

MAP OF THE VILLAGE OF LUDINGTON PART III

I George Marsh do hereby certify that I have surveyed Lots No. 1, the SE 1/4 of the NW 1/4, the SW 1/4 of the NE 1/4, the W 1/2 of the SE 1/4 and the SE 1/4 of the SE 1/4 of Section No. 15 of Town No. 18 N. of Range No. 18 W. in Mason County Michigan also so much of Lots No. 2 and 3 of said Section No. 15 as is included within the following boundary lines commencing at the center of said Section 15 thence S 83° 31' W. or E + W 1/4 line 2505 feet thence S 42° 06' E 434 feet thence N 83° 31' E 1035 feet thence S 42° 06' E 370 feet thence N 83° 31' E to the N and S 1/4 sec line thence N 83° 31' W or E + W on N and S 1/4 sec line to the place of beginning also that the same has been subdivided into lots, blocks, streets and alleys as shown on the annexed Map or Plat which is a true representation of such survey and subdivision and shows the width and directions of the streets and alleys and the size of the lots and blocks as marked on them in feet and tenths of a foot also the number of the lots and blocks and the names of the streets. That from blocks numbering from 1 to 45 inclusive on the annexed Map or Plat the actual line of the survey of the village of Ludington made by W. S. Trowbridge and acknowledged by him September 2nd 1867 as appears from the recorded plat of said village on record in the office of the Register of Deeds of Mason County has been followed and the stone monument set by the said W. S. Trowbridge at the intersection of the center of Ludington Avenue and Charles St. has been made the basis of this survey of said village and the additions thereto, the actual position of said monument is 3 feet East and 7 feet S. of the center of said section instead of being 125 ft W and 5.85 ft S of said center of said section as appears by said W. S. Trowbridge this makes a change in blocks No. 1, 2, 23, 37, 38 and 45 of the two plats which a reference to both will readily show that part of said blocks shown on the plat made by the said W. S. Trowbridge and not shown on this plat not belonging to the lands described in the two plats. On this plat the alley has been left out of block No. 10 of the said village of Ludington as shown on the map made by the said W. S. Trowbridge from blocks No. 46 to 61 inclusive this plat shows the same land as shown on the plat of addition No. 1 of the Village of Ludington surveyed, certified and acknowledged by W. J. Croxon the 10th day of September 1867 and heretofore recorded in said County of Mason State of Michigan and the lots, blocks, streets and alleys are the same as shown on said plat made by the said W. J. Croxon except block No. 52 which is shown as a whole block on said plat whereas as shown on this plat Lake Michigan bounds said block on the West and cuts off a part of the territory represented on said Map the land shown in blocks No. 62, 63, 64 + 65 of this plat is the same as that shown in the blocks of the same numbers on the plat made by the said W. J. Croxon but the numbers of the lots in said blocks have been changed as a reference to said plat will show the blocks numbered on this plat from 66 to 86 inclusive (except blocks No. 69, 73 + 77) depict the same territory as that shown on the said plat made by the said W. J. Croxon and there represented by blocks numbering from 66 to 86 inclusive (except blocks No. 73, 74, 84 + 85) with other territory contiguous thereto but in that part the arrangement of lots, blocks, streets + alleys is entirely changed from the same as shown on said Map made by said W. J. Croxon except block No. 72 which is the same on both plats. Blocks No. 69, 73, 77 + 87 as represented on this plat are additions not before platted or intended so to be the three lines in red on the south side of this plat show the present section of the Flint & Pere Marquette Railway the center one of the three is on the section line between Secs 15 + 22 and the others 60 feet each side thereof stone monuments have been set in the places designated on the plat by squares marked in blue. In witness whereof I have hereunto set my hands and seal thirteenth day of November A. D. 1870.

the seal this plat is 200 ft to the inch

George Marsh Surveyor L.S.

State of Michigan } ss
County of Mason } ss
I do hereby certify that on the tenth day of November A. D. 1870 I have surveyed and acknowledged before me a Notary Public in and for said County same George Marsh personally known to me and acknowledged the above certificate as his act and certified to the accuracy thereof

George H. Rogers
Notary Public

Register Office Mason County } ss
Received for record December 23rd 1870 at 6 o'clock P. M. and Recorded in Liber Two of Deeds at page 572.

