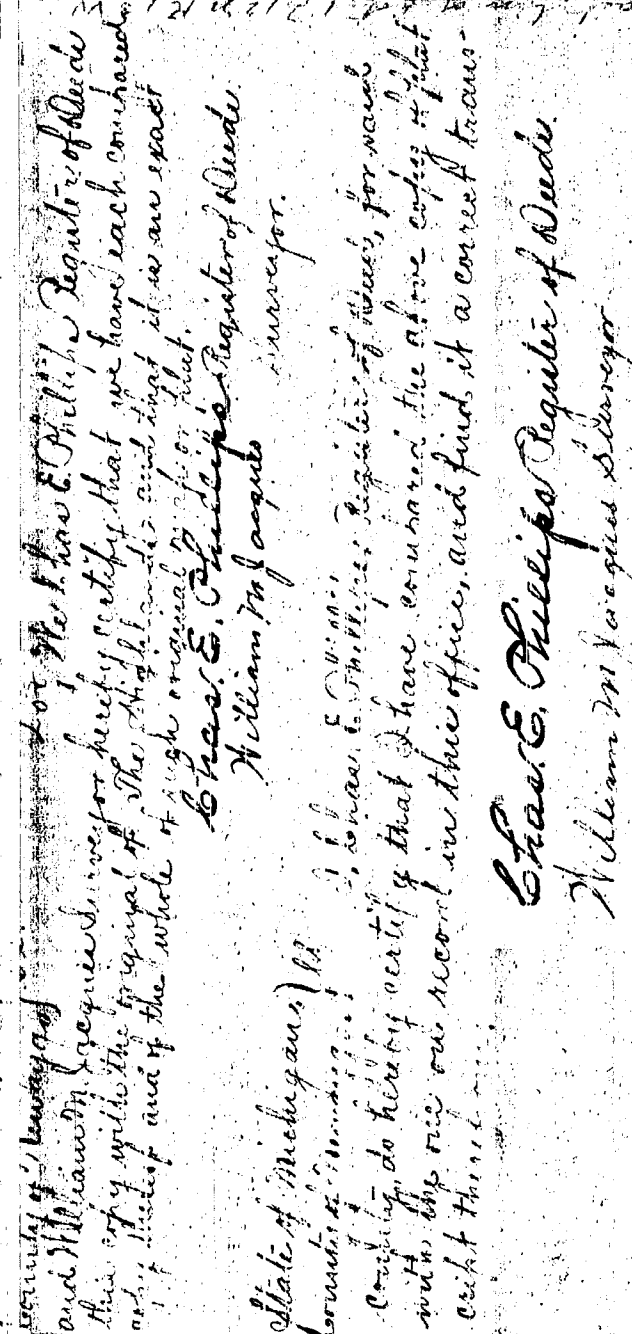


11693



36
 I hope I may be able to see you
 before I go to the
 country & so for
 the time being
 I am
 Dear Sir
 I am
 Yours truly
 Wm. Pitt

