12135

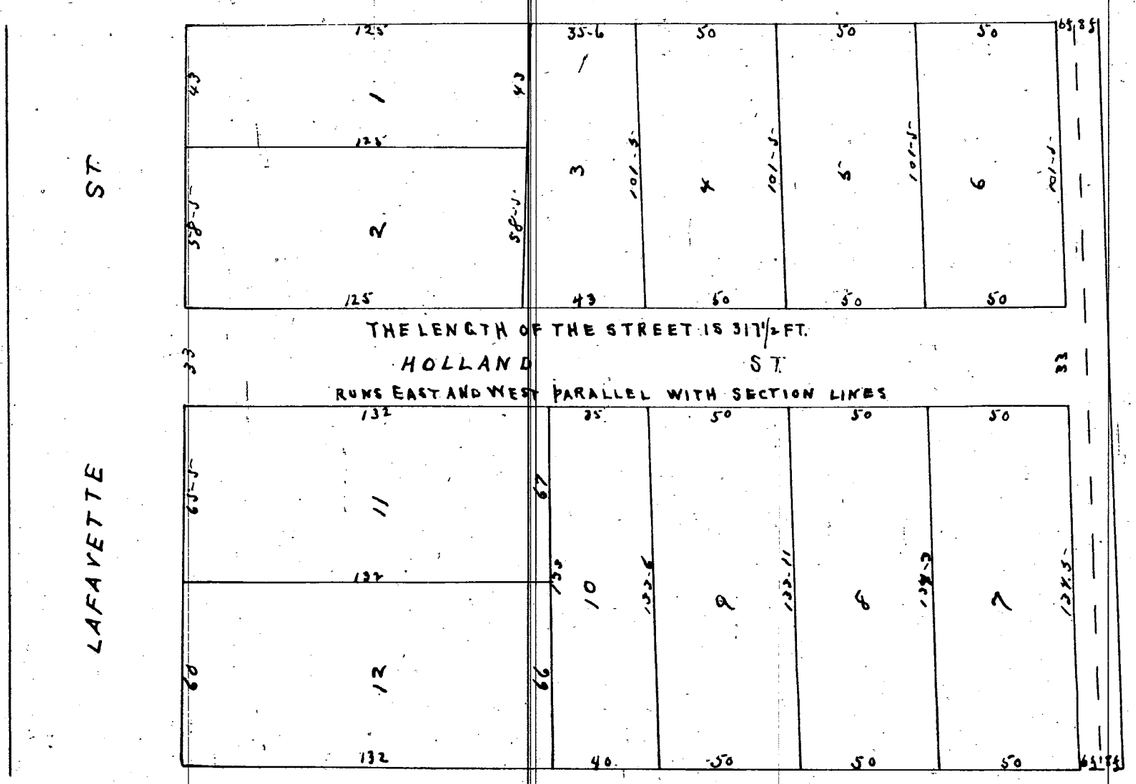
RECEIVED FOR RECORD APRIL 16th 1869 AT 3 O'CLOCK P.M.
Wm G. Beckwith
Register

ABEL'S SUBDIVISION

of Lots 56 & 57 of MORRISON'S ADDITION,

TO THE City of GRAND RAPIDS

KENT COUNTY, MICH.



SURVEYED & PLATTED BY W. L. COFFINBERRY. CIV. ENG.

SCALE 2 INCHES TO 100 FT

Subdivision of Lots 56 & 57 of J. Morrisons Addition to the City of Grand Rapids
The above Lots 56 & 57 being subdivided according to the foregoing Plat and all in Abels Subdivision, except Lots No. 1 & No. 12 which do not belong to the above named person
Holland Street is laid out 33 feet wide running from La Fayette Street Easterly parallel with the North line of the original Lot 56 to the East line of the original Lots 56 & 57
Also a strip of land 6 feet wide on the East end of the original Lots 56 & 57 is reserved as private property, except where Holland Street crosses it
The numbers of the Lots are represented by figures near the center of each Lot, numbers running from 2 to 11 inclusive
The size of the Lots is marked in figures on the sides and ends of each lot

Surveyed & Platted by
W. L. Coffinberry
Civ. Eng.
L.S.

