

71 17506

STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES

TEMPORARY EASEMENT TO CONSTRUCT AND MAINTAIN ELECTRIC TRANSMISSION LINE

4-14-01  
100-11122  
2-7  
24

THIS INDENTURE, made this 10th day of February, 1971, by and between the DEPARTMENT OF NATURAL RESOURCES FOR THE STATE OF MICHIGAN, the successor in office and trust to the Public Domain Commission of the State of Michigan, under and by virtue of the authority in said Department vested by Act 10, P. A. 1953, as amended, hereinafter referred to as "STATE", and THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, whose offices are located at 2000 Second Avenue, Detroit, Michigan 48226, hereinafter referred to as "EDISON".

WITNESSETH:

WHEREAS, the DEPARTMENT OF NATURAL RESOURCES FOR THE STATE OF MICHIGAN and THE DETROIT EDISON COMPANY have agreed to exchange lands of equal value, and

WHEREAS, the land to be acquired by EDISON is needed to construct an electrical transmission line and

WHEREAS, until this exchange is consummated the DEPARTMENT OF NATURAL RESOURCES FOR THE STATE OF MICHIGAN does by these presents grant to EDISON an easement across the following property for commencing of their construction, Township of Commerce, County of Oakland, to wit:

MILFORD

Township 2 North, Range 7 East - described as follows

Section 24: Beginning at a point on East line of section, 556.02 ft. Southerly of Northeast corner; th. Southerly along East section line 106.90 ft.; th. Westerly along a line making a Northwesterly angle of 89°58'30" with said East section line 1323.78 ft. to an iron, th. Northerly making Northeasterly angle 90°25'40" with last described line 108.04 ft., th. Easterly along a line making a Southeasterly angle of 89°31'25" with last described line, 1324.55 ft. to point of beginning.

2-11-73

This grant has been made for primary purpose of authorizing EDISON to commence construction of proposed transmission line, prior to actual conveyance of property by deed from the STATE, subject to following conditions:

(1) EDISON, its successors or assigns, shall obtain the required permit from the STATE or its authorized representative before burning any refuse or setting any fires whatsoever.

(2) EDISON, its successors or assigns by the acceptance of this instrument, agrees to notify the authorized representative of the STATE prior to commencing operations under this easement, so that the STATE shall be properly notified as to the time and place that such operations shall begin on the State-owned land herein described. Said STATE representative is Myrlo Monroe, Park Supervisor, Department of Natural Resources, Proud Lake Recreation Area, 3540 Wixom Road, Route 3, Milford, Michigan 48042, or his successor.

(3) EDISON, 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.

(4) In the event of abandonment of the rights herein conveyed, EDISON agrees to remove its property from the premises in a good and workmanlike manner and in a condition satisfactory to the STATE'S authorized field representative.

RECORDED RIGHT OF WAY NO. 36540 1233

Lynn D. Allen  
CLERK, REGISTRATION OF DEEDS

1971 MAR 22 AM 9 22

RECORDED  
OAKLAND COUNTY MICHIGAN  
REGISTRATION OF DEEDS RECORDS

3.0

(5) It is expressly understood that EDISON shall not assign this easement or any portion thereof to any person other than the owner of said land without first securing the written approval of the DEPARTMENT OF NATURAL RESOURCES 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.


(6) EDISON, 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 EDISON in its operations on the right of way hereby conveyed.


(7) All rights granted shall become void upon execution and delivery of deed from the STATE.

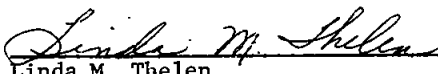
IN WITNESS WHEREOF, the Department of Natural Resources by authority of the Natural Resources Commission has caused this instrument to be executed for the State of Michigan by its Deputy Director, this 10th day of February, 1971.

WITNESSES to signature of Deputy  
Director:

DEPARTMENT OF NATURAL RESOURCES  
FOR THE STATE OF MICHIGAN

  
C. E. Rademacher

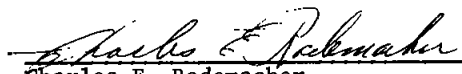
  
Gaylord A. Walker, Deputy Director

  
Linda M. Thelen

STATE OF MICHIGAN )  
                                  ) ss.  
COUNTY OF INGHAM )

On this 10th day of February, A. D. 1971, before me, a Notary Public in and for said County, personally appeared Gaylord A. Walker, Deputy Director of the Department of Natural Resources 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 Natural Resources pursuant to authority granted by the Natural Resources Commission for the State of Michigan, in whose behalf he acts.

My Commission Expires:  
January 14, 1974.