The distance of 150° 12' 12" for the inclination was not taken at the meridian but at such a
 distance as marked the 150° was of the true value. When 127° 12' 15" 11" thus
 01° 15' 12" but not 02° 13" as before. 22° 12' 15" 11" 12" 13" 14" 15" 16" 17" 18" 19" 20" 21" 22" 23" 24" 25" 26" 27" 28" 29" 30" 31" 32" 33" 34" 35" 36" 37" 38" 39" 40" 41" 42" 43" 44" 45" 46" 47" 48" 49" 50" 51" 52" 53" 54" 55" 56" 57" 58" 59" 60" 61" 62" 63" 64" 65" 66" 67" 68" 69" 70" 71" 72" 73" 74" 75" 76" 77" 78" 79" 80" 81" 82" 83" 84" 85" 86" 87" 88" 89" 90" 91" 92" 93" 94" 95" 96" 97" 98" 99" 100" 101" 102" 103" 104" 105" 106" 107" 108" 109" 110" 111" 112" 113" 114" 115" 116" 117" 118" 119" 120" 121" 122" 123" 124" 125" 126" 127" 128" 129" 130" 131" 132" 133" 134" 135" 136" 137" 138" 139" 140" 141" 142" 143" 144" 145" 146" 147" 148" 149" 150" 151" 152" 153" 154" 155" 156" 157" 158" 159" 160" 161" 162" 163" 164" 165" 166" 167" 168" 169" 170" 171" 172" 173" 174" 175" 176" 177" 178" 179" 180" 181" 182" 183" 184" 185" 186" 187" 188" 189" 190" 191" 192" 193" 194" 195" 196" 197" 198" 199" 200" 201" 202" 203" 204" 205" 206" 207" 208" 209" 210" 211" 212" 213" 214" 215" 216" 217" 218" 219" 220" 221" 222" 223" 224" 225" 226" 227" 228" 229" 230" 231" 232" 233" 234" 235" 236" 237" 238" 239" 240" 241" 242" 243" 244" 245" 246" 247" 248" 249" 250" 251" 252" 253" 254" 255" 256" 257" 258" 259" 260" 261" 262" 263" 264" 265" 266" 267" 268" 269" 270" 271" 272" 273" 274" 275" 276" 277" 278" 279" 280" 281" 282" 283" 284" 285" 286" 287" 288" 289" 290" 291" 292" 293" 294" 295" 296" 297" 298" 299" 300" 301" 302" 303" 304" 305" 306" 307" 308" 309" 310" 311" 312" 313" 314" 315" 316" 317" 318" 319" 320" 321" 322" 323" 324" 325" 326" 327" 328" 329" 330" 331" 332" 333" 334" 335" 336" 337" 338" 339" 340" 341" 342" 343" 344" 345" 346" 347" 348" 349" 350" 351" 352" 353" 354" 355" 356" 357" 358" 359" 360" 361" 362" 363" 364" 365" 366" 367" 368" 369" 370" 371" 372" 373" 374" 375" 376" 377" 378" 379" 380" 381" 382" 383" 384" 385" 386" 387" 388" 389" 390" 391" 392" 393" 394" 395" 396" 397" 398" 399" 400" 401" 402" 403" 404" 405" 406" 407" 408" 409" 410" 411" 412" 413" 414" 415" 416" 417" 418" 419" 420" 421" 422" 423" 424" 425" 426" 427" 428" 429" 430" 431" 432" 433" 434" 435" 436" 437" 438" 439" 440" 441" 442" 443" 444" 445" 446" 447" 448" 449" 450" 451" 452" 453" 454" 455" 456" 457" 458" 459" 460" 461" 462" 463" 464" 465" 466" 467" 468" 469" 470" 471" 472" 473" 474" 475" 476" 477" 478" 479" 480" 481" 482" 483" 484" 485" 486" 487" 488" 489" 490" 491" 492" 493" 494" 495" 496" 497" 498" 499" 500" 501" 502" 503" 504" 505" 506" 507" 508" 509" 510" 511" 512" 513" 514" 515" 516" 517" 518" 519" 520" 521" 522" 523" 524" 525" 526" 527" 528" 529" 530" 531" 532" 533" 534" 535" 536" 537" 538" 539" 540" 541" 542" 543" 544" 545" 546" 547" 548" 549" 550" 551" 552" 553" 554" 555" 556" 557" 558" 559" 560" 561" 562" 563" 564" 565" 566" 567" 568" 569" 570" 571" 572" 573" 574" 575" 576" 577" 578" 579" 580" 581" 582" 583" 584" 585" 586" 587" 588" 589" 590" 591" 592" 593" 594" 595" 596" 597" 598" 599" 600" 601" 602" 603" 604" 605" 606" 607" 608" 609" 610" 611" 612" 613" 614" 615" 616" 617" 618" 619" 620" 621" 622" 623" 624" 625" 626" 627" 628" 629" 630" 631" 632" 633" 634" 635" 636" 637" 638" 639" 640" 641" 642" 643" 644" 645" 646" 647" 648" 649" 650" 651" 652" 653" 654" 655" 656" 657" 658" 659" 660" 661" 662" 663" 664" 665" 666" 667" 668" 669" 670" 671" 672" 673" 674" 675" 676" 677" 678" 679" 680" 681" 682" 683" 684" 685" 686" 687" 688" 689" 690" 691" 692" 693" 694" 695" 696" 697" 698" 699" 700" 701" 702" 703" 704" 705" 706" 707" 708" 709" 710" 711" 712" 713" 714" 715" 716" 717" 718" 719" 720" 721" 722" 723" 724" 725" 726" 727" 728" 729" 730" 731" 732" 733" 734" 735" 736" 737" 738" 739" 740" 741" 742" 743" 744" 745" 746" 747" 748" 749" 750" 751" 752" 753" 754" 755" 756" 757" 758" 759" 760" 761" 762" 763" 764" 765" 766" 767" 768" 769" 770" 771" 772" 773" 774" 775" 776" 777" 778" 779" 780" 781" 782" 783" 784" 785" 786" 787" 788" 789" 790" 791" 792" 793" 794" 795" 796" 797" 798" 799" 800" 801" 802" 803" 804" 805" 806" 807" 808" 809" 810" 811" 812" 813" 814" 815" 816" 817" 818" 819" 820" 821" 822" 823" 824" 8

