

John N.Y. and Subdivision of Block Hundred three Hundred and Eighty third (89) in the Virginia Company's Addition to the Village of New Castle in Berrien County & State of Michigan

North
Mechanics Street

6	7
5	8
4	9
3	10
2	11
1	12

Mechanics Street
North

In this subdivision I have made
lotwise Lots, Each four Rods in
front on Eagle Street + Monroe Street
and eight Rods in depth

In presence of
A. Bennett } John Ryan (Seal)
Israel Robinson }

State of Michigan
County of Berrien

On this 27th day of March A.D. 1850 personally came before me
the above named James Ryan & acknowledged that he made and executed the above
Plat & Certificate & that he executed the same for the purpose expressed in compliance with
the statute requiring the Recording of Village Plats
Recorded June 1, 1850 at 3 hours PM Charles Howe Register

Notary Public R.C.

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 certificate
Dated this 2nd day of March 1910

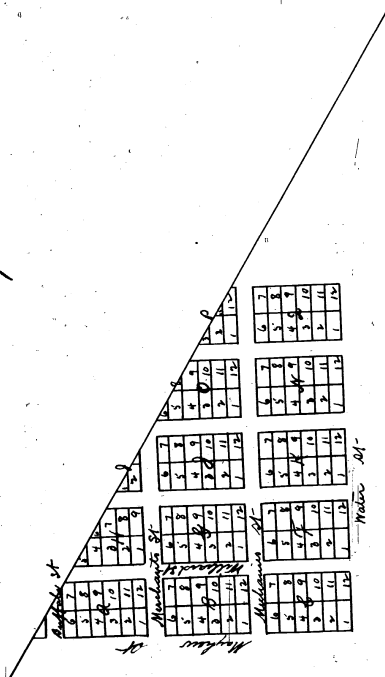
Geo. W. Bennett
Clerk Aud. Genl's Dept.



West addition to New Buffalo on a scale of 24 Rods to an inch. This addition is laid out on
the North-half of fractional section nine. The lots are all 4 Rods by 8 and the
streets 4 Rods wide
Nelson McLeod (Seal)
Jacob A. Becker (Seal)
Nesell Whitaker

State of New York, Erie County ff. On this 20th day of January A.D. 1857 came
before me Nelson McLeod and Jacob A. Becker to me known and avowably acknowledged
that they executed the within Map. H. A. Seabury Com. of Deeds for Erie County

State of Michigan County of Berrien ff. On this 27th day of February A.D. 1857
personally came the within named Nesell Whitaker to me known and acknowledged
the correctness of the within Map and acknowledged that he voluntarily executed the
same
Always Bennett J. P.



Rec'd for Record February 23rd 1857 at 4 o'clock P.M.
Edwin Richardson Dep. Recorder



13
DAC
EN

STATE OF MICHIGAN

BERRIEN COUNTY TRIAL COURT - CIVIL DIVISION

GIERCZYK-GHEZZI
COTTAGES, LLC
Plaintiff

vs

NATIONAL PASSENGER
RAILROAD CORPORATION,
CITY OF NEW BUFFALO,
INDIANA MICHIGAN POWER
COMPANY d/b/a AMERICAN
ELECTRIC POWER, a n Indiana
Corporation doing business in Michigan;
GLORIA J. JEFF, Director of Michigan
Dept. of Transportation;
REBECCA HUMPHRIES, Dir ector of
Michigan Dept. of Natural Resources;
DAVID C. HOLLISTER, Dir ector
Depart of Labor and Economic Growth;
ROGER H. ZILKE, Dr ain Commissioner
for Berrien County Drain Commission;
and Property Owners within three hundred
(300') feet as shown on Exhibit A
Defendants

* **CONSENT JUDGMENT**

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan

Rec \$46.00
Remon \$4.00
Tax Crd \$0.00

Recorded
March 27, 2006 11:35:45 AM
Liber 2697 Page 1543-1556
Receipt # 5385 DO #2006011150



Liber 2697 Page 1543

* File No. 2005-3143-CH-T

* Honorable LYNDA A. TOLEN

Berrien County Trial Court - Civil Division
Courthouse
811 Port St.
St. Joseph, MI 49085
269-983-7111

RECEIVED MAR 2 2006

223-225 E. Front St.
P.O. Box 72
Buchanan, Michigan 49107

Desenberg, Colip & Bell
A Professional Corporation

Telephone
(269) 695-1500
Facsimile Number
(269) 695-2004

LOUIS A. DESEMBERG (P12704)
MICHAEL M. BELL (P65999)
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(269) 695-1500

BARBARA A. SCHMIDT (P40530)
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Michigan Department of Atty. General
525 West Ottawa, P.O. Box 30755
Lansing, MI 48909
(517) 373-7540

R. McKINLEY ELLIOTT (P34337)
Berrien County Courthouse
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701 Main St.
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811 Ship St., Suite 301
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HAROLD G. SCHUITMAKER (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant, City
of New Buffalo
181 W. Michigan Ave., Ste. 1
Paw Paw, MI 49079
(269) 657-3177

**Consent Judgment to Vacate Portions of Harrison, Berrien, and Chicago Streets
and to Alter Portions of Blocks F, K, N, and Q in West Addition to New Buffalo**

At a session of Court held in the City of St. Joseph, County of Berrien, State of Michigan, this ____ day of _____, 2006 .

PRESENT: Honorable LYNDA A. TOLEN, Trial Court Judge.