John Wallace Register

State of Michigan } ss
County of Mason } ss
We Delos L. Filer President and Luther H. Foster Secretary of the Pere Marquette Lumber Company a corporation existing under the laws of the state and which corporation is the owner in fee of the lands described in the annexed certificate made by George Marsh as being additions to the land heretofore platted or intended to be platted in the maps of the Village of Ludington and of addition No. One of the Village of Ludington and shown on the annexed Map made by the said George Marsh as additions to blocks numbered from 66 to 86 inclusive except blocks 69, 73 + 77 thereof and the whole of blocks 69, 73, 77 + 87 do by virtue of the authority in us vested as said officers of said Company and as the act and deed of said Company lay out said territory as that part of said village of Ludington which is represented as on said Map and in said certificate of said survey and further certify to the accuracy of the descriptions in said Map of all streets, alleys, lots, blocks and the names, numbers, and size thereof as shown on said map. Witness our signatures and the seal of said Company this 19th day of December 1870.

Delos L. Filer
President
Luther H. Foster
Secretary
in presence of
Shubach & White

State of Michigan } ss
County of Mason } ss
On this 19th day of December A. D. 1870 before me the undersigned a Notary Public in and for said County personally appeared Delos L. Filer to me known to be the President and Luther H. Foster to me known to be the Secretary of the Pere Marquette Lumber Company and acknowledged that they executed the above instrument under the seal of said Company freely as the act and deed of said Company by virtue of the power in them vested as such officers of said Company.

Shubach & White
Notary Public

State of Michigan } ss
County of Mason } ss
The Circuit Court for the County of Mason in Chambers at a general term of the Circuit Court for the County of Mason State of Michigan commenced and held at the Court House in the Village of Lincoln in said County on the nineteenth day of December A. D. 1870 Present The Hon. Jonathan G. Ramey Circuit Judge of the Thirtieth Circuit. The Circuit Court for the County of Mason In the Matter of the petition of the Pere Marquette Lumber Company for altering the plat of the Village of Ludington In this matter it appearing that the plat of the Village of Ludington and of addition No. One of the said Village heretofore recorded in the records of said County are inaccurate that the notices required by law have been given as to this matter that the rights of none will be prejudiced by the proposed change and that the Pere Marquette Lumber Company one of the principal proprietors of said Village desires that a change shall be made correcting the errors in said plat and upon full hearing and deliberation by the Court upon the matter set forth in said petition Ordered that the plat of the Village of Ludington surveyed by W. S. Trowbridge and acknowledged by him September 2nd 1867 as far as the survey of said case is concerned and acknowledged by James Ludington the owner in fee of the land in said survey described on the 7th of September A. D. 1867 and recorded in said 7th of September A. D. 1867 in Liber One of Deeds of Mason County Record at Page 568 and the Plat of addition No. One of said Village made by William J. Croxon as surveyor acknowledged by him September 10th 1867 acknowledged by the Pere Marquette Lumber Company as proprietors Sept. 13th 1867 and recorded in the records of Mason County Sept. 15th 1867 be and the same are held vacated and

PAR T III

[illegible]

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

RICHARD AUSTIN and MARILYN AUSTIN;
ATKINSON MFG. CO., a Michigan
Corporation.

Plaintiffs

vs

CITY OF LUDINGTON, a Municipal
Corporation; LOREN E. MONROE,
Michigan State Treasurer; THE
CHESAPEAKE & OHIO RAILWAY CO.,
a Virginia Corporation; DONALD J.
McINNIS and MARJORIE McINNIS;
FRED O. DAVIDEIT and IDA DAVIDEIT;
DALE KURAS and DONNA KURAS; MAXINE E.
ANGELL; ROBERT B. HAMLIN; LAWRENCE
McGHAN and LAWRENCE McGHAN, JR.;
DANIEL DELZOPPO; WILLIAM BROWN, III;
DENNIS M. GRANT and MARGARET GRANT;
THOMAS HARWOOD and DOROTHY HARWOOD;
STEVEN TURNER; DOUGLAS TURNER;
KATHERINE ALVESTEPPER; SUSAN TURNER;
SYLVESTER RAMSDEN; STAR WATCH CASE
COMPANY, a Michigan Corporation.

Defendants

AMENDED COMPLAINT
File No. 4-605

Now come the above-named plaintiffs by and through their attorney,
David F. Betz, and shows unto the Court as follows:

1. This Complaint is brought pursuant to Section 221 of the
Subdivision Control Act of 1967, being Act No. 288 of the Public Acts
of 1967 (MCLA 560.101 et seq).

