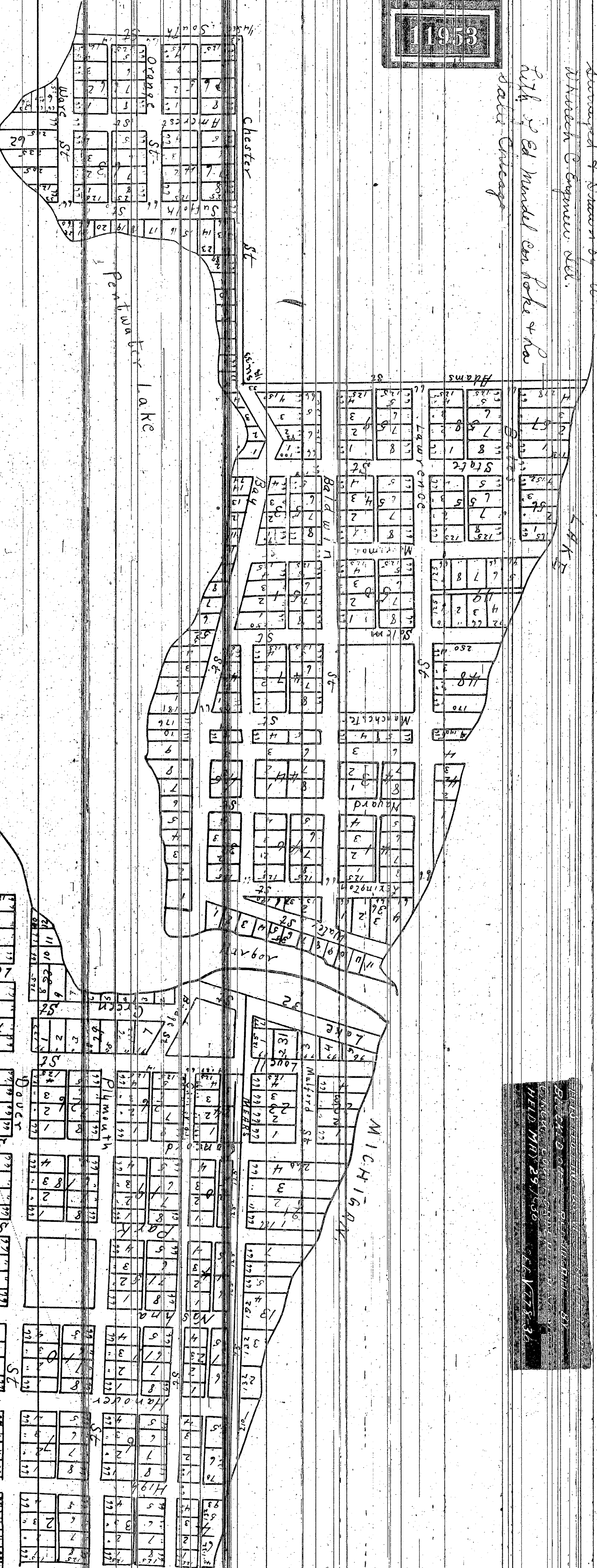


Map of the Village of Muller's Creance Co Michigan
 Read for record and filed the 7th day of March A.D. 1866 at
 9 o'clock A.M. Attest of Anderson Register
 State of Michigan
 County of Oshtemo On the eighth day of March A.D. 1866
 before me the County Clerk of said County appeared Charles
 Lee Mease the Proprietor of the above named Village of Muller's
 Creance and acknowledged that he caused the same to be laid out
 and plotted as above and for the use and purpose herein
 indicated and that same is of his own free will and consent
 and does Alex & Anderson County Clerk L.S.

State of Michigan) hereby certify that I have
 County of Oshtemo) surveyed for C Mease lots 2 and
 3 and the 3rd fractional of section 14 the fourth due 15 A.C.L.
 of the 22 and lots 3 of the 33 town 14 north of Range 18 west
 in Michigan and that I subdivided the above described
 lands into Blocker lots and streets and that the above Map
 is a true and correct representation of said survey.
 Attest copies
 Fred J. Russell
 Deputy Register
 N.W. Knech
 Engineer

Surveyed & drawn by A.
 H. Knech Engineer etc.
 Attest of Ed Mander on Lake & the
 State Chicago



On record in the Registry of Deeds office being made under
 the supervision of the Auditor General by having the
 plat or record of the plat or map a true and correct
 representation of the actual location and boundaries

Dated this 17th day of August 1911
 John J. Knech
 Clerk and Engineer

Plat map shown 30 discontinued by resolution
 of the Legislature of Michigan
 1902-1903 S.C. 1220-36

