

(Tails Addition)
A.B.H.

Know all men by these presents that S. S. Ball has this day plotted & entered the same for record as a part thereof a piece of ground situated on the south part of fraction of lot 778 on Section No. twenty one town of sixteen (16) north of Range two (2) East in the County of Midland State of Michigan the lands intended to be recorded are described as follows Block one (1) containing ten lots Block two (2) containing twelve (12) lots Block lot A Park lot 778 one (1) lot (2) three (3) with Park half of town (4) & lot A & B Run street to extend as far south as the south line of lot twelve (12) in Block two (2) All courses and distances to be proved by the surveyor & drafted by Solomon Mead

A. B. H.

S. S. Ball Esq

State of Michigan
County of Midland
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in the presence of
Midland County
Michigan

Register
Midland County

Myself was Reg. for Record
the 31st day of Oct 1868
A. B. H.

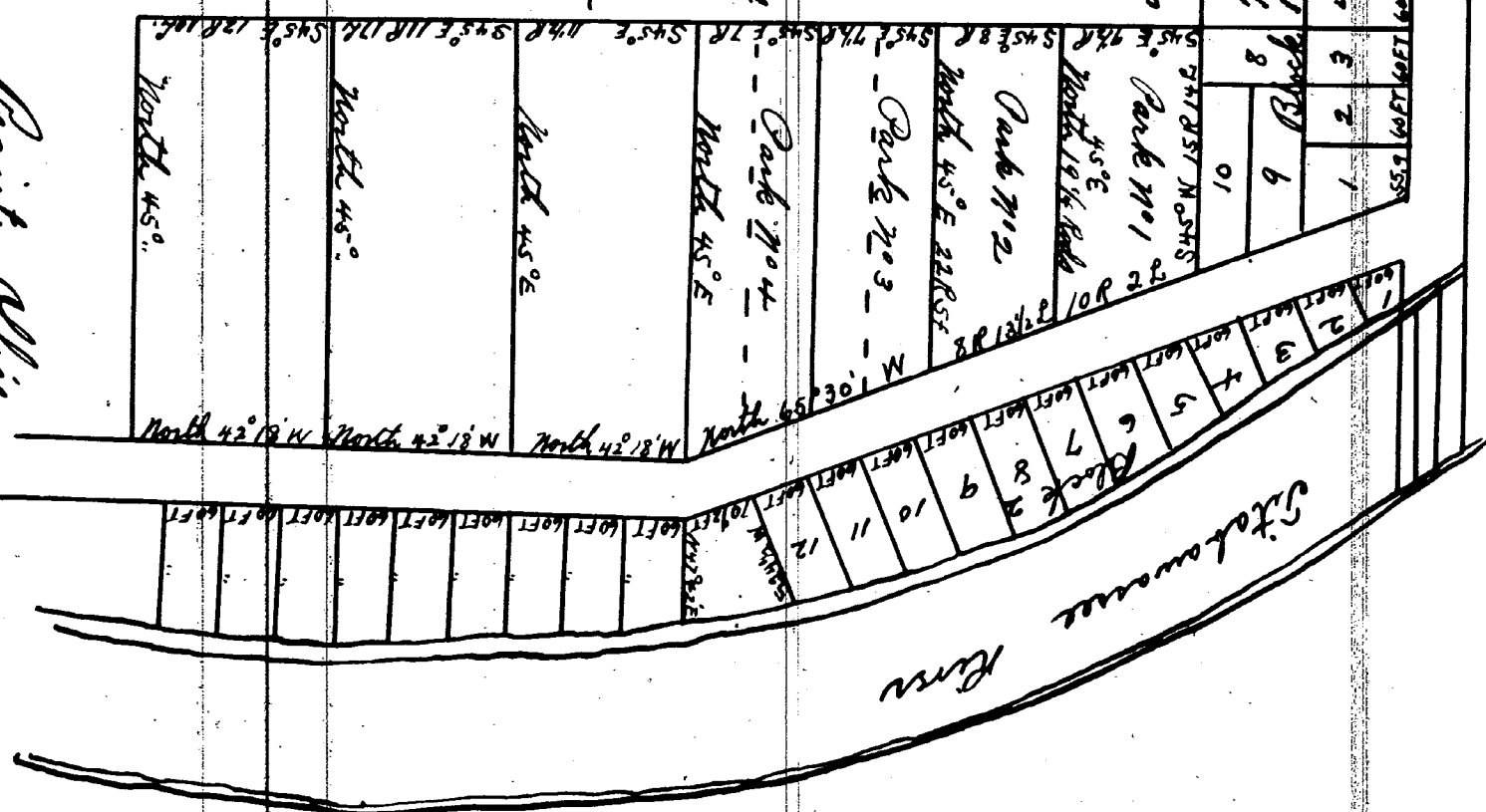
Register

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 Clerk of the Board of Supervisors by tracing the Plat on Record and comparing thereto carefully compared copy of the certificate

Witness the 10th day of August 1911

Allen B. Ward.