11693
MAY 22 1991
DEPARTMENT OF
ATTORNEY GENERAL

MEMORANDUM

Wayne Roush, Commerce
Subdivision Control Unit
TO
Kevin T. Smith
Assistant Attorney General
Natural Resources Division

Re: Bradley, et al. v Township of Garfield, et al.
Newaygo County Circuit Court No. 88-10360-CH; SCU 88-19

A copy of the Judgment of Vacation that was entered with the court on July 8, 1988, is enclosed.

With the entry of said Judgment, we will now close our file on this matter.

KTS:rsc
Enc.
plat4/memo-wr8

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF NEWAYGO

OLGA V. BRADLEY, ROGER V. BRADLEY,
FLOYD C. BRADLEY, RAYMOND C. VENEMA,
KATHLEEN VENEMA, et al.,

Plaintiffs,

CASE NO. 88-10360-CH

JUDGMENT OF VACATION

VS.

THE TOWNSHIP OF GARFIELD, et al.,

Defendants.

Russell L. Shepherd (P20346)
Attorney for Plaintiffs
59 W. State, P.O. Box 458
Newaygo, Michigan 49337

At a session of said Court, held on the 27th day of July, 1988, in the Newaygo County Circuit Court in the City of White Cloud, State of Michigan.

PRESENT: HONORABLE TERRENCE R. THOMAS, Circuit Judge

It appearing that a petition having been filed to vacate a certain alley 33 feet in width running in an Easterly-Westerly direction with North Half of Lots 15 and 16 lying South thereof, and Lots 1 and 2 lying North thereof, Block 1 of THE HIGHLANDS, Garfield Township, Newaygo County, Michigan, and it further appearing that all land owners within 300 feet of the street herein vacated are petitioners and plaintiffs and that there are no other defendants, except as prescribed in MSA 26.430 (224a), (b) the municipality, ie, Township of Garfield, County of Newaygo and State of Michigan, (c) the State Treasurer, represented by the Attorney General of the State of Michigan, (d) the Drain Commissioner for the County of Newaygo, and the Chairperson of the Board of County Road Commissioners, (e) each public utility having installations, ie, O&A Electric Cooperative and Michigan Bell Telephone Company, all of whom have been served in accordance with statute, and whose interest is protected herein as pre-

-1-

scribed by statute MSA 26.430 (226) for the reservation of easements for the use of public utilities.