  
Charles E. Rademacher  
Notary Public, Clinton County, Michigan  
Acting in Ingham County

PREPARED BY CHARLES E. RADMACHER  
LANDS, DEPARTMENT OF NATURAL RESOURCES  
LANSING, MICHIGAN 48926

RETURN TO: James C. Wetzel  
2000 Second Avenue = Rm. 226  
Detroit, Michigan 48226

RECORDED RIGHT OF WAY NO. 36540 1031



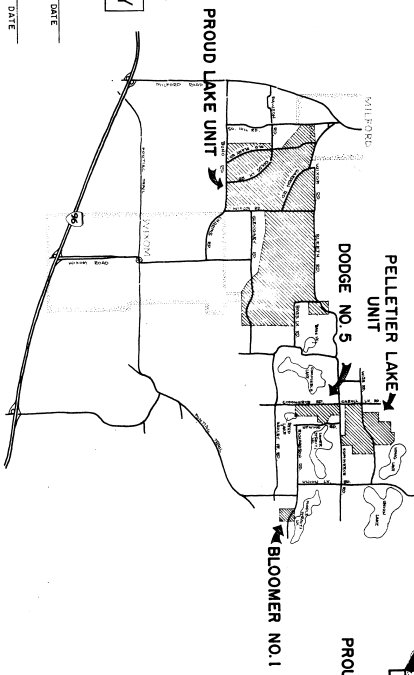
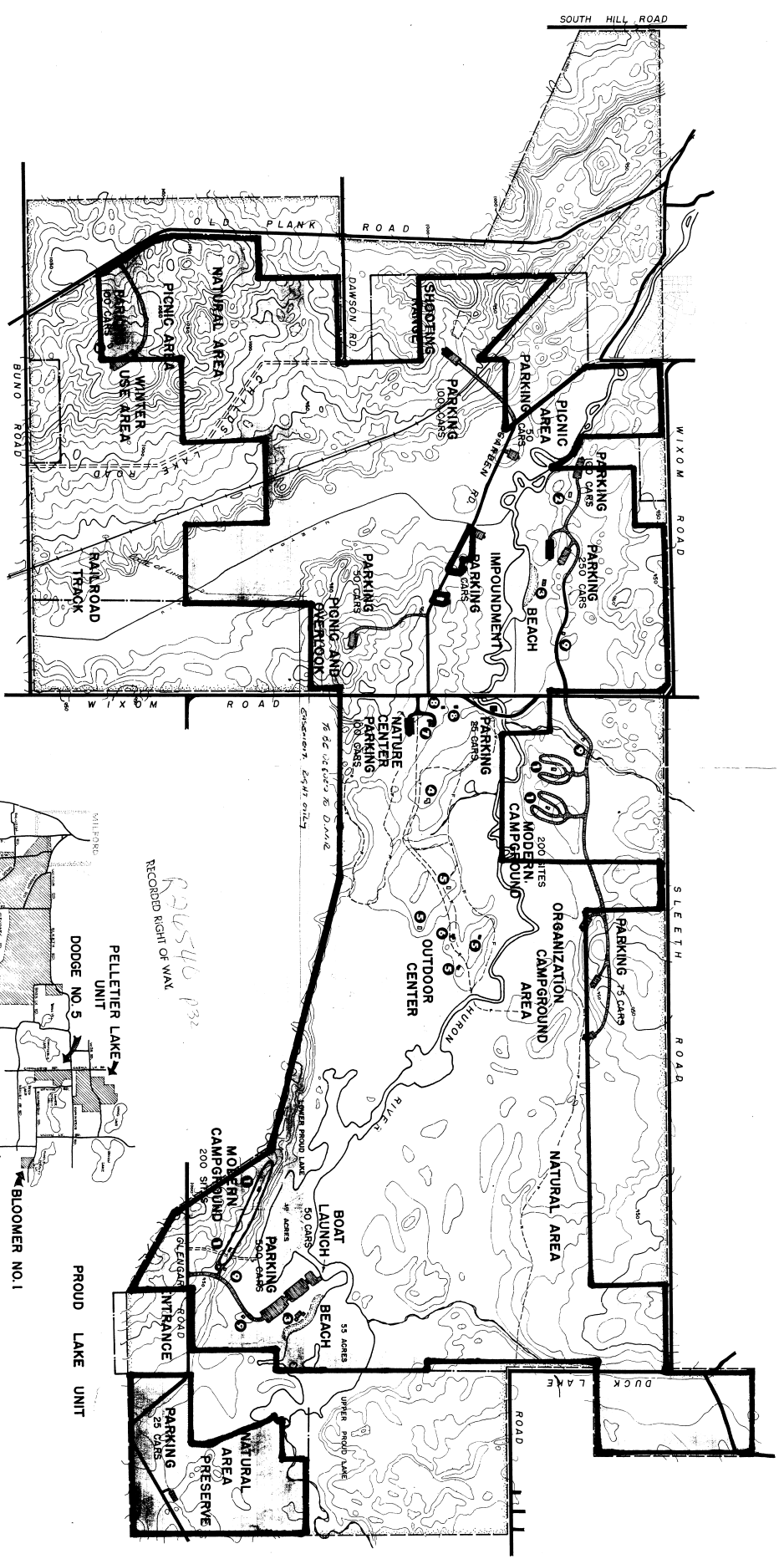
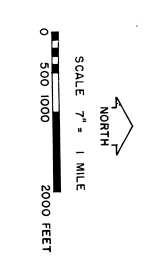
- LEGEND**
- BUILDINGS**
- EXISTING
  - PROPOSED
  - 1 CAMPGROUND TOILET
  - 2 PICNIC TOILET
  - 3 BEACHHOUSE
  - 4 NATURE CENTER
  - 5 DORMITORIES
  - 6 MESS HALL
  - 7 OFFICE, SHOP, GARAGE
  - 8 RESIDENCES
  - 9 CONTACT STATION