Clerk and Sec. Mead



The above was surveyed and drafted
at Midland City this twenty ninth
day of October A.D. 1868
By Solomon Mead Deputy County
Surveyor

STATE OF MICHIGAN *Ball's Addition to the City of Midland*
IN THE CIRCUIT COURT FOR THE COUNTY OF MIDLAND
AG 9015
12440

4-D BUILDERS SUPPLY, INC.,
a Michigan Corporation,
Plaintiff,
vs.
THE CITY OF MIDLAND, LOREN E. MONROE, Treasurer of the State of Michigan, CONSUMERS POWER COMPANY, a Michigan Corporation DOUGLAS SASSE, Chairman of the Board of Midland County Road Commissioners, and ORRIS FRANCIS, Midland County Drain Commissioner,
Defendants.

File No. 79-008540-CH-D

At a session of said Court held in the Circuit Courtroom, Midland, Michigan, this 20th day of July, 1979.

PRESENT: Honorable David Scott DeWitt, Circuit Judge

This action having come on to be heard on the amended complaint of 4-D Builders Supply, Inc., Plaintiff herein, for the vacation of Ball's Addition to the City of Midland in its entirety, and for the vacation of River Street lying between Lots 1 through 12, inclusive of Block 2 of Ball's Addition, and Lots 1, 9 and 10 and Park Lots 1 through 4, inclusive, of Block 1 of Ball's Addition.

IT APPEARING to the Court that Defendant, the City of Midland, by action of its Council on November 13, 1978, vacated River Street, contingent upon a Confirmation by Court order and the provision of an easement for access for maintenance of the Mark Putnam Bridge.

IT FURTHER APPEARING to the Court that Defendant, Loren E. Monroe, Treasurer of the State of Michigan, by Terrence P. Grady, Assistant Attorney General, has filed his consent to the relief prayed for in the amended complaint.

IT FURTHER APPEARING to the Court that Defendants, The City of Midland, Consumers Power Company, a Michigan corporation, Douglas Sasse, Chairman of the Board of Midland County Road Commissioners, and Orris Francis, Midland County Drain Commissioner, have each and all been properly served with the summons and amended complaint in this matter and have each and all failed to file a responsive pleading or objection in this matter.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED, that Ball's Addition to the City of Midland, Midland County, Michigan be and is hereby vacated in its entirety, the description of the real property

ALL COPY
MICHAEL D. HAYES
MICHIGAN COUNTY CLERK
BY *[Signature]*
MICHAEL D. HAYES

Treas. #1364

12440
previously included in such subdivision in the City of Midland, County of Midland, and State of Michigan, being as follows:

Beginning 1321.35 feet North 1° 02' 20" West along the West line of Section 21, 33 feet North 88° 27' 18" East, 90.58 feet North 1° 02' 20" West, 94.39 feet North 45° East from the West 1/4 corner of Section 21, Township 14 North, Range 2 East, City of Midland, Midland County, Michigan, said point being on the South line of Benson Street; thence South 45° East 247.50 feet, thence North 45° East 382.37 feet, thence South 45° East 470.25 feet; thence North 65° 30' West 21.60 feet; thence North 24° 30' East 171 feet, more or less, to the Southwest-erly edge of the Tittabawassee River to the South line of Benson Street extended, thence South 45° West to the Point of Beginning.

IT IS FURTHER ORDERED AND ADJUDGED, that the property owned by the City of Midland within the now vacated Ball's Addition to the City of Midland, shall be described as follows:

Beginning 1321.35 feet North 1° 02' 20" West along the West line of Section 21, 33 feet North 89° 29' 38" East, 90.58 feet North, 94.39 feet North 46° 02' 20" East, 247.50 feet South 43° 57' 40" East, 382.37 feet North 46° 02' 20" East, 239.63 feet South 43° 57' 40" East from the West 1/4 corner of Section 21, Township 14 North, Range 2 East, City of Midland, Midland County, Michigan, said point being on the Northwestern line of Fosseville Road Right of Way, thence South 43° 57' 40" East 202.73 feet, thence along a curve to the right, radius 1818.08 feet, chord North 39° 34' 21" East 221.94 feet, thence North 29° 36' 20" East 190.25 feet to the Southwesterly line of River Street, thence North 64° 20' 40" West 159.94 feet; thence South 44° 34' West 85.05 feet, thence along a curve to the left, radius of 2018.08 feet, chord South 40° 50' 13" West 262.56 feet to the Place of Beginning.