IT IS THEREFORE ORDERED as follows:

1. That certain alley 33 feet in width running in an Easterly-Westerly direction with the North Half of Lots 15 and 16 lying South thereof, and Lots 1 and 2 lying North thereof, Block 1 of THE HIGHLAND, Garfield Township, Newaygo County, Michigan, be and the same hereby is vacated.
2. That the vacated area shall vest one-half to the parcel adjoining the street vacated on the northerly side and one-half to the parcel adjoining the street vacated on the southerly side.
3. That a reservation of easement for public utilities is hereby given effect pursuant to MSA 26.430 (226).
4. This Judgment shall be recorded in the Office of the Register of Deeds of Newaygo County, Michigan, within 30 days from entry and copies of the said recorded Judgment forwarded to the State of Michigan, Attorney General's Office.

Terrence R. Thomas, Circuit Judge

Dated: July 8, 1988

Approved by:

Dated:

A TRUE COPY

Patricia J. Kenna

27th Judicial Circuit Court

Newaygo County, Michigan

Drafted by:
Russell L. Shepherd (P20346)
Attorney at Law
59 W. State, P.O. Box 458
Newaygo, Michigan 49337



Michigan Department of Commerce
MEMORANDUM

Date: May 22, 1991

To: Kevin T. Smith, Assistant Attorney General, Natural Resources Division, Attorney General Department W. J. R.

From: Wayne J. Roush, Property Tech, Subdivision Control Unit, County Zoning Review Unit

Subject: Bradley, et al. v Township of Garfield, et al.
Newaygo County Circuit Court NO. 88-10360-CH; SCU 88-19

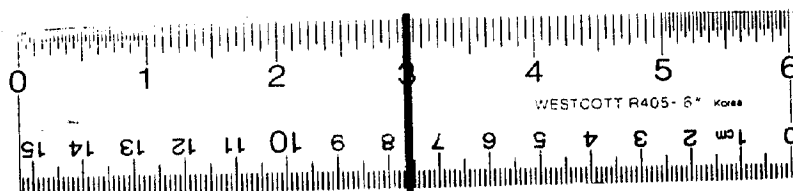
We reviewed the Judgment of vacation of July 8, 1988. Said action omitted directing plaintiff to make an amended plat of the area affected by the Judgment.

Therefore, we respectfully request that our counsel seek an amended judgment that includes a directive to plaintiff to make an amended plat of the area affected by the judgment. Per Section 560.229 of Act 288, P.A. 1967, as amended.

The amended plat shall not have landlocked lots in order to avoid our rejection due to non-compliance with Section 560.186 of Act 288, P.A. 1967, as amended. Lot consolidation may solve the landlocking problem.

-2-

FORM C-2
REV. 3-79



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11693
Plat of the Highlands 85-56
JAN 24 1986
STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF NEWAYGO

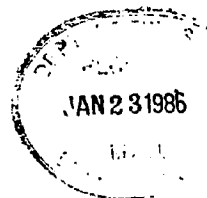
JOSEPH T. FRYEAR, JR. and wife,)
KATHLEEN FRYEAR, HERMAN W. LOOMAN and)
wife, PAULINE LOOMAN, GLENN A. HULL)
and wife, VIVIAN M. HULL, CHARLES)
BERNARD JOHNSON and wife, DOROTHY)
JOHNSON, PATRICIA A. LINKFIELD and)
husband, JAMES A. LINKFIELD, ANGUS)
FRASER MACKINNON and wife, BARBARA)
B. MACKINNON and R. JOHN BULL and)
BARBARA I. MACKINNON)

Plaintiffs,

vs.

