

Deed NAME OF GRANTOR 3-27-73 6-27-73 172 91-95

ACCOUNT NO.

MAP 8

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

KEYSTONE-LIVINGSTON  
Formerly Boardman-Livingston

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No. 102141

DEED under Act 193, Public Acts of 1911

THIS INDENTURE, Made this Twenty-seventh day of March, in the year of our Lord, 1973

BY AND BETWEEN, The DEPARTMENT OF NATURAL RESOURCES for the STATE OF MICHIGAN, by virtue of the authority of Act 17 of Public Acts 1921, as amended, Act 380 of Public Acts 1965, as amended, and Act 193 of Public Acts 1911, as amended, party of the first part, and Consumers Power Company, a Michigan corporation, 212 West Michigan Avenue, Jackson, Michigan 49201, party of the second part.

WITNESSETH, That

WHEREAS, Consumers Power Company, a Michigan corporation, the said party of the second part has purchased from the State of Michigan land situate in the County of Otsego, State of Michigan, hereinafter more particularly described.

AND WHEREAS, said lands having been made exchangeable for other lands under and by virtue of the provisions of Act 193, Public Acts of 1911, and the DEPARTMENT OF NATURAL RESOURCES for the State of Michigan having by resolution, dated the Fourteenth day of July, 1972 authorized the sale of said lands to said second party in consideration of the said second party deeding to the State of Michigan certain other lands of approximately equal value, as provided for in said Act 193, Public Acts of 1911.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, That the said DEPARTMENT OF NATURAL RESOURCES for the State of Michigan, Party of the first part, as aforesaid, acting for and in behalf of the State under and by virtue of the authority vested in it by Act 193, Public Acts of 1911, in consideration of the premises and of the deeding to the State of Michigan by said second party of such certain other lands of approximately equal value, the receipt of the conveyance for the said lands, being hereby acknowledged, does by these presents, grant, convey, release and quit-claim unto the said Consumers Power Company, a Michigan corporation, party of the second part, and to its successors, and assigns forever, all the right, title and interest acquired by the State in and to premises described as:

Township 29 North, Range 1 West, Township of Charlton  
Section 17 Part of SW<sup>1</sup>/<sub>4</sub>, Commencing at South 1/4 corner said section, thence North 88°52'35" West along South section line 712.58 feet to point of beginning, North 88°52'35" West along South section line 635.26 feet, North 53°48'27" West 1,604.58 feet to West section line, North 00°11'24" East along West section line 451.17 feet, South 53°48'27" East 2,389.72 feet to point of beginning, (Parcel 310)  
Section 18 Part of South 3/4, Commencing at West 1/4 corner said section, thence North 00°15'27" West along West section line 612.07 feet to point of beginning, North 00°15'27" West along West section line 453.64 feet, South 53°48'27" East 3,720.09 feet to East section line, South 00°11'24" West along East section line 451.17 feet, North 53°48'27" West 3,985.23 feet to place of beginning, (Parcel 310)\*  
Section 20 Part of North 3/4, Commencing at North 1/4 corner said section, thence North 88°52'35" West along North section line 712.58 feet to point of beginning, North 88°52'35" West along North section line 635.26 feet, South 53°48'27" East 5,028.98 feet to East section line, North 01°29'45" West along East section line 262.40 feet to East 1/4 corner, North 01°29'45" West along East section line 198.83 feet, North 53°48'27" West 4,227.07 feet to point of beginning, (Parcel 310)

THIS DEED SPLIT FOR TWO LINES. FOR LAND ON MITTIGANASSEE-LIVINGSTON SEE TRACT 337.1-D318-2. FOR ORIGINAL PAPERS SEE Inst. 2, Section 17, T29N, R1W, Otsego County.

	MICHIGAN	Otsego	Hayes	TOWNSHIP		
	STATE	COUNTY		2&10	T30N,	R4W
	MUNICIPALITY			SECTION	TOWN	RANGE
	Inot to 28.1.72.			0.019 16.1.74		
PLAT OR AREA						
BALANCE	SEE NOTE #1 FOR FLOWLINES AND DRIVEWAY ASMT					
TRANSFERS	SEE NOTE #2 FOR AMENDMENT TO LICENSE					
AMOUNT						
ITEMS OF COST						
JOURNAL ENTRY						
DATE						



CPCo hereby grants to Licensee, on the terms and conditions hereinafter mentioned, the LICENSURE and PERMIT to enter upon and use certain strips of land in the Township of Hayes and Livingston, County of Otsego, and State of Michigan, hereinafter described, for 1 gas flowline, 1 brine flowline, and lateral lines and for an access driveway the land on the caption of this tract, as follows:

Section	Flowline No.	Strip No.	Licensee	Date
Section 2	Flowline No. 1	Strip #1	1. Consumers Power Company	8-25-94
Section 2	Flowline No. 2	Strip #2	2. Mercury Exploration Company, Inc.	