IT IS FURTHER ORDERED AND ADJUDGED, that River Street be and hereby is vacated in its entirety and that title thereto be vested in Plaintiff herein, 4-D Builders Supply, Inc., a Michigan corporation, except for a non-exclusive easement for ingress and egress, both pedestrian and vehicular, to be granted to the City of Midland, Michigan, a municipal corporation, to provide access for the maintenance and repair of the Mark Putnam Bridge, said easement to run with the land, and covering the following described property in the City of Midland, County of Midland, and State of Michigan, to-wit:

Beginning 1321.35 feet North 1° 02' 20" West along the West line of Section 21, 33 feet North 88° 27' 18" East, 90.58 feet North 1° 02' 20" West, 652.72 feet North 45° East from the West 1/4 corner of Section 21, Township 14 North, Range 2 East, City of Midland, Midland County, Michigan, said point being on the South line of the intersection of River Street and Benson Street; thence North 45° East 70.46 feet; thence South 65° 30' East 720 feet; thence South 24° 30' West 66 feet; thence North 65° 30' West 744.68 feet to the place of beginning.

[Signature]
David Scott DeWitt, Circuit Judge

Treasury File #1364

1887 480 REC 1214
12440

CERTIFIED COPY OF RECORD BY
COUNTY CLERK - MICHIGAN

STATE OF MICHIGAN, ss. MICHAEL D. HAYES
County of Midland, Clerk of the Circuit Court for the County of Midland, do hereby certify that I have compared the annexed copy of a Court of Record and having a seal, do hereby certify that I have compared the annexed copy of
Order, 79-008540-CH-D, vs. The City of Midland, Loren E. Monroe, et al.,
4-D Builders Supply, Inc., with the original record thereof now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole thereof.
In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at Midland, Michigan, this 27th day of July, 1979.

MICHAEL D. HAYES, Clerk.
By *[Signature]* Deputy Clerk.

RECORDED
Jul 27 3 29 PM 1979
[Signature]
MICHAEL D. HAYES

Treas. File #1364

12440
KNOW ALL MEN BY THESE PRESENTS: That 4-D BUILDERS SUPPLY, INC., a Michigan corporation, of 426 River Street, Midland, Michigan 48640,
Quit Claims to THE CITY OF MIDLAND, MICHIGAN, a municipal corporation, its successors and assigns, Forever, of 202 Ashman Street, Midland, Michigan 48640,
for the consideration of ONE DOLLAR (\$1.00), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged,
a non-exclusive easement for ingress and egress, both pedestrian and vehicular, to provide access for the maintenance and repair of the Mark Putnam Bridge, said easement to run with the land, and covering the following described property situated in the City of Midland, County of Midland, and State of Michigan, to-wit:
Beginning 1321.35 feet North 1° 02' 20" West along the West line of Section 21, 33 feet North 88° 27' 18" East, 90.58 feet North 1° 02' 20" West, 652.72 feet North 45° East from the West 1/4 corner of Section 21, Township 14 North, Range 2 East, City of Midland, Midland County, Michigan, said point being on the South line of the intersection of River Street and Benson Street; thence North 45° East 70.46 feet; thence South 65° 30' East 720 feet; thence South 24° 30' West 66 feet; thence North 65° 30' West 744.68 feet to the place of beginning.

Dated this 12th day of July, A.D. 1979

Signed, Sealed and Delivered in the Presence of: Signed and Sealed: 4-D BUILDERS SUPPLY, INC.
[Signature] Robert N. Pommerville
RECORDED BY *[Signature]* Dale T. Dean
Joanette M. Matlack JUL 27 3 29 PM 1979 Its: President
STATE OF MICHIGAN } ss. *[Signature]*
COUNTY OF MIDLAND } Notary Public, Midland County, Michigan
My commission expires: 12/29/80

On this 12th day of July, A.D. 1979, before me personally appeared Dale T. Dean, to me personally known, who being by me duly sworn did say that he is the President of 4-D Builders Supply, Inc., the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said Dale T. Dean acknowledged said instrument to be the free act and deed of said corporation.