THE TOWNSHIP OF GARFIELD, a municipal)
corporation; ROBERT A. BOWMAN,)
State Treasurer; DAVID E. JORDAN,)
Newaygo County Drain Commissioner;)
MERRILL EADY, Chairperson of the)
Board of County Road Commissioners;)
CONSUMERS POWER COMPANY, a Michigan)
corporation, MICHIGAN CONSOLIDATED)
GAS COMPANY, a Michigan corporation;)
MICHIGAN BELL TELEPHONE COMPANY, a)
Michigan corporation; ELDON J.)
MERENESS and wife, CECELIA A. MERENESS)
RICHARD J. HICKS and wife, ELIZABETH)
K. HICKS, LESLIE WAYNE REMINGA and)
wife, SUSAN KAY REMINGA, ROGER W.)
VOEGELI and wife, SALLY A. VOEGELI,)
WILLIAM C. ZENISEK and wife, HELEN L.)
K. ZENISEK, ALBERT C. HAYDOCK and wife)
OPAL M. HAYDOCK, RICHARD LEE BISHOP)
and wife, MARJORIE ANN BISHOP,)
FREDERIC SMITH and wife, EVA SMITH,)
RICHARD F. WERTS and wife, SANDRA L.)
WERTS, EDWARD LENZ, GERALD CASE,)
GERALD W. DERKS, JR., JOHN A.)
SCHAEFER and wife, SALLY J. SCHAEFER,)
HESSEL W. DEJONG and wife, LOIS A.)
DEJONG, JOHN MULDER and wife, PAULINE)
MULDER, JEROME W. GOBRING and wife,)
JOANN D. GOERING, JUDITH CORRIGAN,)
CHESTER L. KIRST and wife, ANN KIRST,)
KENNETH BOUMA, JOSEPH RICCOBONO and)
wife, JUDY RICCOBONO, and STATE OF)
MICHIGAN, SAID INDIVIDUALS BEING THE)
OWNERS OF RECORD TITLE TO LOTS OR)
PARCELS LOCATED WITHIN 300 FEET OF THE)
PROPOSED VACATION.

Defendants.



JUDGMENT

File No. 85-8926-CZ
AG-# 85-56

11693 85-56
At a session of said Court, held on the 21st day of January, 1986, in the Newaygo County Circuit Court in the City of White Cloud, Michigan;

PRESENT: HONORABLE TERRENCE R. THOMAS, CIRCUIT JUDGE

This matter having come on for hearing based upon a complaint to vacate a portion of a dedicated street known as Lake Avenue, said portion being located in Block 10 of the Plat of the Highlands, lying Northerly of the extension of the Northerly line of Lot 9, Block 10 of said plat to the Northerly line of Lot 8, Block 10 of said plat, in the Township of Garfield, County of Newaygo, Michigan, and it appearing to the court that all of the Defendants have been properly served with a notice of the pendency of this action all in accordance with the statute made and provided; and that consents have been filed for or on behalf of Defendants, The Township of Garfield, a Municipal Corporation; Merrill Eady, Chairperson of the Board of County Road Commissioners; Consumers Power Company, a Michigan Corporation, Michigan Bell Telephone Company, a Michigan Corporation; and Michigan Consolidated Gas Company, a Michigan Corporation; and that the Attorney General of the State of Michigan for and on behalf of the State Treasurer has filed his appearance and conditional consent to the proposed vacation, and that no appearance having been filed for or on behalf of Defendant, David E. Jordan, Newaygo County Drain Commissioner, and there being no appearances or objections filed by any of the remaining Defendants and that a default entry has been entered against said defendants together with an affidavit in support thereof; and it appearing to the court that Lake Avenue is a private street and was dedicated to the use of the lot owners of said Plat, and that the parties hereto and the public will not be adversely affected by the proposed vacation inasmuch as said street has never been used or maintained as a street, avenue, alley or thoroughfare, but in fact, has

11693 85-56
been used privately by the Plaintiffs herein and their predecessors in title, and that the Plaintiffs have, as a means of ingress and egress, a roadway other than Lake Avenue which bisects said Block and which is maintained by the Newaygo County Road Commission, and that the proposed vacation will not adversely affect the public or other private interests, and that the proposed vacation will allow the Plaintiffs to equally divide the street sought to be vacated so as to allow the Plaintiffs to make improvements upon the same, and that the proposed vacation will not affect a major portion of the existing Plat, and the court being fully advised in the premises.

