

RELEASE OF DEED RESTRICTION

(Alpena County - Liber 193 Pages 164-169)

PREPARED BY AND WHEN RECORDED, RETURN TO:

Heather K. Morley

Horvath Communications, Inc.

2307 Edison Road, Suite 2

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RELEASE OF DEED RESTRICTION

**(Height Restriction, Aviation Easements & Exclusive Release
for Communications Tower Construction)**

This Release of Deed Restriction ("Release") is executed this ____ day of _____, 20____, by COUNTY OF ALPENA, MICHIGAN, a body politic of the State of Michigan ("Releasing Party").

RECITALS

A. A Land Contract dated April 27, 1970, between the County of Alpena ("Seller") and the Alpena Industrial Development Corporation ("Purchaser") was recorded April 28, 1970, in Liber 193 Pages 164-169, Alpena County Register of Deeds.

B. The Land Contract imposed restrictions on the real property therein described, including: (i) a restriction limiting structures, natural growth, and obstructions to 50 feet above ground level; and (ii) aviation easements including a right of flight, right-of-way for unobstructed aircraft passage, and prohibitions against obstructions interfering with airport operations.

C. These restrictions burden the property described as:

The South Half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 23, Town 31 North, Range 7 East, Wilson Township, Alpena County, Michigan. Parcel No. 084-023-000-550-00.

D. The current property owner has requested that the Restrictions be released for the limited and exclusive purpose of constructing, operating, maintaining, repairing, replacing, and removing a telecommunications tower and related equipment and facilities (the "Communications Tower Project").

E. The Releasing Party agrees to release the Restrictions solely to the extent necessary to permit the Communications Tower Project, while retaining all other rights, protections, and airspace authority not expressly released herein.

AGREEMENT

1. Limited and Exclusive Release.

The Releasing Party hereby releases, terminates, extinguishes, and forever discharges the Restrictions recorded in Liber 193 Pages 164–169 solely and exclusively for the purpose of allowing the construction, installation, operation, maintenance, repair, modification, replacement, and removal of a telecommunications tower, including all associated wireless communications equipment, shelters, fencing, utilities, and related improvements (the “Communications Tower Project”).

2. Preservation of Aviation Rights.

Except as expressly modified for the Communications Tower Project, all aviation rights, airspace protections, and easements benefiting the County of Alpena remain in full force and effect. Nothing in this Release shall be construed as a waiver of FAA regulatory authority or airport safety requirements.

3. Other Interests Unaffected.

This Release affects only the specific Restrictions addressed herein and only to the extent necessary for the Communications Tower Project. No other easements, covenants, reservations, or rights are modified or released.

4. Binding Effect.

This Release is binding upon the Releasing Party and benefits the property owner and its successors and assigns with respect to the Communications Tower Project.

5. Recording.

This Release shall be recorded in the Alpena County Register of Deeds.

RELEASING PARTY

COUNTY OF ALPENA, MICHIGAN,
a body politic of the State of Michigan

By: _____

Name: _____

Title: _____

Date: _____

STATE OF MICHIGAN)
) SS.
COUNTY OF ALPENA)

On this ____ day of _____, 20____, before me, a Notary Public in and for said County, personally appeared _____, who acknowledged that he/she executed this instrument on behalf of the County of Alpena, Michigan, as his/her free act and deed.

Notary Public, State of Michigan

County of _____

My Commission Expires: _____