[Signature]
Robert N. Pommerville
Notary Public, Midland County, Michigan
My commission expires: 12/29/80

Instrument Drafted by: Currie, Kendall, Keith, Larkin, Pommerville and Herrill, P.C.
Robert N. Pommerville
6024 Eastman Road, Midland, Michigan 48640

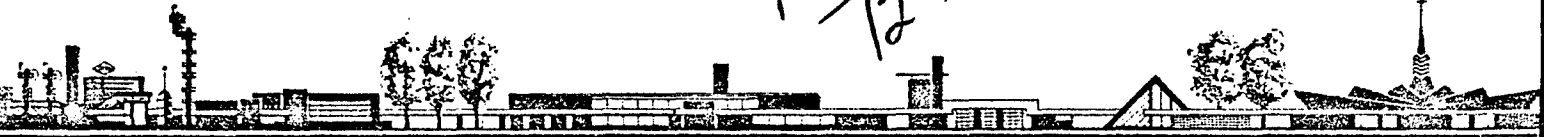
Treas. File #1364

0 1 2 3 4 5 6
WESTCOTT RAD-8"
15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 0
24 X



Midland
12440

LIBER 412 PAGE 685



THE CITY OF MODERN EXPLORERS

BY COUNCILMAN McCreddie:

WHEREAS, the City Council by resolution at its meeting which took place on Monday, May 15, 1972, determined that it was advisable to vacate a portion of River Street from south of the Putnam Bridge to the end of the Street, located in Park 3, Ball's Addition, a recorded plat in the City of Midland, Michigan as recorded in Liber A, Page 60 of Plats, Midland County Records, more specifically described as

Beginning at the southeasterly corner of Lot 12, Block 2 of Ball's Addition in the City of Midland, Midland County, Michigan; thence southwesterly on a line which is an extension of the southeasterly line of Lot 12, to the centerline of River Street; thence southwesterly to a point on the south line of River Street 159.44 feet southeasterly of the northwest corner of Park No. 3 of Ball's Addition; thence northwesterly along the south line of River Street 37.33 feet to the easterly line of the Poseyville Road - Putnam Bridge right-of-way; thence northeasterly to a point on the north line of River Street 19.88 feet northwesterly of the southwesterly corner of said Lot 12; thence southeasterly 79.88 feet along the northeasterly line of River Street to the point of beginning,

and

WHEREAS, the City Council in said resolution appointed Monday, June 19, 1972, for the hearing of objections, suggestions, and recommendations concerning the proposed vacation of the above described street which resolution was duly published as therein required in the Midland Daily News, and

WHEREAS, favorable recommendations have been received from the City Engineer, who also recommended that no reservation for easement for public utility purposes need be made, the Planning Commission and the Beautification Advisory Commission, and

WHEREAS, no objections to such proposed action of the Council have been filed with the City Clerk, and

WHEREAS, no person or persons have appeared at the hearing and objected to such proposed action, and

WHEREAS, it is hereby determined that such proposed action is necessary for the health, welfare, comfort and safety of the people of the City of Midland and is a public improvement in the public interest,

NOW THEREFORE BE IT RESOLVED, that the above described street located in Park #3 Ball's Addition be and the same is hereby vacated, discontinued and abolished, and

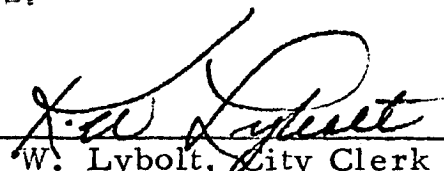
RESOLVED FURTHER, that within 30 days thereof, the City Clerk shall record a certified copy of this Resolution with the Midland County Register of Deeds and send a copy to the State Treasurer.

Yeas: Goodenough, Holthofer, McCreadie, Paulsen

Nays: None

Absent: Blasy

I, K. W. Lybolt, City Clerk, City of Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a 4/0 yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, June 19, 1972.

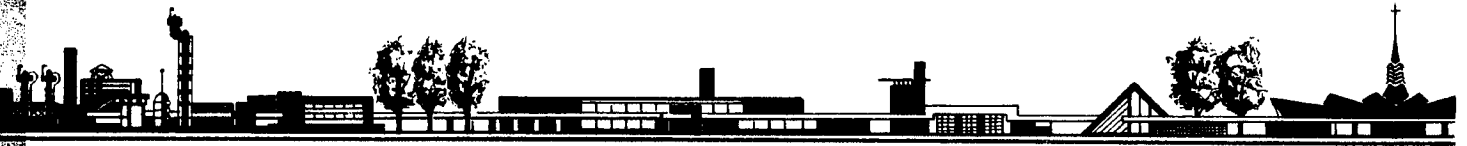

K. W. Lybolt, City Clerk

RECORDED

JUN 20 2 11 PM 1972


REGISTER OF DEEDS
MIDLAND COUNTY, MICH.