2. That plaintiffs Richard Austin and Marilyn Austin are the
owners of the following described real estate, being located in the City
of Ludington, County of Mason, State of Michigan:

Beginning at the intersection of the West line of Rath
Avenue and the North line of Dowland Street, thence
North along the West line of Rath Avenue 561 feet more
or less, to a point which is 200 feet North of the
Northwest corner of Melendy and Rath Avenue, thence West
parallel to Danaher Street to the East line of Robert
Street; thence Southeast along the East side of
Robert Street 106.10 feet; thence East to the West line
of Rath Avenue; thence North 100 feet more or less, to
point of beginning, being a part of Block 58 of the
Original Plat of the Village, now City, of Ludington,
as corrected and recorded in Liber 1 of Plats, page 17.

3. That plaintiff Atkinson Mfg. Co. is a corporation organized
and existing under the Laws of the State of Michigan with its main
place of business located at 562 South James Street, Ludington,
Michigan, and is the owner of the following described parcels of real
estate:

9. That defendant Chesapeake & Ohio Railway Co. does not own
any real estate within the area covered by the corrected plat of Block
58 to the Village, now City, of Ludington.

10. That the City of Ludington and Loren E. Monroe, Michigan State
Treasurer are made parties to this action in accordance with the
provisions of Section 224a of the Subdivision Control Act.

11. That your plaintiffs are the only interested parties in the
within vacation proceeding and to your plaintiffs best information and
belief, there are no persons other than plaintiffs who have any interest
in said lands or premises, or who is affected by the vacation of Robert
Street.

12. That plaintiffs know of no public utility which is known to
have installations or equipment in that portion of Robert Street sought
to be vacated by plaintiffs.

13. That defendants Donald J. McInnis and Marjorie McInnis; Fred O.
Davidait and Ida Davidait; Dale Kuras and Donna Kuras; Maxine E. Angell;
Robert B. Hamlin; Lawrence Mcghan and Lawrence Mcghan, Jr.; Daniel
Delzoppo; William Brown, III; Dennis M. Grant and Margaret Grant; Thomas
Harwood and Dorothy Harwood; Steven Turner; Douglas Turner; Katherine
Alvesteffer; Susan Turner; Sylvester Ramsden; Star Watch Case Company,
a Michigan Corporation are the owners of record title of all lots or
parcels of land located within 300 feet of the premises sought to be
vacated by plaintiffs and are made party defendants to the within action
pursuant to Act 184 of the Public Acts of 1979, being MCLA 560.224a and,
further, that the vacation as prayed for by plaintiffs will in no way
affect any of said defendants use of their premises or rights of egress
and ingress to the same.

WHEREFORE, plaintiffs pray as follows:

1. That the Court order that those portions of Robert Street west
of and adjacent to plaintiffs property be vacated.
2. That title to said vacated portions of Robert Street be vested
in the respective plaintiffs pursuant to Section 224a of the Subdivision
Control Act.

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A. Beginning at a point 275 feet North of the Northwest corner
of Rath and Melendy Street; thence North 25 feet; thence West
to Robert Street; thence Southerly 26.8 feet; thence East
to point of beginning, being a part of Block 58 of the
Original Plat of the Village, now City, of Ludington, as
corrected and recorded in Liber 1 of Plats, page 17.
B. Beginning at a point 250 feet North of the Northwest corner
of Rath Avenue and Melendy Street; thence North 25 feet; thence
thence West to Robert Street; thence Southerly 26.7 feet; thence
thence Easterly to point of beginning, being a part of
Block 58 of the Original Plat of the Village, now City
of Ludington, as corrected and recorded in Liber 1 of
Plats, page 17.
C. Beginning at a point 225 feet North of the Northwest corner
of Rath and Melendy Street; thence North 25 feet; thence
West to Robert Street; thence Southerly 26.7 feet; thence
East to point of beginning, being a part of Block 58 of
the Original Plat of the Village, now City, of Ludington,
as corrected and recorded in Liber 1 of Plats, page 17.

4. That the Corrected Plat of Block 58 as recorded with the Mason
County Register of Deeds Office in Liber 1 of Plats, page 17, lays out
and includes a street known as Robert Street, but that said street was
not dedicated to the use of or for the benefit of the public and, further,
that said Robert Street has never been accepted by the City of Ludington,
used as a public street for either vehicular or foot traffic and has
not been opened up as a public street.

5. That the plaintiffs have been informed and do believe that the
City of Ludington has no present or future plans to accept Robert Street
opposite plaintiffs property and make said street a part of the city
streets, nor does the City of Ludington, to your plaintiff's best
information and belief, have any plans to open up said street.

6. That the vacation of Robert Street west of the plaintiff's
above described real estate will in no way adversely affect any public
interests.