CPCo hereby grants to Licensee, on the terms and conditions hereinafter mentioned, the LICENSURE and PERMIT to enter upon and use certain strips of land in the Township of Hayes and Livingston, County of Otsego, and State of Michigan, hereinafter described, for 1 gas flowline, 1 brine flowline, and lateral lines and for an access driveway.

The gas and brine flowlines shall be located along the centerlines of the following described strips of land:

Flowline Strip #1: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at the Southwest corner of said Section 2 and run thence North 00° 10' 32" East, along the West line of said section, 437.10 feet to the Southerly line of the Consumers Power Company fee strip; thence North 54° 03' 42" East, along said Southerly line, 1085.37 feet to the point of beginning; thence North 11° 35' 07" East 55.75 feet to a point that is 70.0 feet Southerly (measured at right angles) of the centerline of an existing electric transmission tower line, and "Reference Point E"; thence North 53° 56' 19" East, along a line 70 feet Southerly of and parallel to said tower line centerline, 387.02 feet; thence North 88° 57' 15" East 1427.50 feet to "Reference Point A"; thence North 88° 57' 40" East 685.93 feet to "Reference Point B"; thence North 89° 10' 11" East 842.00 feet to "Reference Point F"; thence continuing North 89° 10' 11" East 545.84 feet to "Reference Point C"; thence North 89° 12' 46" East 579.34 feet to "Reference Point D"; thence continuing North 89° 12' 46" East 7.89 feet to the East line of said Section 2 and the point of ending.

Lateral lines shall be located along the centerlines of the following described strips of land:

Lateral Strip #1: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point A" and run thence North 01° 12' 41" East 272.52 feet to the Northerly line of the CPCo fee strip and the point of ending.

Lateral Strip #2: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point B" and run thence South 11° 49' 53" East 62.29 feet to the Southerly line of the CPCo fee strip and the point of ending.

Lateral Strip #3: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point C" and run thence North 03° 16' 18" West 267.13 feet to the Northerly line of the CPCo fee strip and the point of ending.

Lateral Strip #4: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point D" and run thence South 01° 46' 31" East 63.63 feet to the Southerly line of the CPCo fee strip and the point of ending.

Lateral Strip #5: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point E" and run thence South 53° 33' 10" West 217.57 feet, along a line 70 feet Southerly of and parallel to the centerline of said existing electric transmission tower line; thence North 68° 20' 18" West 348.55 feet to the Westerly line of the CPCo fee strip and the point of ending.

The access driveway shall be located along the centerlines of the following described strips of land:

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Township 29 North, Range 1 West, Township of Charlton

Section 21 Part of South 3/4, Commencing at South 1/4 corner said section, thence South 88°19'00" East along South section line 676.09 feet to point of beginning, South 88°19'00" East along South section line 644.27 feet, North 53°48'27" West 4,985.64 feet to West section line, South 01°29'45" East along West section line 198.83 feet to West 1/4 corner, South 01°29'45" East along West section line, 262.40 feet, South 53°48'27" East 4,172.76 feet to point of beginning, (Parcel 310)

Section 27 Commencing at NW corner said section, thence South 01°03'10" East along West section line 1,247.51 feet to point of beginning, South 01°03'10" East along West section line 534.61 feet, South 44°06'40" East 5,046.35 feet to South section line, South 88°12'39" East along South section line 524.49 feet, North 44°06'40" West 5,813.61 feet to point of beginning, (Parcel 309)\*

Section 28 Part of NE½, Commencing at North 1/4 corner said section, thence South 88°19'00" East along North section line 676.09 feet to point of beginning, South 88°19'00" East along North section line 644.27 feet, South 53°48'27" East 355.01 feet, South 44°06'40" East 1,498.74 feet to East section line, South 01°03'10" East along East section line 534.61 feet, North 44°06'40" West 1,858.36 feet, North 53°48'27" West 854.99 feet to point of beginning, (Parcel 310)