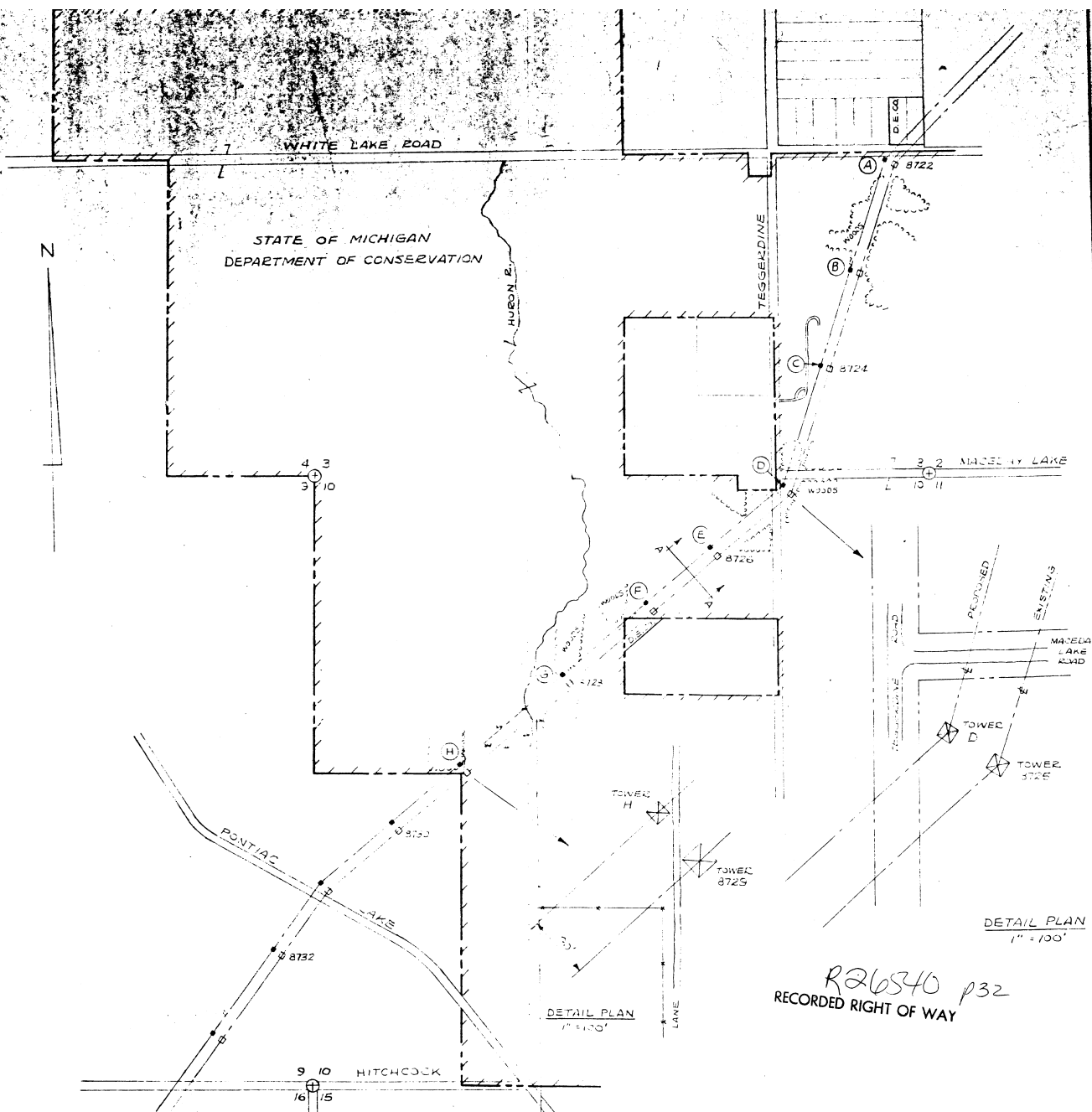
- ROADS**
- EXISTING
  - PROPOSED
  - OBLITERATE
- BOUNDARY**
- EXISTING
  - PROPOSED
- STATE OWNED LAND**
- 

