

**Order Confirming Report of Special Commissioners**  
 NAME OF GRANTOR | **CONDENMATION** | 5-28-76 | 6-22-76 | 394 | 63 |  
 DATE OF INSTRUMENT | DATE OF INST. | DATE OF RECORD | LIBER | PAGE |  
**KEYSTONE-SUTTONS BAY(NORTHPORT) (KEYSTONE-MUMSON JCT.) 138 KV**

LIBER 394 PAGE 63  
 STATE OF MICHIGAN  
 GRAND TRAVERSE CO. MI  
 REGISTER OF DEEDS  
 JUN 22 2 33 PM '76

IN THE PROBATE COURT FOR THE COUNTY OF GRAND TRAVERSE  
 STATE OF MICHIGAN

IN THE MATTER OF THE PETITION OF CONSUMERS  
 POWER COMPANY, A CORPORATION, FOR THE  
 CONDEMNATION OF CERTAIN INTERESTS IN LAND  
 IN GRAND TRAVERSE COUNTY, MICHIGAN, FOR THE  
 PURPOSE OF TRANSMITTING, DISTRIBUTING,  
 SELLING AND SUPPLYING ELECTRIC ENERGY FOR  
 PUBLIC USE. File No. 15,880

**ORDER CONFIRMING REPORT OF SPECIAL COMMISSIONERS**

At a session of said Court held in  
 the Court House, in Traverse City and  
 Traverse County, Michigan, on June 14, 1976

PRESENT: HONORABLE Kenneth G. Mackness  
 Probate Judge

The Court appointed Commissioners having heretofore  
 heard the evidence presented in this case and having filed, on  
MAY 28, 1976, their report finding that there is

necessity for the acquisition of a transmission line easement in  
 Parcels 1, 2 and 3, as said parcels and said easements are  
 described in the petition, 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,

IT IS NOW ORDERED AND ADJUDGED as follows:

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

4. The description of said parcels and the descriptions  
 and locations on said parcels of the transmission line easement  
 interests and tree easements, the owners and parties in interest  
 in each of said parcels, and the just compensation determined by  
 the Commissioners for each of said parcels are as follows:

MAPED  
 AND  
 CHECKED

NAME OF GRANTOR

MUNICIPALITY

SECTION

TOWN

RANGE

TRACT MAP

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

PLAT OR AREA

LIBER 394 PAGE 65



PARCEL ONE

Description

That part of the SE 1/4 of the NW 1/4 of Section 18 lying North of the center line of Herkner Road and West of a line described as commencing at the N 1/4 corner of said section; thence West (assumed) on section line 833.34 feet; thence South at right angles to section line 1605.4 feet to a point in the center line of Herkner Road and the point of beginning of said line; thence N 03° 34' 30" W, 289 feet, more or less, to the 1/8 line and the point of ending of said line. Also that part of the W fractional 1/2 of the NW fractional 1/4 of Section 18 lying North of Herkner Road. Also the W fractional 1/2 of the SW fractional 1/4 of Section 7 except the East 25 acres thereof. All in T27N, R11W, Garfield Township, Grand Traverse County, Michigan. Also the NE 1/4 of the NE 1/4 of Section 13, T27N, R12W, Long Lake Township, Grand Traverse County, Michigan.

Basement rights, as described in the Petition for Condemnation of Interests in Land to which this Schedule is attached as a part thereof, over 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:

Being in a N'ly and S'ly direction E'ly of and not more than 70 feet nor less than 60 feet from the West 1/8 line of Section 18, T27N, R11W.

Also the right, at any time, to cut, trim, remove, destroy or otherwise control (1) all trees and brush standing or growing within the limits of said 72-foot-wide strip of land; and (2) all trees in excess of 30 feet in height on the above-described land within 70 feet on each side of the above-described center line 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 One:

John A. Gallagher and Marjorie Gallagher, as Trustees of the Marjorie Gallagher Trust  
5904 North Long Lake Road  
Traverse City, Michigan

Douglas M. Gallagher  
5904 North Long Lake Road  
Traverse City, Michigan

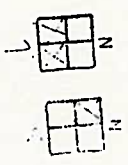
The interests sought to be acquired herein shall be subject to and subordinate to the following:  
Oil and gas lease owned by:

Amoco Production Company  
500 Jefferson Building  
Houston, Texas

Just Compensation

\$ 8000.00

LIBER 394 PAGE 66



PARCEL TWO

Description

The East 25 acres of the W 1/2 of the SW 1/4 of Section 7. Also the E 1/2 of the SW 1/4 of Section 7. Also the SW 1/4 of the SE 1/4 of Section 7. Also the NE 1/4 of the NW 1/4 of Section 18. All in T27N, R11W, Garfield Township, Grand Traverse County, Michigan.

Basement rights, as described in the Petition for Condemnation of Interests in Land to which this Schedule is attached as a part thereof, over 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:

Being in a N'ly and S'ly direction E'ly of and not more than 70 feet nor less than 60 feet from the West 1/8 line of Sections 18 and 7, T27N, R11W.

Also the right, at any time, to cut, trim, remove, destroy or otherwise control (1) all trees and brush standing or growing within the limits of said 72-foot-wide strip of land; and (2) all trees in excess of 30 feet in height on the above-described land within 70 feet on each side of the above-described center line 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 Two:

Charles Lange  
5902 North Long Lake Road  
Traverse City, Michigan

Douglas M. Gallagher  
5904 North Long Lake Road  
Traverse City, Michigan

Just Compensation

\$ 15,500.00