12440



THE CITY OF MODERN EXPLORERS

June 22, 1972

CITY OF
MIDLAND
MICHIGAN
48640

State Treasurer
Capitol Building
Lansing, Michigan

Dear Sir:

Enclosed herewith is a recorded copy of a Council Resolution vacating a portion of River Street, located in Park 3, Ball's Addition a recorded plat in the City of Midland, Michigan.

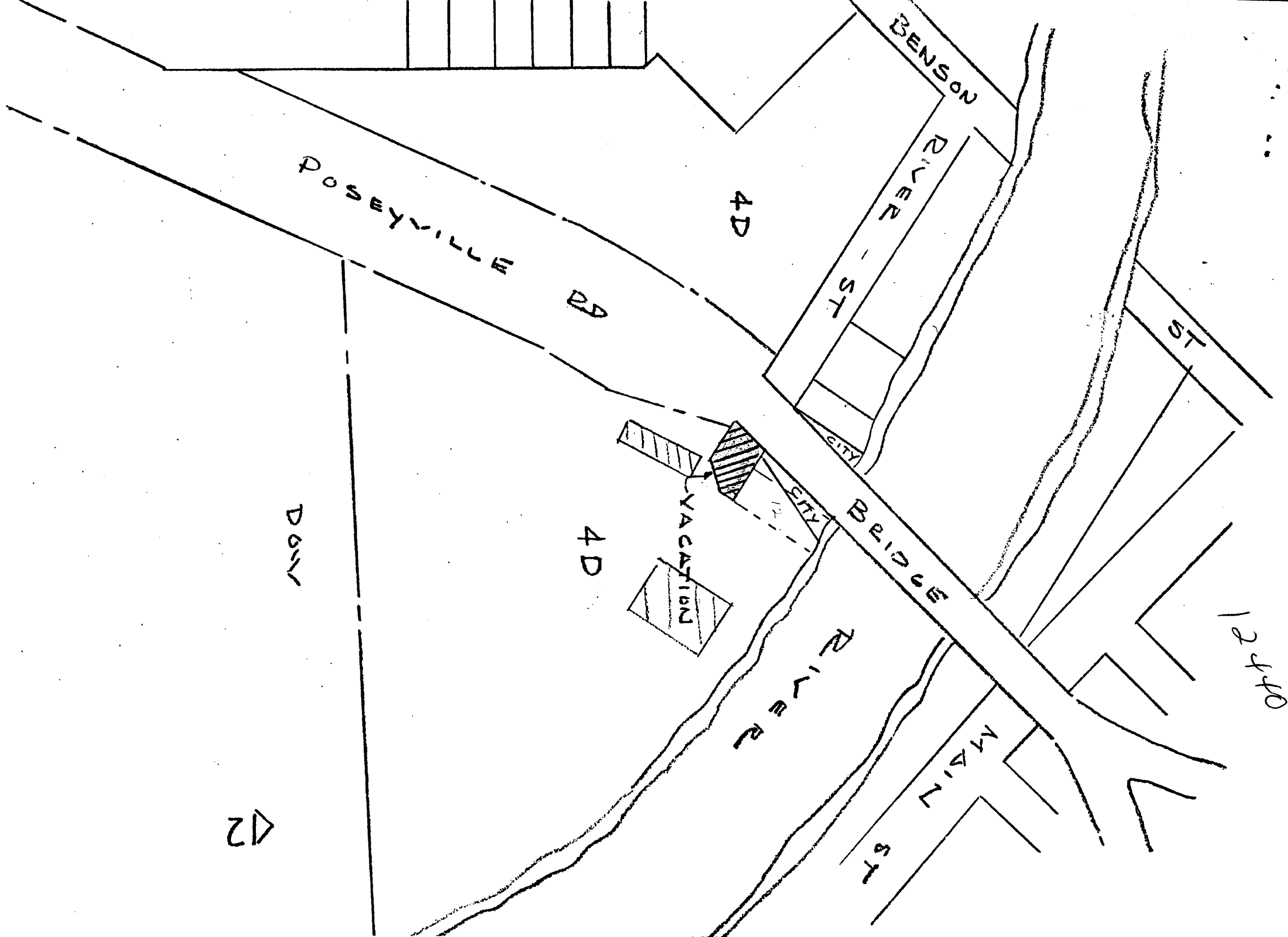
A map showing the vacated area is enclosed.

Yours truly,


K. W. Lybolt
City Clerk

KWL/pk

enclosures



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