Signed & Sealed in presence of
Sheldon Leavitt
Wm G. Beckwith

Carlos A. Abel
Fannie Abel

State of Michigan }
County of Kent. } ss.

On this sixteenth day of April A.D. 1869 before me a Notary Public in and for said County personally appeared W. L. Coffinberry - Carlos A. Abel & Fannie Abel known to me to be the persons who executed the foregoing instrument and acknowledged the same to be their free act & deed

Seal

S. P. Atwater
Notary Public

I hereby certify that this plat is a correct copy of the plat now on record in the Register of Deeds office, being made under the supervision of the Auditor General by tracing the plat on record and affixing thereto a carefully compared copy of the dedication and certificates
Dated this 14th day of Jan 1910
Geo W Bennett
Clerk And Clerks Dept.

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

IN THE MATTER OF:

MARY FREE BED GUILD OF GRAND RAPIDS, MICHIGAN, a Michigan non-profit association,

Plaintiff, File No. 85-45992-CZ

vs.

Robert A. Bowman, State Treasurer of the State of Michigan, Margaret Parlette, Roosevelt and Minnie Lee Moore, Bruce and Patricia Vredevoogd, Michigan Contractors Company, Paul H. and Patricia Southland, James K. Holmquist, Terry L. and Anna M. Mesler, Cornelius C. and Joyce Pastoor, Harold L. Michner, Harold Mitchner, Thomas P. Cole, Jack LaPonsie, Sr., Augustene Johnson, David L. Jakubowski, Joseph A. and Shirley A. McCallion, Allied Mortgage Association, Inc., M.D. Hicks, d/b/a Diversified Mortgage Company, Land & Mortgage Company, a Tennessee corporation, Michael Demorest, Frederick D. and Elizabeth N. Dilley, Michigan National Bank, a national banking association, David A. and Nancy P. Devries, James H. Thompson, Ruth Hlavaty, formerly Ruth Elizabeth Essenberg, Patricia Ann Becker, Craig A. Loveless, James A. and Delores Millard, Harold Jon Kloosterman and John V. Kloosterman, Phillip and L. Alicia Matuk, Robert Charencky, Adam and Phyllis Chyrowski, Robert Brye and Robert Charencky, Barry Bittrick, Kent County Drain Commissioner, Earl G. Woodworth, Chairman of Kent County Board of Road Commissioners, Consumers Power Company, a corporation, Michigan Bell Telephone Company, a division of American Information Technologies Corp. (Ameritech), a corporation, U.A.C.C. Midwest Incorporated, a corporation, d/b/a U.A. Cable Systems of Michigan, City of Grand Rapids, a Municipal corporation, The Sisters of Mercy of Grand Rapids, Michigan, a Michigan non-profit corporation, Tom Cage, Addie Lee Cage and Vivian Cage, Financial Expansion Corp., a corporation, MichCon Gas Company, a corporation, James Fitz, Trynke Sypkens and David Neering,

Defendants.

JUDGMENT VACATING IRVING STREET

JOSEPH A. RENIHAN
722 TRUST BUILDING
GRAND RAPIDS, MI 49503

At a session of said Court, held in the Hall of Justice, Grand Rapids, Kent County, Michigan, this 15 day of May, 1985.

PRESENT: HONORABLE GEORGE R. COOK
Circuit Judge

line of Prospect Avenue, S.E. (50 feet wide) to the East line of Lafayette Avenue, S.E. (66 feet wide) be and hereby is vacated in accordance with and pursuant to the provisions of MSA 26.430 ($ 221 et seq.).

2. That said Judgment be and hereby is made subject to an easement of right of way to and for the benefit of Consumers Power Company, its successors and assigns, to operate, maintain, repair, replace, enlarge, improve, add to or remove existing facilities and to add additional facilities as necessary or, in the alternative, the plaintiff shall pay for relocation of said utility facilities as may be necessary.