REVIEWED BY \_\_\_\_\_ IN CHARGE - PARK DESIGN DATE \_\_\_\_\_

APPROVED BY \_\_\_\_\_ CHIEF - PARKS DIVISION DATE \_\_\_\_\_

PRELIMINARY





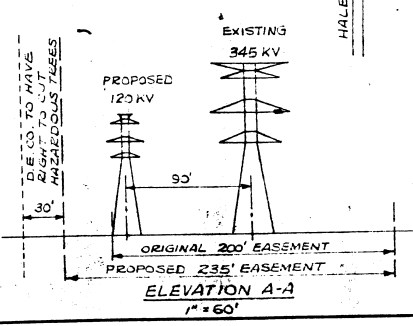
DETAIL PLAN  
1" = 100'

R26540 p32  
RECORDED RIGHT OF WAY

DETAIL PLAN  
1" = 100'

PLAN  
1" = 630'

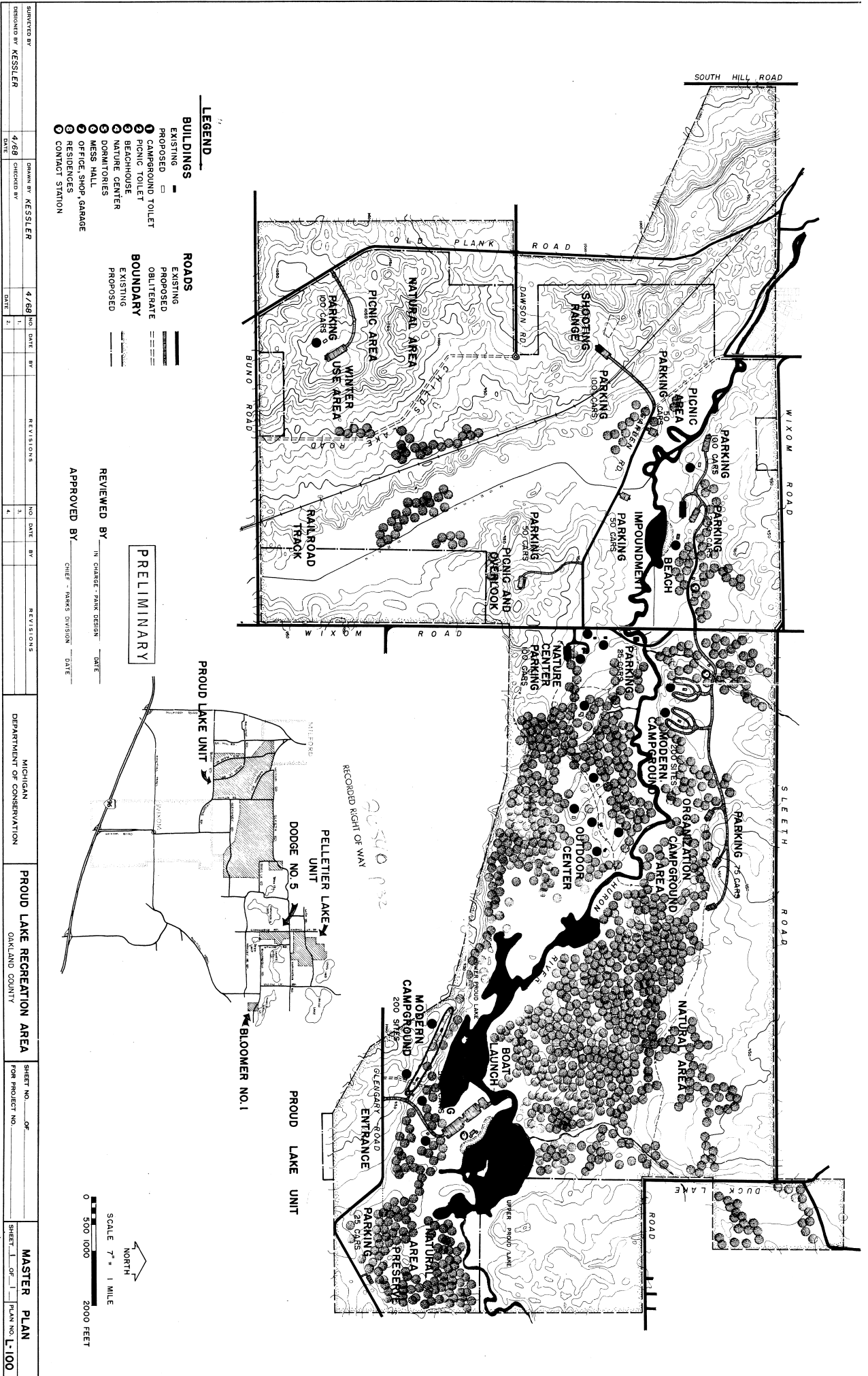
PROPOSED TOWER LOCATIONS			
TOWER	TYPE	SIZE OF BASE	HEIGHT
A	AC	22.0'	90.0'
B	AL+10	22.7'	95.0'
C	AL+10	22.7'	95.0'
D	AC	22.0'	90.0'
E	AL+10	22.7'	95.0'
F	AL+10	22.7'	95.0'
G	AL+20	25.4'	105.0'
H	AL+20	25.4'	105.0'



