

RCV'D LEELANAU COUNTY  
2009 OCT 26 PM 12 10

Leelanau County STATE OF MICHIGAN  
Sue C. Stoffel Register of Deeds

RECORDED

October 26, 2009 03:05:00 PM

Liber 1030 Page 814-817  
4P FEE: \$23.00



SUE Liber 1030 Page 814 #2009007272

### ACCESS EASEMENT AGREEMENT

This ACCESS EASEMENT AGREEMENT ("**Easement Agreement**") is by and between Terry K. Lautner and Cathryn L. Lautner, husband and wife, ("**Grantors**"), whose address is 13718 South Bugai Road, Traverse City, Michigan 49684, and MICHIGAN ELECTRIC TRANSMISSION COMPANY, LLC, a Michigan limited liability company, ("**Grantee**") whose address is 27175 Energy Way, Novi, Michigan 48377. Grantor and Grantee are each referred to herein as a "**Party**", are collectively referred to herein as the "**Parties**".

WHEREAS, Grantors are owners of certain real property located in Section 31, T28N, R11W, Elmwood Township, Leelanau County, Michigan, with Parcel ID No. 004-031-034-00 (the "**Parent Parcel**"); and

WHEREAS, Grantors have sold to Wolverine Power Supply Cooperative, Inc., of Cadillac Michigan ("**Wolverine**") a parcel of land ("**Subject Parcel**") that was divided from the Northeast part of the Parent Parcel and the only road access to the Subject Parcel is by an easement from South Bugai Road; and

WHEREAS, Grantee and Wolverine are constructing, operating and maintaining an electric substation facility on the Subject Parcel; and

WHEREAS, Grantee desires an easement for ingress and egress from South Bugai Road to the Subject Parcel over, upon, and across an existing gravel driveway constructed and maintained by Wolverine on the Parent Parcel and the Grantors are willing to grant such easement ("**Access Easement**").

NOW THEREFORE, the Grantors and Grantee mutually agree as follows:

- (A) That, for good and valuable consideration, the receipt of which is hereby acknowledged, Grantors grant, warrant, and convey to and for the benefit of Grantee, its licensees, lessees, successors and assigns, the perpetual right of its or their agents, contractors, and employees, an Access Easement for ingress and egress over and across the Parent Parcel to the Subject Parcel, limited to the following described property ("**Easement Area**"):

An area limited to the existing 25-foot wide gravel access driveway operated and maintained by Wolverine on a parcel of land labeled as **Easement "A"** on the Certificate of Survey attached hereto as **Exhibit A** and situated in the SW $\frac{1}{4}$  of Section 31, T28N, R11W, Elmwood Township, Leelanau County, Michigan, being more particularly described as: Commencing at the Southwest Corner of said Section 31; thence N00°52'05"E along the West Section Line, 1268.42 feet to the Point of Beginning; thence continuing N00°52'05"E along said line, 60.00 feet to the South One-Eighth line; thence S88°40'05"E along said line, 284.24 feet; thence S00°49'14"W parallel with said West One-Eighth line, 80.18 feet; thence N43°40'05"W 28.54 feet; thence N88°40'05"W parallel with said South One-Eighth line, 264.29 feet to the Point of Beginning.

- (B) Grantee hereby acknowledges that the Grantors, its tenants and assigns may use the access driveway across the Parent Parcel for all lawful purposes, providing that those uses do not impair

Grantee's use of the access driveway, or the rights of ingress and egress, granted by this Access Easement.

- (C) Grantee shall indemnify the Grantors against any claims for personal injury or property damage which may occur on the Easement Area by reason of Grantee's use of the Access Easement or its licensees, lessees, successors, assigns, agents, contractors' use of the Access Easement, unless the claim is based on the sole negligence of the Grantors.
- (D) Both Parties acknowledge that the Access Easement described herein is concurrent with and occupies the same area on the Parent Parcel as an easement for ingress and egress, executed and delivered to Wolverine by Grantors and which instrument has been filed for record on August 24, 2009, in the Deed of Records of Leelanau County, in Liber 1025 at Pages 258-260. Grantees further acknowledge that the gravel access drive is operated and maintained by Wolverine and Grantee agrees that it shall be responsible for repair or reimbursement for damages to gravel surface to restore it to its previous condition, but excluding damages from reasonable wear and tear caused by its use.