Section 34 Part of SE½ of NE½, Commencing at East 1/4 corner said section, thence North 02°08'21" West along East section line 971.66 feet to point of beginning, North 02°08'21" West along East section line 355.43 feet to North 1/8 line, North 88°11'58" West along North 1/8 line 517.13 feet, South 44°06'40" East 40.71 feet, South 55°42'30" East 607.39 feet to point of beginning, (Parcel 306)

Section 35 Part of S½ of NW½, Commencing at West 1/4 corner said section, thence North 02°08'21" West along West section line 971.66 feet to point of beginning, North 02°08'21" West along West section line 355.43 feet to North 1/8 line, South 89°25'37" East along North 1/8 line 142.36 feet, South 55°42'30" East 2,396.22 feet to East-West 1/4 line, North 89°18'02" West along East-West 1/4 line 659.70 feet, North 55°42'30" West 1,754.03 feet to point of beginning, and Part of S½, Commencing at SE corner said section, thence North 00°18'33" West along East section line 72.20 feet to point of beginning, North 00°18'33" West along East section line 443.43 feet, North 55°42'30" West 3,777.89 feet to East-West 1/4 line, North 89°18'02" West along East-West 1/4 line 659.70 feet, South 55°42'30" East 4,579.22 feet to point of beginning, (Parcel 306)

Section 36 Part of SW½ of SW½, Commencing at SW corner said section, thence North 00°18'33" West along West section line 72.20 feet to point of beginning, North 00°18'33" West along West section line 443.43 feet, South 55°42'30" East 917.72 feet to South section line, North 89°53'30" West 649.64 feet, North 55°42'30" West 128.50 feet to point of beginning, (Parcel 306)

Township 29 North, Range 2 West, Township of Chester

Section 2 Part of SW½, Commencing at SW corner said section, thence South 89°42'01" East along South section line 682.32 feet to point of beginning, South 89°42'01" East along South section line 460.95 feet, North 37°20'33" West 1,877.58 feet to West section line, South 00°10'04" West along West section line 599.44 feet, South 37°20'33" East 1,120.57 feet to point of beginning, (Parcel 318)

Section 3 Part of E½, Commencing at North 1/4 corner said section, thence South 00°04'54" West along North-South 1/4 line 424.19 feet to point of beginning, South 00°04'54" West along North-South 1/4 line 600.61 feet, South 37°20'33" East 4,285.75 feet to East section line, North 00°10'04" East along East section line 599.44 feet, North 37°20'33" West 4,287.23 feet to point of beginning, (Parcel 318)

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Township 29 North, Range 2 West, Township of Chester

Section 11 Part of NW½, Commencing at NW corner said section, thence South 89°42'01" East along North section line 682.32 feet to point of beginning, South 37°20'33" East 1,733.40 feet, South 72°12'07" East 959.56 feet to North-South 1/4 line, North 00°21'27" East along North-South 1/4 line 345.90 feet to North 1/8 line, North 72°12'07" West 691.07 feet, North 37°20'33" West 1,398.51 feet to North section line, North 89°42'01" West along North section line 460.95 feet to point of beginning, (Parcel 318)

Section 12 Part of S½, Beginning at South 1/4 corner said section, thence North 89°54'47" West along South section line 97.24 feet, North 61°26'30" West 1,380.32 feet to West 1/8 line, North 00°10'21" East along West 1/8 line 782.99 feet, South 27°14'03" East 191.28 feet, South 53°49'47" East 2,158.16 feet to South section line, North 89°54'47" West along South section line 522.50 feet to point of beginning, (Parcel 310)

Section 13 Part of N½, Beginning at North 1/4 corner said section, thence North 89°54'47" West along North section line 97.24 feet, South 53°49'47" East 3,381.02 feet to East section line, North 00°15'27" West along East section line 453.64 feet, North 53°49'47" West 2,610.80 feet to North section line, North 89°54'47" West along North section line 522.50 feet to point of beginning, (Parcel 310)

Township 30 North, Range 2 West, Township of Chester

Section 28 Commencing at NW corner said section, thence South 01°20' West along West section line 523.50 feet to point of beginning, South 01°20' West along West section line 583.79 feet, South 37°21'55" East 5,215.87 feet to South section line, South 88°03'35" East along South section line 471.71 feet, North 37°21'55" West 5,970.30 feet to point of beginning, (Parcel 322)