□ EXISTING TOWER  
● PROPOSED TOWER

APPROVED 		THE DETROIT EDISON COMPANY GENERAL ENGINEERING DEPARTMENT	
LAYOUT BY HOWE		DRAWN BY	
DATE 7/18/63		DRAWING NUMBER ED4-6700	
SCALE 4S SHOWN			

PROPOSED TRANSMISSION LINE  
ACCESS PONTIAC LAKE RECRE-  
ATION AREA OF MICHIGAN  
DEPARTMENT OF CONSERVATION  
WHITE LAKE TWP. OAKLAND COUNTY

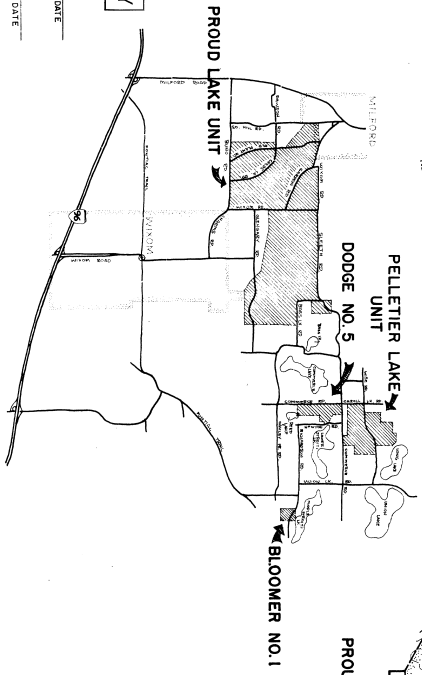
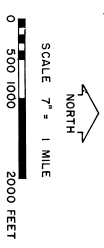


- LEGEND**
- BUILDINGS**
- EXISTING
  - PROPOSED
  - 1 CAMPGROUND TOILET
  - 2 PICNIC TOILET
  - 3 BEACHHOUSE
  - 4 NATURE CENTER
  - 5 DORMITORIES
  - 6 MESS HALL
  - 7 OFFICE, SHOP, GARAGE
  - 8 RESIDENCES
  - 9 CONTACT STATION
- ROADS**
- EXISTING
  - PROPOSED
  - OBSTITUTE
- BOUNDARY**
- EXISTING
  - PROPOSED

PRELIMINARY

REVIEWED BY \_\_\_\_\_ IN CHARGE - PARK DESIGN DATE \_\_\_\_\_  
 APPROVED BY \_\_\_\_\_ CHIEF - PARKS DIVISION DATE \_\_\_\_\_

DRAWN BY KESSLER	4/68	NO. DATE	REV. DATE	NO. DATE	REV. DATE	NO. DATE	REV. DATE	NO. DATE	REV. DATE	NO. DATE	REV. DATE
DESIGNED BY KESSLER	CHECKED BY	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
MICHIGAN DEPARTMENT OF CONSERVATION											
PROUD LAKE RECREATION AREA OAKLAND COUNTY											
SHEET NO. _____ OF _____ FOR PROJECT NO. _____											
MASTER PLAN PLAN NO. L-100											



WIXOM  
TOWNSHIP

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES

71 17508

EASEMENT TO CONSTRUCT AND MAINTAIN ELECTRIC TRANSMISSION LINE

2-7  
24

THIS INDENTURE, made this 10th day of February, 1971, by and between the DEPARTMENT OF NATURAL RESOURCES FOR THE STATE OF MICHIGAN, the successor in office and trust to the Public Domain Commission of the State of Michigan, under and by virtue of the authority in said Department vested by Act 10, P. A. 1953, as amended, hereinafter referred to as "STATE", and THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, whose offices are located at 2000 Second Avenue, Detroit, Michigan 48226, hereinafter referred to as "EDISON".

WITNESSETH:

WHEREAS, the DEPARTMENT OF NATURAL RESOURCES FOR THE STATE OF MICHIGAN, has in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to them by THE DETROIT EDISON COMPANY, the receipt of which is hereby acknowledged, does by these presents grant to EDISON and its successors and assigns, easement across property in Milford Township, County of Oakland, State of Michigan and described as:

Township 2 North, Range 7 East

Plan  
F33

Section 24: An easement 90.00 ft. wide across that part of the NE 1/4 described by its centerline as: Commencing at the NE Corner of Sec., th. southerly along the East line of said Sec., (WIXOM ROAD), 556.02 ft. to a point; th. w'ly along a line, making a northwesterly angle of 89°55'35" with the last described line, 1369.55 ft. to a point of beginning; th. southerly along said centerline, making a southeasterly angle of 89°31'25" with the last described line 1569.3 ft. to a point of deflection, th. deflecting to the right 11°52'00" to a point on the East and West 1/4 line of said Sec., a distance of 1466.1 ft. westerly of the East 1/4 Corner of said Sec.