This Easement is exempt from County real estate transfer tax pursuant to MCL §207.505 (5)(f) and exempt from State real estate transfer tax pursuant to MCL §207.526 (6)(f).

WHEREFORE, the Parties have executed this Access Easement Agreement on the date last inscribed below.

GRANTORS:

  
 \_\_\_\_\_  
 Terry K. Lautner

Dated: October 14, 2009

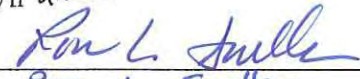
  
 \_\_\_\_\_  
 Cathryn L. Lautner

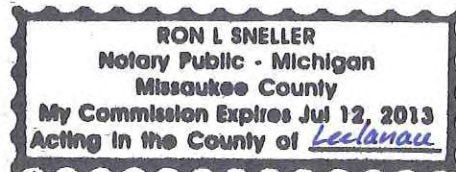
Dated: October 14, 2009

**ACKNOWLEDGEMENT**

STATE OF MICHIGAN            )  
   )SS  
 COUNTY OF LEELANAU        )

On October 14, 2009, before me a Notary Public in and for said county, personally appeared Terry K. Lautner and ~~Cathryn~~ Cathryn L. Lautner, husband and wife, to me known to be the person(s) described in and who executed the within instrument and who duly acknowledged the same to be their free act and deed. \*Cathryn A.M.L.

  
 \_\_\_\_\_  
 Notary Public, Ron L. Sneller  
 State of Michigan, County of Missaukee  
 Acting in County of Leelanau  
 My Commission expires: July 12, 2013





GRANTEE:

Michigan Electric Transmission Company, LLC  
(a Michigan limited liability company)

By: Michigan Transco Holdings, Limited  
Partnership, a Michigan limited partnership,  
its sole member

By: METC GP Holdings, II, LLC, a Michigan  
limited liability company, its General Partner

By: METC GP Holdings, Inc., a Michigan  
corporation, its sole member and sole manager

By: Christine Mason Soneral

(Date) October 7, 2009

Christine Mason Soneral

Its: Vice President and General Counsel  
Utility Operations

ACKNOWLEDGEMENT

STATE OF MICHIGAN )

) SS.

COUNTY OF OAKLAND )

On October 7, 2009, before me a Notary Public in and for said county, Christine Mason Soneral, Vice President & General Counsel Utility Operations, individually appeared to me, known to be the person(s) described in and who executed the within instrument and who duly acknowledged the same to be her free act and deed.

Linda E. Sivorey  
Notary Public, LINDA E. SIVOREY  
State of Michigan, County of WAYNE  
Acting in County of OAKLAND  
My Commission expires: MAY 26, 2015

Drafted by: Brian E. Valice (P43735)  
Staff Attorney  
Wolverine Power Supply Cooperative, Inc.  
10125 W. Watergate Road, P.O. Box 229  
Cadillac, MI 49601-0229  
(231) 775-5700

Return to: Christine Mason Soneral, Esq.  
Vice President and General Counsel Utility Operations  
ITC Holdings Corp.  
27175 Energy Way  
Novi, MI 48377  
(248) 946-3542

SPACE RESERVED FOR REGISTER OF DEEDS

# CERTIFICATE OF SURVEY - EXHIBIT A

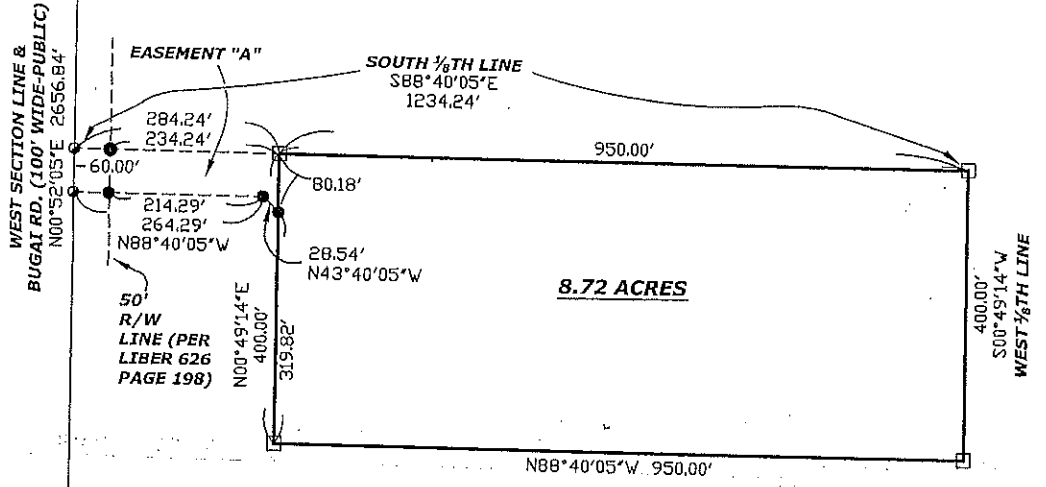
**WEST 1/4 COR.**  
**SECTION 31**  
**T28N - R11W**  
**FD. LEELANAU CO. MON.**  
**P. POLE S20E 97.70'**  
**P. POLE S21W 134.35'**  
**P. POLE N17W 90.10'**  
**14" CHESTNUT N42E 53.88'**