MINUTES OF REGULAR MEETING OF COUNCIL OF PENNAWATER, MICHIGAN,
IN REFERENCE TO VACATING, DISCONTINUING AND ABOLISHING CERTAIN
PUBLIC STREETS AND ALLEYS, HELD MAY 27, 1963

11953
Oscar B.

The following resolution was offered by Councilman Flynn and supported by Councilman Ingalls:

Whereas at a special meeting of Council of said Village of Pennawater held April 29, 1963, a resolution was adopted appointing said 27th day of May, 1963, 7:30 p.m., at the Council Rooms in said Village of Pennawater, as the date, hour and place of a meeting of said Council, to consider objections to the vacation, abolition and discontinuing of certain parts of streets and alleys within the incorporated limits of said Village of Pennawater, which were heretofore laid out and dedicated in a certain plat, said streets, parts of streets, alleys and parts of alleys being more particularly identified in the minutes of said Special Meeting of April 29, 1963; and

Whereas the streets, parts of streets, alleys and parts of alleys, as hereinafter specifically identified, have not been used by the general public and a public necessity no longer exists for the future maintenance and continuance of said streets, parts of streets, alleys and parts of alleys, as public streets and alleys, and it further appearing that the notice of this meeting, including the identification of the streets, parts of streets, alleys and parts of alleys proposed to be vacated, discontinued and abolished, was posted at least 10 days prior to the date of this meeting in accordance with the resolution heretofore adopted at said special meeting of Council held April 29, 1963, as shown by proof of posting on file; and

Whereas no written objections to the vacation, discontinuance or abolition of any of the streets, parts of streets, alleys or parts of alleys identified in said resolution of Council adopted April 29, 1963, have been heretofore filed with the Clerk of said Village of Pennawater, and no person, firm or corporation having appeared at this public meeting of said Council objecting to the proposed vacation of said streets, parts of streets, alleys and parts of alleys, now, therefore,

BE IT RESOLVED that the said Village of Pennawater hereby vacates, discontinues and abolishes the streets, parts of streets, alleys and parts of alleys included in the dedication of the Plat of Village of Middlesex, as per plat recorded Book 1 of Plats, page 2, Oshtemo County, Michigan, Registry, and located within the corporate limits of said Village of Pennawater, to-wit:

High Street from Years Street to Dover Street;
Hanover Street from Years Street to Plymouth Street;
Nashua Street from Years Street to Dover Street;
Park Street from Lake Michigan to Cambridge Street;
Concord Street from Lake Michigan to Medford Street;
Years Street from Concord Street to High Street;
Cambridge Street from Park Street to High Street;
Plymouth Street from Park Street to High Street;
Dover Street from Hanover Street to High Street;
All of the public alleys within Blocks 5, 6, 7, 10, 11, 12, 14, 15 and 20 within said Plat and that part of the public alley within said Plat of Block 8 adjacent and adjoining Lots 3 and 6 of said Block 8.

Mr. Gerald E. Eddy

September 18, 1963
Page (2)
Opinion of this office that there is no necessity or authority to begin another proceeding to vacate premises already effectively vacated by the municipal authorities.

We are of the opinion that the minutes effectively have vacated the streets and alleys as of May 27, 1963.

Very truly yours,

FRANK J. KELLEY
Attorney General

By *Warren R. Snyder*
Warren R. Snyder
Assistant Attorney General

MRS:mals

STATE OF MICHIGAN

LEON S. CHASE
Deputy Attorney General

FRANK J. KELLEY
Attorney General

September 18, 1963

Mr. Gerald E. Eddy, Director
Department of Conservation
Stevens T. Mason Building
Lansing, Michigan