This grant has been made for the purposes and under the conditions hereinafter stated:

- (1) That EDISON shall have the right to construct, reconstruct, operate and maintain its overhead lines for the transmission and distribution of electricity, including the necessary towers, cables, fixtures, wires and equipment, upon, over, along and under a strip of land 90 feet in width.
- (2) No buildings or structures shall be erected on or placed within the easement by STATE without written consent of EDISON.
- (3) That EDISON, or its successors and assigns, shall reimburse STATE, or its successors and assigns, for all damage to growing crops, buildings or fences caused by its men, trucks and other vehicles and equipment in entering said property for the purposes herein set forth.
- (4) EDISON shall also have the right to clear and keep clear of trees the land within said easement. EDISON shall have the further right to keep the land 30 feet on each side of the easement hereinabove described clear of trees which in its judgment are or may become hazardous to the operation of the line constructed in the easement.
- (5) Grantee, its successors or assigns, agrees that no herbicides to control tree, shrub, or other plant growth on the land herein described shall be used without first securing written permission from the STATE or its authorized field representative.
- (6) Timber from 4 inches to 12 inches in diameter may be left in full tree lengths or cut into commercial lengths at contractors option.

FILED RIGHT OF WAY NO. 16540 1971

d. m.

(7) Timber from 12 inches or more in diameter shall be cut into commercial lengths (16, 14, and 12-foot lengths) and piled separately from other timber in locations to be selected by the STATE representative.

(8) All stumps shall be cut off flush with the ground level. Stumps of up-rooted trees shall be removed from the site.

(9) All brush, limbs and other debris resulting from the clearing shall, at the option of EDISON, be removed from state land or reduced to chips by processing through a brush chipping machine and scattered on location.

(10) EDISON, its successors or assigns, shall obtain the required permit from the STATE or its authorized representative before burning any refuse or setting any fires whatsoever.

(11) EDISON, its successors or assigns by the acceptance of this instrument, agrees to notify the authorized representative of the STATE prior to commencing operations under this easement, so that the STATE shall be properly notified as to the time and place that such operations shall begin on the State-owned land herein described. Said STATE representative is Myrlo Monroe, Park Supervisor, Department of Natural Resources, Proud Lake Recreation Area, 3540 Wixom Road, Route 3, Milford, Michigan 48042, or his successor.

(12) EDISON, 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.

(13) In case the said easement herein conveyed shall not be used by EDISON, its successors and assigns, for a period of 10 years, from and after the date of issuance, then and in that event said easement shall terminate. EDISON 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.

(14) In the event of abandonment of the rights herein conveyed, EDISON agrees to remove its property from the premises in a good and workmanlike manner and in a condition satisfactory to the STATE'S authorized field representative.

(15) It is expressly understood that EDISON shall not assign this easement or any portion thereof to any person other than the owner of said land, as provided in paragraph 13 hereof, without first securing the written approval of the Department of Natural Resources 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.

(16) EDISON, 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 EDISON in its operations on the right of way hereby conveyed.

The easement granted is subject to an informal PLANTING AGREEMENT, agreed to in principle, by EDISON and STATE, consisting of various memorandums and exhibits which collectively shall hereinafter be referred to as the PLANTING AGREEMENT; subject, however, to the following conditions and limitations:

(a) The planting programs shall begin after the towers, electric facilities, and conductors have been constructed and erected into place.

(b) That the maintenance and guarantee of the planting material shall not extend beyond one year from the time of planting. This guarantee shall not be extended to include damages caused by the willful negligence of STATE, acts of God, or damage caused by the act of the third parties, enumerated hereinafter but not by way of limitation, such as picnickers, hunters, snowmobilers, hikers and theft.

RECORDED RIGHT OF WAY NO. 36570 1233





INTERDEPARTMENT CORRESPONDENCE

Real Estate and Rights of Way Department

September 2, 1971

MEMORANDUM TO:


MR. HARRIS R. SYMES  
Secretary  
510 General Offices

RE: Right of Way Easement - The Detroit Edison Company.  
Parcel 33 - Wixom - Proud Lake, Milford Township,  
Oakland County, Michigan. SMS 1109-18, W.O. 350 F 671.

Attached for the Records Center are all papers in connection with the acquisition of the above easement.

The easement was acquired from the Department of Natural Resources by agreement dated January 28, 1971. This easement has been granted to The Detroit Edison Company to facilitate the construction of the above named transmission line. The Department of Natural Resources is currently in the process of securing appraisals so that a basis of consideration may be established. This easement was negotiated by John A. Haddow.

The temporary easement, which is part of this total parcel is to become part of a future fee exchange with the Department of Natural Resources. The file on Proud Lake Placid should be cross referenced with this file.

  
Robert R. Cunningham  
Supervisor of Real Estate

REFERRED TO
<i>MR</i>
<i>pk</i>
<i>JS</i>

- JAH/gld  
cc: R. Q. Duke  
G. R. Keast  
B. H. Schneider  
R. L. Schulz  
J. Siergiej  
F. Smith  
F. Warmbier  
J. S. Wenger  
J. C. Wetzell

RECORDS CENTER
RECEIVED OCT 11 '71
FILED MADE

RECORDED RIGHT OF WAY NO. 26540/233

November 10, 1970

Mr. Robert O. Dodge  
Chief, Parks Division  
Department of Natural Resources  
Steven T. Mason Building  
Lansing, Michigan 48926

Dear Mr. Dodge:

Re: Easement and Exchange Agreement - Proud Lake  
and Pontiac Lake Recreation Areas, Commerce,  
Milford and White Lake Townships, Oakland  
County, Michigan

Enclosed are the easement and exchange agreements for the approval of the Department of Natural Resources.

