

SAMPLE

(County Drain Release of Right-of-Way)

RELEASE OF RIGHT-OF-WAY

Proper Parcel No. [_____]

For and in consideration of prospective benefits to be derived by reason of the locating, establishing, constructing, maintaining, and improving of a certain Drain under the supervision of the [Drain Commissioner] of the County of [_____] and State of Michigan, as hereinafter described,

Note to Preparer: Grantee's marital status and rights of survivorship must come from the recorded deed.

[_____] and [_____], (husband and wife), as tenants by the entirety, of [_____], Michigan [_____], (do/does) hereby convey and release to the [_____], the Right-of-Way for a certain Drain, hereinafter more particularly designated and described, over and across the following land owned by (him, her, them), and situated in the (City of/Village of/Township of) [_____], County and State aforesaid, which lands owned are described as follows: \

The Right-of-Way or Easement is described as:

PERMANENT EASEMENT: _____ SEE EXHIBIT A.

TEMPORARY EASEMENT: _____ SEE EXHIBIT A.

Said temporary easement is intended for construction activities.

Said temporary easement to terminate at the end of the one-year guarantee period after final completion of the petitioned project.

[Additional consideration of _____ Dollars (\$ _____) is paid herewith.]

Note to preparer: In Allegan County, if no money is paid, include the following language here. [Exempt pursuant to: MCL 207, 505 Sec. 5. (a).]

[NAME DRAIN], [COUNTY], MICHIGAN

** Note to typist: The drain name, county, and state should appear at the top of each page following the cover page.**

The Right-of-Way hereby conveyed and released is for the sole and only purpose of constructing, maintaining, and improving over and across said premises a certain Drain, petition for which in writing was made on _____, 20____, by _____, and the necessity for which has been determined by the [Board of Determination hearing date of _____Hearing of Necessity on _____, 20____], the route and course of said Drain is described as follows, to wit:

[MAIN:]

[Insert Description here];

or

[SEE EXHIBIT B];

or

[the route and course description is recorded in the Final Order of Determination on file at the office of the _____ County Drain Commissioner].

[BRANCH:]

[EXTENSION:]

This conveyance is based upon the above-described line of route and shall be deemed to include the extreme width of said Drain as shown in the survey thereof, to which survey reference is hereby made for a more particular description and includes a release of all claims to damages in any way arising from or incident to the operating and maintaining of said Drain across said premises; and also sufficient ground on either side of the center line of said Drain, for the construction thereof; and shall be deemed a sufficient conveyance to vest in the Drainage District an easement in said land for the uses and purposes of drainage together with such rights of entry upon, passage over, deposit of excavated earth and storage of material and equipment on such land, as may be necessary or useful for the construction, maintenance, cleaning out, and repair of such Drain.

WITNESS, our hands and seals, dated _____, 20____.

Sign _____
[_____]

Sign _____
[_____]