Section 29 Part of NE½, Commencing at NE corner said section, thence North 89°22'55" West along North section line 415.26 feet to point of beginning, North 89°22'55" West along North section line 463.09 feet, South 37°21'55" East 1,404.75 feet to East section line, North 01°20' East along East section line 583.79 feet, North 37°21'55" West 664.13 feet to point of beginning, (Parcel 322)

Section 34 Part of NW½, Beginning at West 1/4 corner said section, thence North 01°46'10" West along West section line 622.51 feet, South 37°21'55" East 777.18 feet to East-West 1/4 line, South 89°25'39" West along East-West 1/4 line 452.46 feet to point of beginning, (Parcel 320)

Township 30 North, Range 4 West, Township of Hayes

Section 2 Part of SW½ of SW½, Commencing at SW corner said section, thence North 00°05'40" East along West section line 473.09 feet to point of beginning, North 00°05'40" East along West section line 408.50 feet, North 53°58'50" East 780.38 feet to South 1/8 line, North 89°18'20" East along South 1/8 line 570.72 feet, South 53°58'50" West 1,486.79 feet to point of beginning, (Parcel 122), and South 330 feet of N½ of SE½, (Parcel 124)

Section 10 Commencing at North 1/4 corner said section, thence South 00°37'40" East along North-South 1/4 line 1,326.12 feet to North 1/8 line, South 88°33'12" East along North 1/8 line 75.73 feet to point of beginning, South 88°33'12" East along North 1/8 line 463.53 feet, South 46°03'20" West 2,515.07 feet to West 1/8 line, North 00°29'20" West along West 1/8 line 454.60 feet, North 46°03'20" East 1,876.86 feet to point of beginning, (Parcel 113)

Section 12 Part of E½, Commencing at SE corner said section, thence North 89°58'20" West along South section line 166.84 feet to point of beginning, North 89°58'20" West along South section line 343.46 feet, North 16°04'12" West 3,006.67 feet to East 1/8 line, North 00°03'05" West along East 1/8 line 1,195.87 feet, South 16°04'12" East 4,251.35 feet to place of beginning, (Parcel 353)

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Driveway Strip #1: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at Reference Point V (described above) and run thence South  $90^{\circ} 30' 03''$  East 21.35 feet to the Southerly line of the Consumers Power Company fee strip and the point of ending.

Driveway Strip #2: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at Reference Point F (described above) and run thence North  $89^{\circ} 10' 11''$  East 545.84 feet to "Reference Point C" and the point of ending.

Driveway Strip #3: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point C" and run thence North  $03^{\circ} 16' 18''$  West 267.13 feet to the Northerly line of the CFCo fee strip and the point of ending.

Driveway Strip #4: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point C" and run thence North  $89^{\circ} 12' 46''$  East 579.34 feet to "Reference Point D" and the point of ending.

Driveway Strip #5: A 10 foot wide strip of land across part of Section 2, Township 30 North, Range 4 West, lying 5 feet on each side of and coincident to the following described centerline: Commence at "Reference Point D" and run thence South  $01^{\circ} 46' 31''$  East 63.63 feet to the Southerly line of the CFCo fee strip and the point of ending.

Licensee also hereby grants to Licensee the license and permit to use, during construction of the flowlines and lateral lines, strips of land 10 feet in width lying on both sides of the "Flowline" and "Lateral" strips of land described above. These temporary rights shall cease upon the completion of the installation of Licensee's flowlines and lateral lines.

FOR FURTHER CONDITIONS SEE ORIGINAL IN FILE

## TITLE DATA

CONSUMERS POWER COMPANY

TRACT 97.1-D308.6 (Contd.)

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Township 30 North, Range 4 West, Township of Hayes  
 Section 13 Part of NE $\frac{1}{4}$ , Commencing at NE corner said section, thence  
 North 89°58'20" West along North section line 166.84 feet  
 to point of beginning, North 89°58'20" West along North section line  
 343.46 feet, South 16°04'12" East 1,807.17 feet to East section line,  
 North 00°20' East along East section line 1,168.72 feet, North 16°04'12"  
 West 590.79 feet to point of beginning, (Parcel 353)  
 Containing 501.80 acres, more or less, subject to all existing easements.

The following reservation does not apply to any rights as may be  
 outstanding in third party on the descriptions marked \*.

