with full and free liberty and power to the said first party, and to its successors and assigns, lessees, agents and workmen, and all other persons by its or their authority or permission, whether already given or hereafter to be given at any time, and from time to time, to take all usual, necessary or convenient means for exploring, mining, working, piping, getting, laying up, storing, dressing, making merchantable, and taking away the said coal, oil and gas and other nonmetallic minerals and for storing, re-storing and protecting oil, gas and nonmetallic minerals in the subsurface strata underlying said land and taking and retaking the same, together with the right to lay pipelines under said premises from wells, mines, or shafts sunk upon said lands for the purpose of removing the oil, gas or other nonmetallic minerals from the premises or storing, re-storing and protecting oil, gas or other nonmetallic minerals in the subsurface strata underlying said land and retaking the same.

Second party, by the acceptance of this deed, accepts and assumes all of the duties, obligations and conditions arising out of the ownership of the lands, dams, dam permits, flowage rights, and water power rights appurtenant to said lands and dams, whether such duties, obligations and conditions are express or implied or created by common law, statute or other governmental regulations.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the said above-described premises unto the said party of the second part, its successors and assigns, to the sole and only proper use, benefit and behoof of the said party of the second part, its successors and assigns, forever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its Vice President and its corporate seal to be hereunto affixed and attested by its Asst. Secretary as of the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W. L. Reid
W. L. Reid

CONSUMERS POWER COMPANY APPEARED AS TO FORM OF

By R. C. Youngdahl
R. C. Youngdahl
Vice President

Attest: _____

Willoween R. Smith
Willoween R. Smith

R. M. Griswold
R. M. Griswold
Asst. Secretary

STATE OF MICHIGAN)

) SS.

COUNTY OF JACKSON)

On this 15th day of September, 1969, before me, a Notary Public in and for said County, personally appeared R. C. Youngdahl, to me personally known, who being by me duly sworn, did say that he is Vice President of Consumers Power Company, the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and said R. C. Youngdahl acknowledged said instrument to be the free act and deed of said corporation.

Willoween R. Smith
Willoween R. Smith
Notary Public, Jackson County, Michigan

My Commission Expires Sept. 7, 1970

This instrument is exempt under Section 5(A) of C.L. 207.505.