



LIBER 1289

PAGE 960



OTSEGO COUNTY MICHIGAN
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EASEMENT

On May 30, 2012, for good and valuable consideration, the receipt of which is hereby acknowledged, Grantor conveys and warrants to Grantee, its successors and assigns, a permanent, perpetual easement over, under, across and through a part of Grantor's Land called the Easement Area, as herein described.

Grantor is: The Estate of Blase B. Gapinski, deceased, whose death certificate is recorded in Liber 700, Page 815, Otsego County Records, of 1940 Morgan Road, Gaylord, Michigan 49735.

Grantee is: Michigan Electric Transmission Company, LLC, a Michigan limited liability company, of 27175 Energy Way, Novi, Michigan 48377.

Grantor's Land is in Section 28, Town 31 North, Range 3 West, Township of Livingston, County of Otsego and State of Michigan, and is more completely described in Exhibit A attached hereto.

The Easement Area is within Grantor's Land, and is more completely described under the heading "Easement Description" in Exhibit A attached hereto.

1. Purpose: The purpose of this Easement is to allow Grantee the right to enter at any time upon the Easement Area to (1) construct, operate, maintain, repair, inspect, replace, improve, enlarge or remove overhead electric lines consisting of poles, towers, structures, wires, cables (including fiber optic cable) and other equipment for transmitting electrical energy and communications signals, (2) cross the Easement Area to construct, operate, maintain, repair, inspect, replace, improve, enlarge or remove overhead electric equipment located on other land, and (3) temporarily improve the surface of the Easement Area, as reasonably necessary, in Grantee's discretion, to place and operate Grantee's construction vehicles and equipment; provided Grantee shall remove such temporary surface improvements, and repair pavement and reseed lawn areas it disturbs.

2. Buildings or other Permanent Structures: No buildings or other above-ground structures shall be installed, constructed or permitted in the Easement Area, with the exception of any such structures existing at the time of execution of this Easement. Grantee may remove prohibited structures from the Easement Area without prior notice and without responsibility for any damage that occurs as a result of such removal.

3. Vegetation Management: Grantee shall have the right at any time to cut, trim, remove, destroy or otherwise control any or all trees, bushes, or brush now or hereafter standing or growing within the Easement Area. The complete exercise of this right may be gradual and not fully completed for some time in the future.

[LV-5 Gapinski]

FILE
2012

Land Matters
011230 Tallmadge Woods Dr.
SR 49534
26
5



4. **Access:** Grantor also grants to Grantee the right of access, ingress and egress to the Easement Area on, over and across lands now owned by the Grantor.

5. **Limited Use; Nonuse:** Nonuse or limited use of the rights herein granted shall not prevent later use to the full extent herein conveyed.

6. **Successors:** This easement runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

7. **Crop Damage:** Grantee shall pay for actual damage to crops located within the Easement Area, arising out of Grantee's maintenance of the transmission line within the Easement Area.

8. **Due Authorization:** The undersigned warrants that he or she is duly authorized and empowered to execute this easement on behalf of the Grantor and that the Grantor has taken all necessary action to approve the grant of this easement to Grantee.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

GRANTOR:

ESTATE OF BLASE B. GAPINSKI, DECEASED

By: Velma L. Gapinski
Name: Velma L. Gapinski
Its: Trustee

Acknowledged before me in Otsego County, State of Michigan, on this 30 day of May, 2012 by Velma L. Gapinski, the Trustee of the Estate of Blase B. Gapinski, deceased, on behalf of the estate.

KELLY JACOBSEN
Notary Public, State of Michigan
County of Ottawa
My Commission Expires: 6/21/2017
Acting in the County of Otsego