- LEGEND**
- Set Nail/PK
  - Set Conc. Mon.
  - Set Iron
  - Fd. 1/2" Pipe
  - ⊙ Sec. 1/4 Cor.
  - ⊙ Sec. Cor.



**LEGAL DESCRIPTION: AS SURVEYED**  
 A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 31, T28N-R11W, ELMWOOD TOWNSHIP, LEELANAU COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N00°52'05"E ALONG THE WEST SECTION LINE, 1328.42 FEET TO THE SOUTH ONE-EIGHTH LINE; THENCE S88°40'05"E ALONG SAID LINE, 284.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°40'05"E ALONG SAID LINE, 950.00 FEET TO THE WEST ONE-EIGHTH LINE; THENCE S00°49'14"W ALONG SAID LINE, 400.00 FEET; THENCE N88°40'05"W PARALLEL WITH SAID SOUTH ONE-EIGHTH LINE, 950.00 FEET; THENCE N00°49'14"E PARALLEL WITH SAID WEST ONE-EIGHTH LINE, 400.00 FEET TO THE POINT OF BEGINNING. CONTAINING 8.72 ACRES MORE OR LESS.

TOGETHER WITH EASEMENT "A" AS DESCRIBED BELOW.



**EASEMENT "A":** A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 31, T28N-R11W, ELMWOOD TOWNSHIP, LEELANAU COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N00°52'05"E ALONG THE WEST SECTION LINE, 1268.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°52'05"E ALONG SAID LINE, 60.00 FEET TO THE SOUTH ONE-EIGHTH LINE; THENCE S88°40'05"E ALONG SAID LINE, 284.24 FEET; THENCE S00°49'14"W PARALLEL WITH THE WEST ONE-EIGHTH LINE OF SAID SECTION 31, 80.18 FEET; THENCE N43°40'05"W, 28.54 FEET; THENCE N88°40'05"W PARALLEL WITH SAID SOUTH ONE-EIGHTH LINE, 264.29 FEET TO THE POINT OF BEGINNING.

**SOUTHWEST COR.**  
**SECTION 31**  
**T28N - R11W**  
**FD. G.T. CO. MON.**  
**P. POLE N25E 124.22'**  
**P. POLE N69E 130.61'**  
**P. POLE S24E 98.74'**  
**P. POLE S38W 76.11'**



REVISED LEGAL DESCRIPTIONS ON 11-05-2007 & R/W LINE BUGAI RD. TO 50' ON 11-16-2007

I hereby certify that I have surveyed the parcel of land described, that said survey was performed with a field error of closure of 1/1000 or greater, and that I have fully complied with the requirements of Sec. #3, Act #132, P.A. 1970.

BEARINGS AND DISTANCES ARE REPORTED IN MICHIGAN CENTRAL GRID (2112)-(NAD-83)

*William E. Sikkema*  
 William E. Sikkema, P.S. No. 45508

Dated: 2/11/08

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<p><b>Surveying &amp; Engineering LLC</b>          1-800-223-4235          PH. 231-743-3000 Fax. 231-743-3001          225 E. MAIN ST. MARION, MI 49665</p>	DATE: 11/16/07	CLIENT: WOLVERINE POWER	FB/PG: 106/54
	DRN BY: FTW	Part of the SW 1/4 Section 31, T28N, R11W, Elmwood Twp., Leelanau Co., MI.	JOB NO.: 07177
	CHD BY: WES		
	SHEET 1 OF 1		