3. That this Judgment is subject to an easement for existing facilities and adding additional facilities as necessary or, in the alternative, the plaintiff shall pay for relocation of said utility facilities owned or operated by U.A.C.C. Midwest Incorporated, d/b/a U.A. Cable Systems of Michigan, the successor corporation to G.E. Cablevision Corporation, which was the defendant originally named in the title of this Court and cause.

4. That plaintiff grant the City of Grand Rapids an easement for existing sanitary sewer on forms acceptable to the City Attorney and adding additional as necessary or pay for the relocation of said utilities.

IT IS FURTHER ORDERED that a condition of the easement retained and granted herein that plaintiff agrees not to construct any buildings or other fixtures within or across easement area unless paying costs of relocating the sanitary sewer and supplying the City Engineer with reel to reel video inspection of sanitary sewer before constructing parking facilities over said easement.

5. That the plaintiff shall reconstruct the Prospect Avenue, S.E. and Lafayette Avenue, S.E. approaches, pay the cost of cutting and plugging (at each end) existing water main, and remove existing street lighting equipment.

Frederick D. Dilley (P-26090)
Attorney for Defendants,
Frederick D. Dilley and Elizabeth N. Dilley
600 Metrobanc Building
201 Monroe Avenue, N.W.
Grand Rapids, MI 49503
(616) 459-8381

Frederick D. Dilley (P-26090)
Attorney for Defendant, Thomas P. Cole
600 Metrobanc Building
201 Monroe Avenue, N.W.
Grand Rapids, MI 49503
(616) 459-8381

Randall N. Kraker (P-27776)
Attorney for The Sisters of Mercy of
Grand Rapids, Michigan
Suite 800, 171 Monroe Ave., N.W.
Grand Rapids, MI 49503
(616) 459-4186

Kevin T. Smith, Asst. Attorney General (P-32825)
Frank T. Kelley, Attorney General (P-15818)
Attorneys for the State of Michigan
Natural Resources & Military Affairs
401 South Washington Avenue
Plaza One, First Floor
Lansing, MI 48913
(517) 373-1110

Jonathon P. Macks (P-16942)
Attorney for Michigan Bell Telephone Co.
444 Michigan Avenue, Room 1750
Detroit, MI 48226
(313) 223-8030

Preston Hopson, Jr. (P-26776)
Attorney for the City of Grand Rapids
620 City Hall
Grand Rapids, MI 49503
(616) 456-3180

Albert D. McCallum (P-17268)
Attorney for Consumers Power Co.
212 West Michigan Avenue
Jackson, MI 49201
(517) 788-0733

This matter having come before this Court upon the Complaint filed herein by Mary Free Bed Guild of Grand Rapids, Michigan, a Michigan non-profit association, plaintiff, under the applicable Statute MSA 26.430 ($ 221, et seq.); and the said Complaint having set forth the proposed property to be vacated, viz. Irving Street, as platted, between the West line of Prospect Avenue, S.E., and the East line of Lafayette Avenue, S.E., in Grand Rapids, Kent County, Michigan,

IT IS FURTHER ORDERED that all reconstruction shall be in accordance with the City's current Standard Construction Specifications, in accordance with the plans approved by the City Engineer, and done under the direction of the City Engineer by a licensed contractor who is pre-qualified for said work by the City.

6. That the plaintiff shall deposit the sum of Four Thousand Five Hundred and 00/100 Dollars ($4,500.00) with the City of Grand Rapids to be held in escrow until such time as all reconstruction has been completed and approved by the City Engineer.

7. That the monies referred to in the above paragraph shall be held in escrow until such time as the necessary reconstruction/construction of the sidewalk extension, driveway approaches have been completed.

IT IS FURTHER ORDERED that when said reconstruction/construction work is completed, inspected and accepted by the City Engineer, that the monies held in escrow shall be returned to the plaintiff.

IT IS FURTHER ORDERED that if after a reasonable length of time the said reconstruction/construction work has not been completed, the City may use the money held in escrow to accomplish the same.

IT IS FURTHER ORDERED that if any additional costs are incurred by the City in the reconstruction/construction, plaintiff will be responsible to reimburse the City.