The draft forms have been submitted to the Department of Natural Resources and your memo dated July 21, 1970 indicated your approval. The corrections mentioned in your memo have been taken into consideration in the enclosed agreements.

Another point covered in your July 28, 1970 memo centers around the planting agreement. We shall extend the planting of selected trees and shrubs to the exchange parcels east and west of Wixom Road.

My memo to the Department of Natural Resources dated August 20, 1969 covered the consideration involved with the granting of the additional 35-foot easement in the Proud Lake and Pontiac Lake Recreation Areas. Since I have not been informed to the contrary, I assume this proposal is acceptable to the Department of Natural Resources.

I propose the tree removal be handled in the following manner: Clear cut along a centerline 20 feet, 10 feet each side of a centerline, also in the area of tower construction. After the line is constructed, return and continue the selective tree removal. This I believe will insure the park superintendent that only those trees which will endanger the line will be removed. Prior to this cutting, a field meeting can be arranged to mark the required trees.

RECORDED RIGHT OF WAY NO.

26540 RB

Mr. Robert O. Dodge

Page Two

November 10, 1970

On September 18, 1970, I received a memo from Mr. Michael A. Kessler of your division in which he covered two additional points.

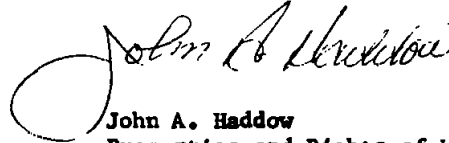
1. The timber to be cut into 10-foot saw logs and stock piled.
2. The Department of Natural Resources would like the brush chipped.

Item one can be accomplished by our tree cutting crew at the direction of your park superintendent. However, item two represents a cost problem to our Overhead Lines Department.

On a similar project in a park area, the chipping invoice was \$30,000.00. In this project, we had to deliver the chips to a central area. Our landscape architect has informed me the cost on this current project would exceed \$20,000.00. I therefore ask you to reconsider your proposal for chipping the brush. We would be glad to stock pile the brush so that it could be processed by the park personnel.

I am very hopeful I have covered the points which have been part of this negotiation. Should there be any questions, please let me know as soon as possible as portions of this project are going into condemnation and construction is contemplated at any early date.

Yours very truly,



John A. Haddow  
Properties and Rights of Way Dept.