SAVING AND EXCEPTING out of this conveyance and always reserving unto the  
 said State of Michigan all metallic minerals, coal, oil and gas lying and  
 being on, within or under the said lands hereby conveyed, together with the  
 rights of ingress and egress, including the use of vehicles over and across  
 all of said lands for natural resources management purposes, whether by  
 the State or its lessees, permittees or assigns, with full and free liberty  
 and power to said State of Michigan, its duly authorized officers, repre-  
 sentatives and assigns and its or their 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 enter  
 upon said lands and take all usual, necessary or convenient means for  
 piping and taking away the said minerals, coal, oil and gas, except that  
 no mines, wells or shafts shall be drilled, sunk or constructed on the  
 surface of said lands, said minerals, coal, oil and gas to be removed by  
 wells, mines or shafts located on adjoining lands. Also SAVING AND RESERVING  
 unto the State of Michigan for the use and benefit of the people of the  
 State of Michigan the rights of ingress and egress over and across all of  
 the above lands for hunting, fishing and recreational purposes compatible  
 with public uses authorized on adjoining State land, subject, however, to  
 the control of vehicular traffic for these purposes by the Grantee. Also  
 EXCEPTING AND RESERVING to the State of Michigan all aboriginal antiquities,  
 including mounds, earthworks, forts, burial and village sites, mines or  
 other relics, and also reserving the right to explore and excavate for same  
 by and through its duly authorized agents and employees pursuant to the  
 provisions of Act 173 of the Public Acts of 1929; provided that such  
 reservations shall not include the right to excavate in such a manner as  
 to endanger the poles, towers, structures, pipelines and other public  
 utility facilities placed upon said land. The reservations above set  
 forth shall not include the right to erect buildings or other structures  
 which would interfere or threaten to interfere or be detrimental to the  
 use of the land for electric lines, gas lines and other public utility  
 facilities.

IN WITNESS WHEREOF, the said party of the first part, by the Deputy  
 Director thereof, has hereunto subscribed its name and affixed the seal  
 of said Department of Natural Resources the day and year first herein above  
 written.

Signed, Sealed and Delivered DEPARTMENT OF NATURAL RESOURCES  
 in Presence of: FOR THE  
 STATE OF MICHIGAN

Roger J. Robinson  
 Roger J. Robinson

Rhea Jenkins By Gaylord A. Walker  
 Rhea Jenkins Gaylord A. Walker, Deputy Director

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STATE OF MICHIGAN, )  
 )ss.  
 County of Ingham )

On this Twenty-seventh day of March, A.D. 1973, 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 for the  
 State of Michigan in whose behalf he acts for the purpose of complying  
 with the provisions of Act No. 193 of the Public Acts of 1911.

Rhea Jenkins  
 Rhea Jenkins  
 Notary Public, Ingham County, Michigan  
 Commission Expires December 1, 1975

Recorded in Liber 208 of Deeds, Page 141  
 Lands Division Records

Prepared by Harold R. Bucks  
 DEPARTMENT OF NATURAL RESOURCES  
 Lands Division  
 Lansing, Michigan 48926

THIS AGREEMENT IS MADE THIS 15th day of August, 1988, between the undersigned parties, the terms of which are as follows:

1. Licensee: Power Canada

15-15-88

Licensee: Power Canada

2. Licensee: Power Canada

WHEREAS, Licensee and Licensee entered into a certain license for gas and brine flowlines and for an access driveway dated 8-25-88 covering certain land in the Town of Havelock and Livingston in the County of Ulster, and more particularly desc in the license:

WHEREAS, the parties desire to amend the license; Licensee and Licensee mutually agree that the aforementioned license is hereby amended as follows:

1. Licensee is hereby authorized to include an additional 6 inch gas flowline to be buried a minimum of 3 ft beneath the surface of the land distance being measured from the surface to the top of the flowline. The flowline shall run along and parallel to the existing gas and brine flowlines on the 8' by 8' sides of the flowlines and within the 10-foot wide strips of land which are desc as 'Flowline Strips #1, #2 & #3' in the aforementioned license. No other portion of the premises desc in the license are affected by this paragraph.

2. Licensee shall hereby have temporary construction rights as desc in the original license for the additional flowline. Said temporary rights shall expire upon the completion of construction.

FOR OTHER CONDITIONS, SEE ORIGINAL IN FILE.