IT IS FURTHER ORDERED that Mary Free Bed Guild of Grand Rapids, Michigan, shall not sell or otherwise transfer title to any of Lots 8, 9 or 10 of the Plat of Abel's Subdivision of Lots 56 and 57 of Morrison's Addition without providing a means of access from said lots to a public street or road; nor shall Mary Free Bed Guild of Grand Rapids, Michigan sell any lot within said plat without reserving or otherwise assuring a means of access to Lots 8, 9 and 10 from a public street or road.

the said plat being Abel's Subdivision of Lots 56 and 57 of Morrison's Addition to the City of Grand Rapids, as recorded in Book 2, at page 11 of Plats, in the office of the Kent County Register of Deeds, in which plat the plaintiff is owner of the lots adjacent to Irving Street on the South side thereof and The Sisters of Mercy of Grand Rapids, Michigan, a Michigan non-profit corporation, now known as Saint Mary's Hospital, a division of the Sisters of Mercy Health Corporation, a Michigan non-profit corporation, being the owner of the real property adjacent to Irving Street on the North side thereof; and it appearing that the jurisdictional requirements of said Statute have been satisfied with respect to the mailing by registered mail or by service of process upon the parties defendant in accordance with the general rules governing service of process in civil actions and proof of service having been filed herein; and it appearing that the defendants have been notified of the date set for trial in accordance with the applicable Statute, Court Rules and Rules of Practice in this Court; and the plaintiff having appeared by and through Joseph A. Renihan, its attorney, and the proofs having been taken in open Court and the plaintiff having consented to the conditions and provisions set forth by certain defendants in the pleadings filed approving the vacating of Irving Street subject to certain conditions set forth therein and hereinafter incorporated in the terms of this Judgment; and this Court being otherwise fully apprised of the premises herein and finding from the facts set forth in said Complaint and the proofs offered in open Court that there is no objection to vacating Irving Street and that the plaintiff is entitled to the relief prayed for;

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. That Irving Street (33 feet wide), formerly Holland Street, as platted in Abel's Subdivision of Lots 56 and 57 of Morrison's Addition to the City of Grand Rapids, between the West

IT IS FURTHER ORDERED that the Sisters of Mercy of Grand Rapids, Michigan now known as Saint Mary's Hospital, a division of the Sisters of Mercy Health Corporation, a Michigan non-profit corporation, shall not sell or otherwise transfer title to any of Lots 3, 4 or 5 or the Plat of Abel's Subdivision of Lots 56 and 57 of Morrison's Addition without providing a means of access from said lots to a public street or road; nor shall The Sisters of Mercy of Grand Rapids, Michigan, now known as Saint Mary's Hospital, a division of The Sisters of Mercy Health Corporation, a Michigan non-profit corporation, sell any lot within said plat without reserving or otherwise assuring a means of access to Lots 3, 4 and 5 from a public street or road.

IT IS FURTHER ORDERED that the above restrictions on the sale of said Lots shall not apply to the sale, transfer or conveyance of a minor fraction of any of said lots made to conform the present occupation and usage of said lots with the legal description of the land so occupied and used.

IT IS FURTHER ORDERED that an attested copy of this Judgment shall, within thirty (30) days following its execution, be recorded by plaintiff in the office of the Register of Deeds for the County of Kent, State of Michigan and that the Kent County Register of Deeds shall place upon the original plat the date, liber and page of the recordation of said Judgment.

IT IS FURTHER ORDERED that title to the real property vacated, known as Irving Street, shall vest in The Sisters of Mercy of Grand Rapids, Michigan, a Michigan non-profit corporation, now known as Saint Mary's Hospital, a division of The Sisters of Mercy Health Corporation, a Michigan non-profit corporation, as to the North half thereof and in Mary Free Bed Guild of Grand Rapids, Michigan, a Michigan non-proft association, as to the South half thereof.

IT IS FURTHER ORDERED that the plaintiff shall prepare, in the form required by Statute for a final plat, a new plat of

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