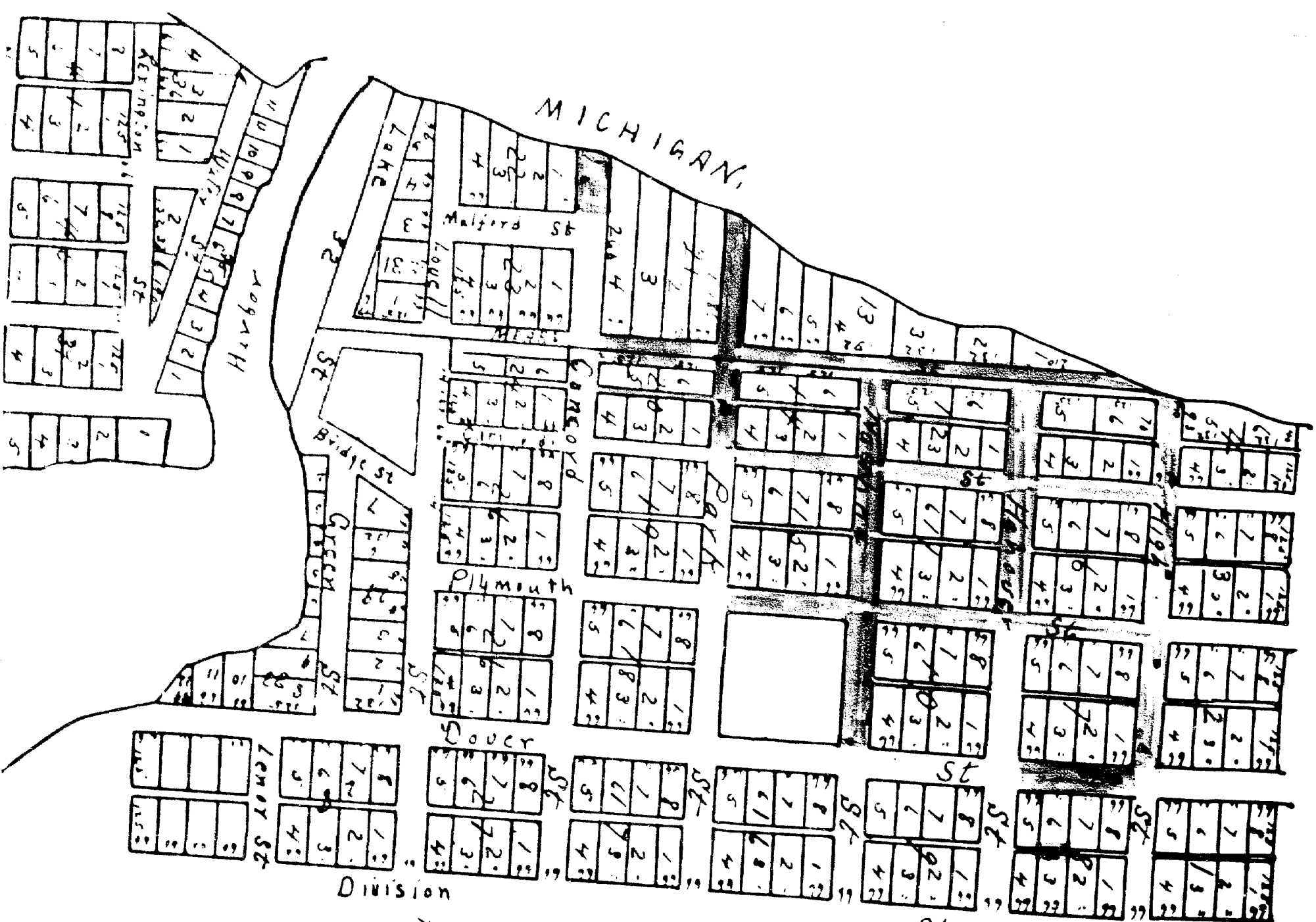
Dear Mr. Eddy:

Some time ago you requested this office to initiate the necessary legal steps to vacate a portion of the streets and alleys in the Plat of the Village of Middlesex, now known as the Village of Pennawater. In your letter you indicate that full recreational use of the state-owned lots in the Plat would not be compatible with future construction, and use of the plat streets and alleys and would make entrance control of traffic to the park impossible.

A careful analysis of your letter reveals that the principal purpose is to preclude the general public from using any of the streets and alleys designated in the Plat other than the established park entrances which, of course, could control the legal entrance by members of the public.

From our analysis of the powers given to the Circuit Courts under statute to alter or vacate the plats, it does not appear that this is exclusively a matter for the courts. It has been held in Detroit Investment Co., v. Circuit Judge, 137 Mich 108, that the courts and common councils have concurrent jurisdiction in vacating streets within a plat. Being in rem proceedings, vacations of streets and alleys by action of the city council are binding and of the same force and effect as circuit court proceedings.

Attached to your letter is a certified copy of the minutes of the regular meeting of the Council of Pennawater, Michigan in reference to vacating, discontinuing and abolishing certain public streets and alleys, said meeting held on May 27, 1963. We have been informed that the streets, more specifically named in the meeting, are those which you desire vacated. In view of the action taken by the Village authorities and in light of the judicial authority cited above, it is the



Alley in block 30 discontinued by resolution
of the Common Council of Pennawater on May 27, 1963
Book 23m 1235 see 1220-36