7. That the vacation of Robert Street west of Plaintiff's property
will allow plaintiffs to further develop their respective real estate
interests, all of which will more greatly benefit both the general public
and the City of Ludington.

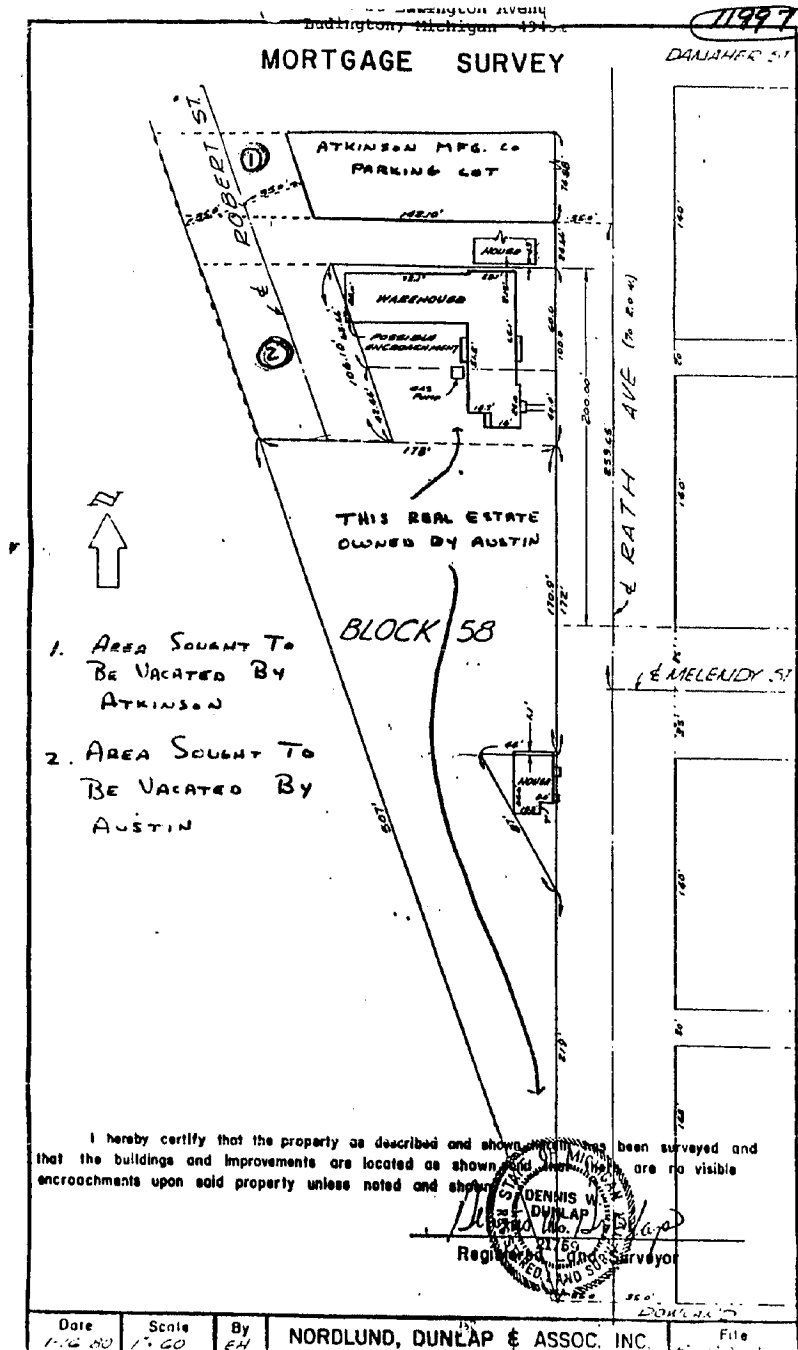
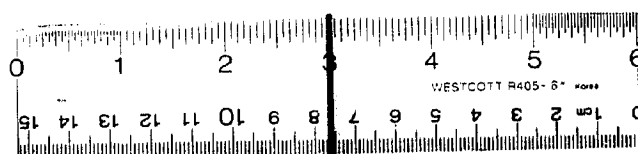
8. That defendant the Chesapeake & Ohio Railway Co. is made a party
to the within action for the reason that it is the owner of land west of
the west line of Robert Street and the naming of Chesapeake & Ohio Railway
Co. is in accordance with the provisions of Section 224a of the Subdivision
Control Act.

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3. That your plaintiffs may have such other and further relief
in the premises as shall be agreeable to equity and good conscience.

David F. Betz, Attorney for Plaintiffs
Business Address: P.O. Box 417
Ludington, MI 49431

Dated: April 22, 1980



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