NOW, THEREFORE, it is ORDERED and ADJUDGED as follows:

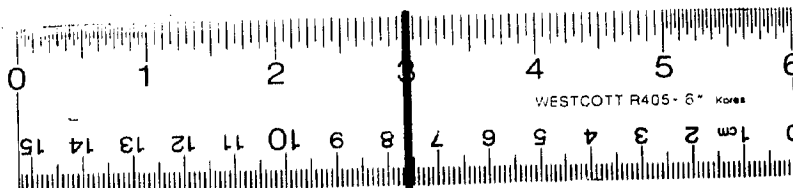
1. That all proceedings herein be and they are found regular and in accordance with the statute in such case made and provided.
2. That the proposed vacation will not affect a major portion of the existing plat.
3. That the portion of a dedicated street, known as Lake Avenue, said portion being located in Block 10 of the Plat of the Highlands, lying Northerly of the extension of the Northerly line of Lot 9, Block 10 of said plat to the Northerly line of Lot 8, Block 10 of said plat, shall be and the same is hereby vacated and the title to the centerline of said vacated street is vested in the owners of lots adjacent to that portion of said street being vacated herein; namely, Joseph T. Fryear, Jr. and wife, Kathleen Fryear, Herman W. Looman and wife, Pauline Looman, Glenn A. Hull and wife, Vivian M. Hull, Charles Bernard Johnson and wife, Dorothy Johnson, Patricia A. Linkfield and husband, James A. Linkfield, Angus Fraser MacKinnon and wife, Barbara B. MacKinnon and R. John Bull and Barbara I. MacKinnon, Plaintiffs herein, they being the owners, in fee, of lands adjacent on either side of said vacated street.
4. That there is reserved over and across the vacated portion of said alley an easement therein for the use of public utilities.
5. That within 30 days from entry of this Judgment the Plaintiffs

11693 85-56
shall cause to be recorded a certified copy of this Judgment with the office of the Newaygo County Register of Deeds.

TERRENCE R. THOMAS
Terrence R. Thomas, Circuit Judge
Dated: 1-21-86

DRAFTED BY: Theodore A. Caris
Murphy & Caris
Old State Bank Bldg.
Fremont, MI 49412
(616) 924-0620

A TRUE COPY
m J. W. Plak, Deputy
27th Judicial Circuit Court
Newaygo County, Michigan



24 X

11693

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF NEWAYGO
* * *

IN THE MATTER OF THE PETITION OF)
HENRY SUMMERHOUSE, et al, FOR THE)
VACATION OF A PART OF THE PLAT OF)
THE HIGHLANDS,)

File No. C-788

Petitioners,)

vs.)

ORDER

ALLISON GREEN, Treasurer of the State)
of Michigan, et al,)

Defendants.)

At a session of said Court held at the
Courthouse in the City of White Cloud, in said
County, on the 20th of August, 1969.

PRESENT: HONORABLE HAROLD VAN DOMELEN, Circuit Judge.

In this cause, Petitioners having filed a Petition praying for the vacation
of Third Street in the recorded plat of The Highlands described as follows, to
wit:

Third Street it its entirety extending easterly from the West
boundary of said plat to Pickerel Lake except for that portion
intersected by the County Highway in the plat of The Highlands,
recorded in Liber 1 of Plats, Page 40, Newaygo County,
Michigan.

and the Court having examined the file and having found that all the requirements
of the statute of the State of Michigan, relative to service, publication and posting
of notices, have been complied with, and that this Court, by virtue thereof, has
jurisdiction to hear said petition and that no one has objected nor appeared in
opposition thereto, and after hearing the proofs finds as follows:

That the above described Third Street has never been opened, improved,
used or traveled by the public, or any other persons other than the owners of the
abutting lands, who are the Petitioners herein, except for that portion intersected

SHEPHERD & SHEPHERD
ATTORNEYS
RUSSELL L. SHEPHERD
JOHN W. SHEPHERD
NEWAYGO, MICH.
49337

Recorded the 28th day of August
1969, in Series C, No. 6955,
Register of Deeds, Newaygo
County, Michigan.

11693

and crossed by the County Road, since the date of dedication, the 27th day of February, 1906; that that portion of Third Street herein sought to be vacated was never dedicated to nor accepted by the public; that petitioners have occupied the same adversely for a period upwards of 20 years; further that no interested parties, owners within Blocks 5 and 6, would in any manner be injured by the proposed closing by virtue of the nature of the topography and the allegations contained in the petition filed herein are sustained by the proofs and that petitioners are entitled to their relief therein prayed.