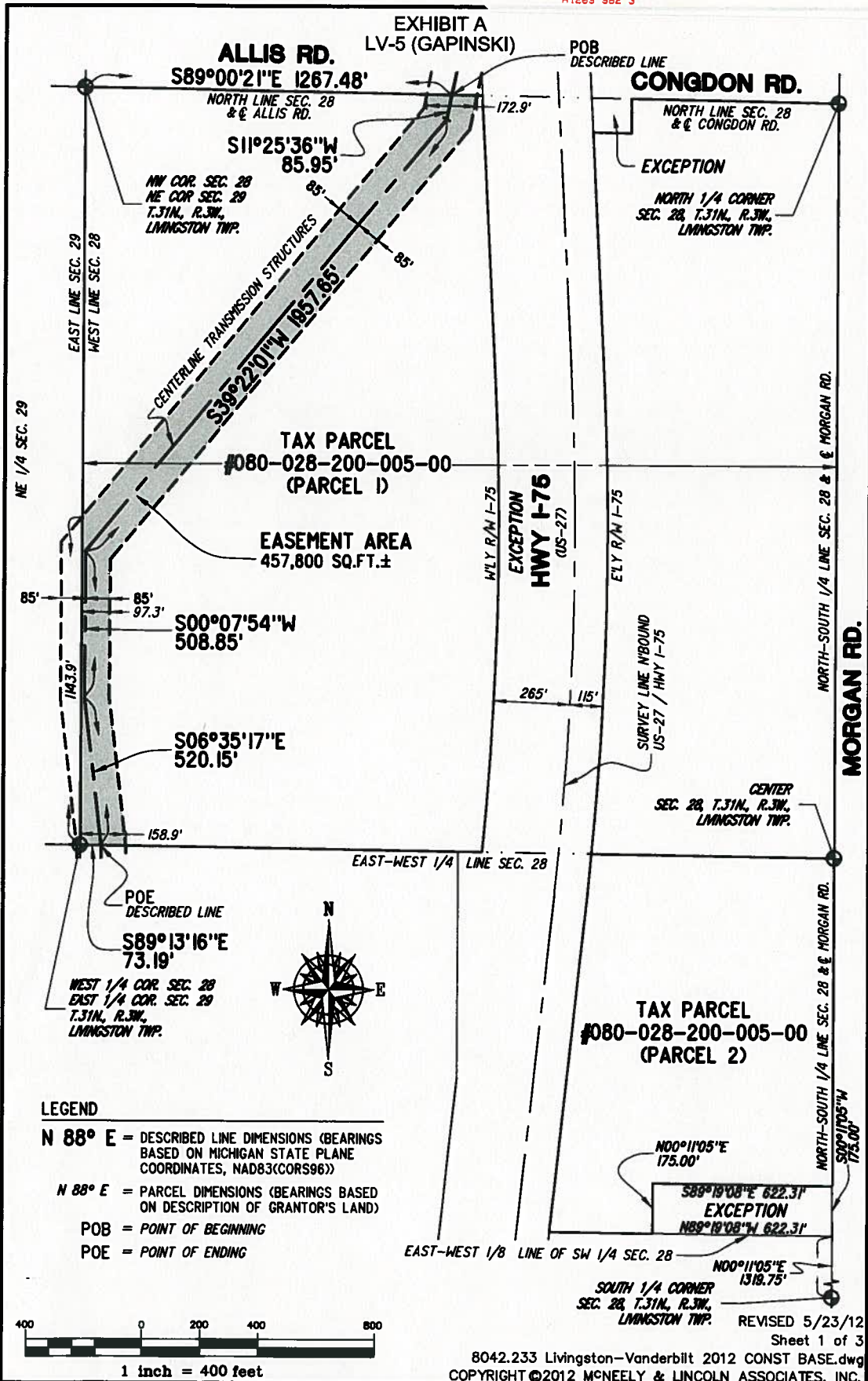
Kelly Jacobsen
Kelly Jacobsen, Notary Public
Ottawa County, Michigan
Acting in Otsego County, Michigan
My Commission Expires 6/21/2017

Prepared by:
William L. Logan (P54771)
Law Office of William L. Logan, PLLC
313 Droste Circle
East Lansing, MI 48823

When recorded return to:
Elaine Clifford
ITC Holdings Corp.
27175 Energy Way
Novi, MI 48377



EXHIBIT A
LV-5 (GAPINSKI)



MCNEELY & LINCOLN Associates, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 PH. (734) 432-9777 FAX (734) 432-9786
 37741 PEMBROKE, LIVONIA, MICHIGAN, 48152
 WWW.MNLINC.COM

For I.T.C. Date 4/16/12
 Scale 1"=400' Drawn By SA
 Job No. 8042.233 Checked By DW



EXHIBIT A
LV-5 (GAPINSKI)

GRANTOR'S LAND

PARCEL 1

Land in the Township of Livingston, Otsego County, Michigan described as:

The Northwest 1/4 of Section 28, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan.