JAH/mlc

PROPERTY OF THE STATE OF CALIFORNIA  
NOV 10 1970  
26546 1238

Wixom-Proud Lake-Placid Corridor

Milford Township  
Oakland County

33  
Parcel No. ~~25-1~~, Michigan Dept. of Natural Resources

Survey Date: September 27, 1970  
Dated: October 6, 1970

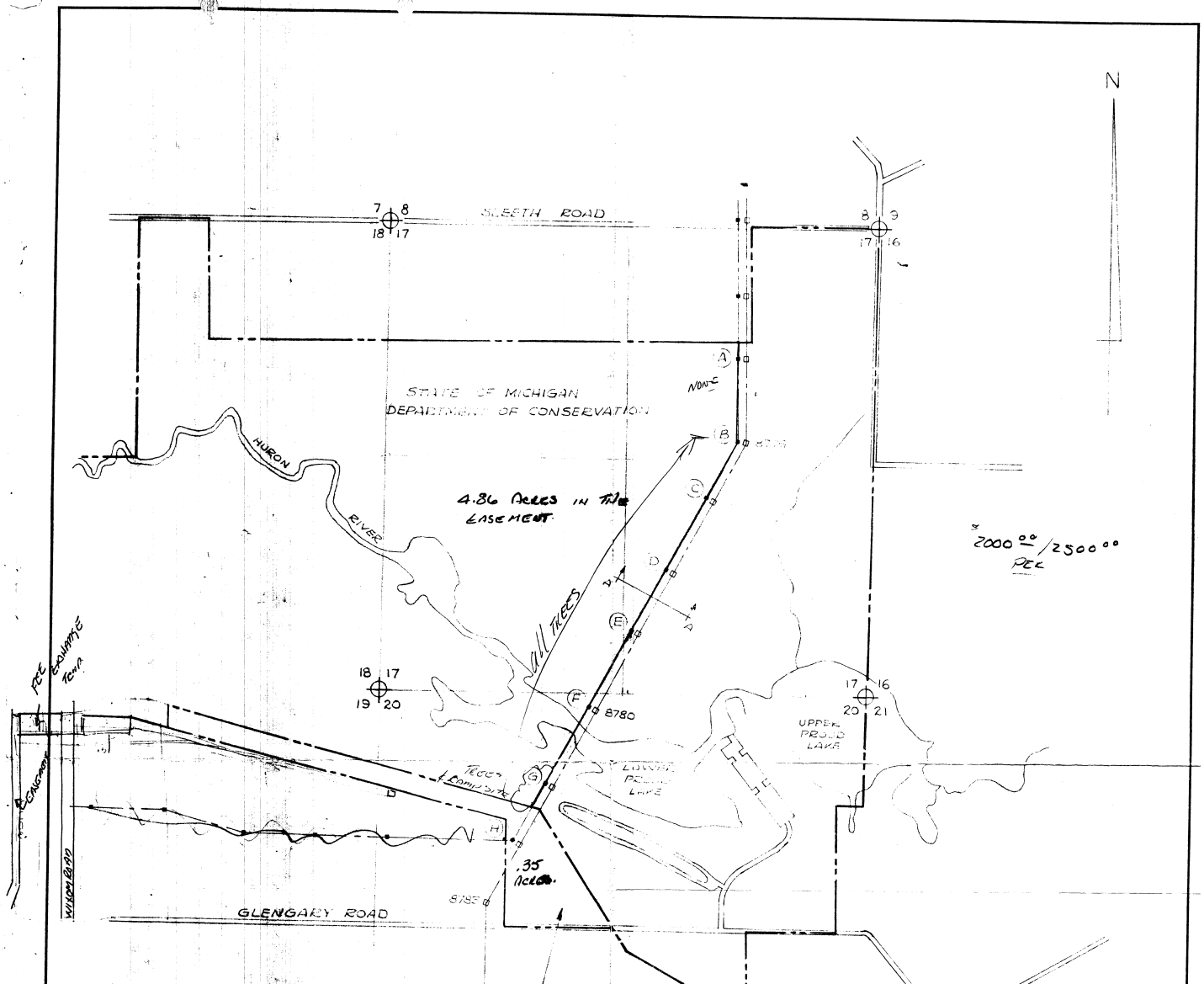
An easement 90.00 feet wide across that part of the Northeast  $\frac{1}{4}$  of Section 24, Town 2 North, Range 7 East, described by its centerline as:

Commencing at the Northeast Corner of Section 24, thence southerly along the East Line of said Section, (WIXOM ROAD), 556.02 feet to a point; thence westerly along a line, making a northwesterly angle of  $89^{\circ}-55'-35''$  with the last described line, 1369.55 feet to a point of beginning; thence southerly along said centerline, making a southeasterly angle of  $89^{\circ}-31'-25''$  with the last described line 1569.3 feet to a point of deflection, thence deflecting to the right  $11^{\circ}-52'-00''$  to a point on the East and West  $\frac{1}{4}$  Line of said Section, a distance of 1466.1 feet westerly of the East  $\frac{1}{4}$  Corner of said Section.

*Wixom*  
Oct. 13-1970

RECORDED IN BOOK OF WAY NO. 15546

N



4.86 ACRES IN THE EASEMENT

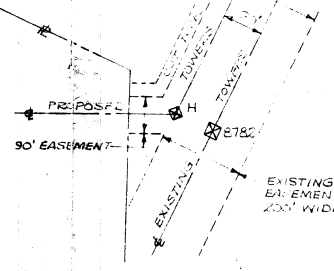
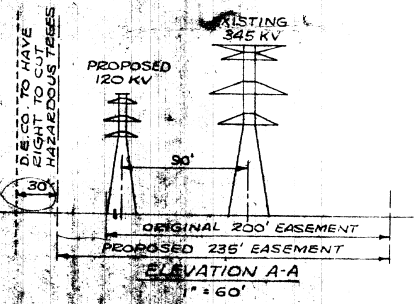
2000' / 2500' REC

PLAN  
7" = 1 MI.

HURON-CLINTON METROPOLITAN AUTHORITY

226540 p32

RECORDED RIGHT OF WAY



— ○ — EXISTING TOWERS  
— ● — PROPOSED TOWERS

PROPOSED TOWER LOCATIONS

TOWER	TYPE	SIZE OF BASE	HEIGHT
A	AL	20.0'	85.0'
B	AC	22.0'	90.0'
C	AL+10	22.7'	95.0'
D	AL	20.0'	85.0'
E	AL+10	22.7'	95.0'
F	AL+10	22.7'	95.0'
G	AL	20.0'	85.0'
H	AD	24.1'	90.0'

PROPOSED TRANSMISSION LINE ACROSS PROUD LAKE RECREATION AREA OF MICHIGAN DEPARTMENT OF CONSERVATION AND LAND OF HURON-CLINTON METROPOLITAN AUTHORITY, COMMERCE TWP., OAKLAND CO.

APPROVED #	THE DETROIT EDISON COMPANY GENERAL ENGINEERING DEPARTMENT	
LAYOUT BY HOWE	DRAWN BY	
DATE 7/28/69	DRAWING NUMBER ED4-6711	
SCALE AS SHOWN		