THEREFORE, on motion of John W. Shepherd, Attorney for Petitioners, it is ORDERED:

That the following described portion of the recorded plat of The Highlands, Newaygo County, Michigan, is hereby vacated:

Third Street in its entirety extending easterly from the West boundary of said plat to Pickerel Lake except for that portion intersected by the County Highway in the plat of The Highlands, recorded in Liber 1 of Plats, Page 40, Newaygo County, Michigan, subject to all public utility rights of way or acquired easements in and over said street.

It is further ORDERED that title to the above described Third Street as vacated herein, is hereby declared and decreed to be vested in petitioners as owners of the abutting lots.

It is further ORDERED that this proceeding be recorded by the Clerk of the Court and the Petitioners shall, within six months thereafter record a certified copy of this Order in the office of Register of Deeds, Newaygo County, Michigan and that within 30 days hereafter the Clerk of this Court shall forward to the Department of Treasury of the State of Michigan a certified copy of this Order.

s/Harold VanDomelen

Harold VanDomelen, Circuit Judge

Date: 8-27-69 FEB 2 1969

COUNTERSIGNED:

s/Maxwell L. Jordan

Clerk

Shepherd & Shepherd
Attorneys for Petitioners
Newaygo, Michigan 49337
Phone: 652-9621

ATTESTED: A TRUE COPY

Maxwell L. Jordan
8-28-69 CLERK

SHEPHERD & SHEPHERD
ATTORNEYS
RUSSELL L. SHEPHERD
JOHN W. SHEPHERD
NEWAYGO, MICH.
49337

11693 85-56 JAN 24 1986 85-56

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF NEWAYGO

* * *

JOSEPH T. FRYEAR, JR. and wife,)
KATHLEEN FRYEAR, HERMAN W. LOOMAN and)
wife, PAULINE LOOMAN, GLENN A. HULL)
and wife, VIVIAN M. HULL, CHARLES)
BERNARD JOHNSON and wife, DOROTHY)
JOHNSON, PATRICIA A. LINKFIELD and)
husband, JAMES A. LINKFIELD, ANGUS)
FRASER MACKINNON and wife, BARBARA)
B. MACKINNON and R. JOHN BULL and)
BARBARA I. MACKINNON)
Plaintiffs,)

vs.)

THE TOWNSHIP OF GARFIELD, a municipal)
corporation; ROBERT A. BOWMAN,)
State Treasurer; DAVID E. JORDAN,)
Newaygo County Drain Commissioner;)
MERRILL EADY, Chairperson of the)
Board of County Road Commissioners;)
CONSUMERS POWER COMPANY, a Michigan)
corporation, MICHIGAN CONSOLIDATED)
GAS COMPANY, a Michigan corporation;)
MICHIGAN BELL TELEPHONE COMPANY, a)
Michigan corporation; ELDON J.)
MERENESS and wife, CECELIA A. MERENESS)
RICHARD J. HICKS, and wife, ELIZABETH)
K. HICKS, LESLIE WAYNE REMINGA and)
wife, SUSAN KAY REMINGA, ROGER W.)
VOEGELI and wife, SALLY A. VOEGELI,)
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OPAL M. HAYDOCK, RICHARD LEE BISHOP,)
and wife, MARJORIE ANN BISHOP,)
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WERTS, EDWARD LENZ, GERALD CASE,)
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MULDER, JEROME W. GOERING and wife,)
JOANN D. GOERING, JUDITH CORRIGAN,)
CHESTER L. KREST and wife, ANN KREST,)
KENNETH BOUMA, JOSEPH RICCOBONO and)
wife, JUDY RICCOBONO, and STATE OF)
MICHIGAN, SAID INDIVIDUALS BEING THE)
OWNERS OF RECORD TITLE TO LOTS OR)
PARCELS LOCATED WITHIN 300 FEET OF THE)
PROPOSED VACATION.)
Defendants.)