EXCEPT;

All that part of the Northwest 1/4 of said Section 28 described as: **Beginning** at a point on the North line of said Section 28, North 89 degrees 13 minutes 26 seconds West, 718.04 feet from the North 1/4 corner of said Section 28; thence South 00 degrees 46 minutes 34 seconds East, 120.00 feet; thence North 89 degrees 13 minutes 26 seconds West, 131.90 feet; thence North 03 degrees 05 minutes 18 seconds West, 120.27 feet; thence South 89 degrees 13 minutes 26 seconds East, 140 feet to the **Point of Beginning**.

ALSO EXCEPT;

A strip of land 380 feet in width lying between a line 115 feet Easterly of and a line 265 feet Westerly of, both lines measured at right angles and parallel to the survey line of the Northbound Roadway of Highway US-27, over and across the Northwest 1/4 of said Section 28.

PARCEL 2

Land in the Township of Livingston, Otsego County, Michigan described as:

The Northeast 1/4 of the Southwest 1/4 of Section 28, Town 31 North, Range 3 West, Livingston Township, Otsego County Michigan.

EXCEPT;

Commencing at the South 1/4 corner of said Section 28; thence North 00 degrees 11 minutes 05 seconds East, 1319.75 feet along the North-South 1/4 line of said Section 28 as monumented and the centerline of Morgan Road to the point of beginning; thence North 89 degrees 19 minutes 08 seconds West, 622.31 feet along the East and West 1/8 line of the Southwest 1/4 of said Section 28; thence North 00 degrees 11 minutes 05 seconds East, 175.00 feet; thence South 89 degrees 19 minutes 08 seconds East 622.31 feet; thence South 00 degrees 11 minutes 05 seconds West, 175.00 feet along said 1/4 line to the point of beginning.

ALSO EXCEPT;

All that part of the Northeast 1/4 of the Southwest 1/4 of Section 28, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, which lies Westerly of a line 115 feet Easterly of, measured at right angles and parallel to the survey line of the Northbound Roadway of Highway US-27.

The survey line of Highway US-27 is described as:

Beginning at a point on the South line of said Section 28 which is North 89 degrees 40 minutes 44 seconds West, 1236.80 feet from the North 1/4 corner of said Section 28; thence North 06 degrees 01 minutes 46 seconds East, 2514.73 feet to the point of curve of a 00 degrees 30 minutes curve to the left; thence Northerly along the arc of said curve, 1823.56 feet to the point of tangent of said curve; thence North 03 degrees 05 minutes 18 seconds West, 1500 feet to a **Point of Ending**.

Per First American Title Insurance Company Commitment No. 576250 (2207 David Klein) printed March 30, 2012 with an effective date of March 21, 2012 @ 8:00 AM

Tax Item No. 080-028-200-005-00

REVISED 5/23/12
Sheet 2 of 3

8042.233 Livingston-Vanderbilt 2012 CONST BASE.dwg
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<p>MCNEELY & LINCOLN Associates, Inc. CIVIL ENGINEERING & LAND SURVEYING PH. (734) 432-9777 FAX (734) 432-9786 37741 PEMBROKE, LIVONIA, MICHIGAN, 48152 WWW.MNLINC.COM</p>	For	I.T.C.	Date	4/16/12
	Scale	NONE	Drawn By	SA
	Job No.	8042.233	Checked By	DW



EXHIBIT A
LV-5 (GAPINSKI)

EASEMENT DESCRIPTION

Part of the Northwest 1/4 of Section 28, and part of the Northeast 1/4 of Section 29, Town 31 North, Range 3 West, Livingston Township, Otsego County, Michigan, described as all that part of the above described Grantor's Land which lies within 85.00 feet on each side of the following described line:

Commencing at the Northwest corner of Section 28 and the Northeast corner of Section 29, Town 31 North, Range 3 West;
thence South 89 degrees 00 minutes 21 seconds East, along the North line of Section 28, 1267.48 feet to the **Point of Beginning** of said described line;
thence South 11 degrees 25 minutes 36 seconds West 85.95 feet;
thence South 39 degrees 22 minutes 01 second West 1957.65 feet;
thence South 00 degrees 07 minutes 54 seconds West 508.85 feet;
thence South 06 degrees 35 minutes 17 seconds East 520.15 feet to the **Point of Ending** of said described line, said point of ending lying South 89 degrees 13 minutes 16 seconds East, along the East-West 1/4 line of Section 28, 73.19 feet from the West 1/4 corner of Section 28 and the East 1/4 corner of Section 29. The side lines of herein described easement are to be prolonged or shortened to meet at angle points and to terminate at the boundaries of the above described Grantor's Land.

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Sheet 3 of 3

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