JAN 23 1986

JUDGMENT
File No. 85-8926-CZ
AG-# 85-56

11693 85-56

At a session of said Court, held on the 21st day of January, 1986, in the Newaygo County Circuit Court in the City of White Cloud, Michigan;

PRESENT: HONORABLE TERRENCE R. THOMAS, CIRCUIT JUDGE

This matter having come on for hearing based upon a complaint to vacate a portion of a dedicated street known as Lake Avenue, said portion being located in Block 10 of the Plat of the Highlands, lying Northerly of the extension of the Northerly line of Lot 9, Block 10 of said plat to the Northerly line of Lot 8, Block 10 of said plat, in the Township of Garfield, County of Newaygo, Michigan, and it appearing to the court that all of the Defendants have been properly served with a notice of the pendency of this action all in accordance with the statute made and provided; and that consents have been filed for or on behalf of Defendants, The Township of Garfield, a Municipal Corporation; Merrill Eady, Chairperson of the Board of County Road Commissioners; Consumers Power Company, a Michigan Corporation, Michigan Bell Telephone Company, a Michigan Corporation; and Michigan Consolidated Gas Company, a Michigan Corporation; and that the Attorney General of the State of Michigan for and on behalf of the State Treasurer has filed his appearance and conditional consent to the proposed vacation, and that no appearance having been filed for or on behalf of Defendant, David E. Jordan, Newaygo County Drain Commissioner, and there being no appearances or objections filed by any of the remaining Defendants and that a default entry has been entered against said defendants together with an affidavit in support thereof; and it appearing to the court that Lake Avenue is a private street and was dedicated to the use of the lot owners of said Plat, and that the parties hereto and the public will not be adversely affected by the proposed vacation inasmuch as said street has never been used or maintained as a street, avenue, alley or thoroughfare, but in fact, has

11693 85-56

been used privately by the Plaintiffs herein and their predecessors in title, and that the Plaintiffs have, as a means of ingress and egress, a roadway other than Lake Avenue which bisects said Block and which is maintained by the Newaygo County Road Commission, and that the proposed vacation will not adversely affect the public or other private interests, and that the proposed vacation will allow the Plaintiffs to equally divide the street sought to be vacated so as to allow the Plaintiffs to make improvements upon the same, and that the proposed vacation will not affect a major portion of the existing Plat, and the court being fully advised in the premises.

NOW, THEREFORE, it is ORDERED and ADJUDGED as follows:

1. That all proceedings herein be and they are found regular and in accordance with the statute in such case made and provided.
2. That the proposed vacation will not affect a major portion of the existing plat.
3. That the portion of a dedicated street, known as Lake Avenue, said portion being located in Block 10 of the Plat of the Highlands, lying Northerly of the extension of the Northerly line of Lot 9, Block 10 of said plat to the Northerly line of Lot 8, Block 10 of said plat, shall be and the same is hereby vacated and the title to the centerline of said vacated street is vested in the owners of lots adjacent to that portion of said street being vacated herein; namely, Joseph T. Fryear, Jr. and wife, Kathleen Fryear, Herman W. Looman and wife, Pauline Looman, Glenn A. Hull and wife, Vivian M. Hull, Charles Bernard Johnson and wife, Dorothy Johnson, Patricia A. Linkfield and husband, James A. Linkfield, Angus Fraser MacKinnon and wife, Barbara B. MacKinnon and R. John Bull and Barbara I. MacKinnon, Plaintiffs herein, they being the owners, in fee, of lands adjacent on either side of said vacated street.
4. That there is reserved over and across the vacated portion of said alley an easement therein for the use of public utilities.
5. That within 30 days from entry of this Judgment the Plaintiffs

11693 85-56

shall cause to be recorded a certified copy of this Judgment with the office of the Newaygo County Register of Deeds.

TERRENCE R. THOMAS
Terrence R. Thomas, Circuit Judge
Dated: 1-21-86

DRAFTED BY: Theodore A. Caris
Murphy & Caris
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A TRUE COPY
M. J. W. Plak, Deputy
clerk
27th Judicial Circuit Court
Newaygo County, Michigan