WHEREAS, this matter having come to be heard upon the complaint of Plaintiff Gierczyk-Ghezzi Cottages, LLC to vacate portions of Harrison, Berrien, and Chicago Streets in West Addition to New Buffalo; and Plaintiff having represented to this Court that all parties required by MCL 560.224a(1) to be joined have been so joined, and that

those parties have either stipulated to this Judgment, consented to the vacation of the described portions of Harrison, Berrien, and Chicago Streets and to alter portions of Blocks F, K, N, and Q in West Addition to New Buffalo, been given notice of the proceedings leading to this Judgment, or been defaulted;

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED THAT:

1. The portion of Harrison Street in West Addition to New Buffalo, part of the NE $\frac{1}{4}$ of Fractional Section 9, T8S, R21W, City of New Buffalo, Berrien County, Michigan lying between a line drawn from the most northerly corner of Lot 4, Block K to the most westerly corner of Lot 9, Block F and a line drawn from the most easterly corner of Lot 6, Block K to the most southerly corner of Lot 7, Block F is hereby vacated.
2. Title to the vacated portion of Harrison Street, as described above, will vest in the rightful proprietors thereof pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.
3. The portion of Berrien Street in West Addition to New Buffalo, part of the NE $\frac{1}{4}$ of Fractional Section 9, T8S, R21W, City of New Buffalo, Berrien County, Michigan lying between a line drawn from the most northerly corner of Lot 4, Block N to the most westerly corner of Lot 9, Block K and a line drawn from the most easterly corner of Lot 6, Block N to the most southerly corner of Lot 7, Block K is hereby vacated.

4. Title to the vacated portion of Berrien Street, as described above, will vest in the rightful proprietors thereof pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

5. The portion of Chicago Street in West Addition to New Buffalo, part of the NE $\frac{1}{4}$ of Fractional Section 9, T8S, R21W, City of New Buffalo, Berrien County, Michigan lying between a line drawn from the most northerly corner of Lot 4, Block Q to the most westerly corner of Lot 9, Block N and a line drawn from the most easterly corner of Lot 6, Block Q to the most southerly corner of Lot 7, Block N is hereby vacated.

6. Title to the vacated portion of Chicago Street, as described above, will vest in the rightful proprietors thereof pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

7. Exhibit A, attached hereto, is a copy of a survey for the boundary of the vacated portion of the plat of West Addition to New Buffalo, being part of the NE $\frac{1}{4}$ of Fractional Section 9, T8S, R21W, City of New Buffalo, Berrien County, Michigan, that was performed in accordance with 1970 PA 132, as amended, being MCL 54.211 et. seq., and title to the land described in Exhibit A shall vest in Plaintiff and shall be used heretofore as the legal description for all purposes, including those of assessment, taxation, sale and conveyance of Plaintiff's property. The survey shall show all easements preserved by this Judgment, if any.

8. The parcel resulting from the vacation of the described portion of the plat of West Addition to New Buffalo, as described in Exhibit A, is not a parent parcel as defined by MCL 560.102(i) and cannot be divided in accordance with the provisions of MCL 560.108 and 560.109.

9. Portions of Lots 4, 5, 8, and 9, Block F; Lots 4, 5, 8, and 9, Block K; Lots 4, 5, 8, and 9, Block N; Lots 4, 5, 8, and 9, Block Q; and portions of vacated Harrison, Berrien, and Chicago Streets are hereby established as a public right-of-way for the Michigan Central Railroad (Amtrak) as described in attached Exhibit B. This railroad right-of-way shall remain to be under the jurisdiction and ownership of the National Railroad Passenger Corporation and its successors.

10. Lots 6 and 7 and portions of Lots 5 and 8, Block F; Lots 6 and 7 and portions of Lots 5 and 8, Block K; Lots 6 and 7 and portions of Lots 5 and 8, Block N; Lots 6 and 7 and portions of Lots 5 and 8, Block Q; and portions of vacated Harrison, Berrien, and Chicago Streets are hereby consolidated as set forth on attached Exhibit C. The new lots shall identified as Lots 1-14, Block R and shall be used heretofore as the legal description for said lots for all purposes, including those of assessment, taxation, sale and conveyance of Plaintiff's property. The City of New Buffalo has reviewed this exhibit and hereby confirms that the new lots conform to all applicable ordinances and regulations for residential building sites.

11. Only lawfully existing recorded easements^A located within the boundary of

AND UTILITY EASEMENTS GRANTED TO
INDIANA MICHIGAN POWER COMPANY

the amended plat and the land described in attached Exhibit A are hereby preserved, and the amended plat and attached Exhibit A shall show only lawfully existing recorded easements, and shall be accompanied by a statement of the surveyor that he or she, in determining the type, width, and location of any utility easements shown has reviewed any existing title search and/or policy of title insurance and had searched, or caused to be searched, the records of the Register of Deeds for any recorded easements burdening the subject lands which were created between the date of a title search or issuance of a title policy and the submittal date of the amended plat and shall provide a copy of those records to the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation upon submission of the amended plat.

12. Plaintiff must record this Judgment in the Office of the Register of Deeds for the County of Berrien, State of Michigan, within 30 days of entry of this Judgment, as required by MCL 560.228.

13. Plaintiff shall prepare and file, within 90 days of the entry of this Judgment by this Court, an amended plat for the portions of West Addition to New Buffalo, part of the NE ¼ of Fractional Section 9, T8S, R21W, City of New Buffalo, Berrien County, Michigan described and depicted on attached Exhibits B and C in a recordable form as required by the Land Division Act for a final plat, for the review and approval of the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation, in accordance with MCL 560.229 and this

AND THE CITY OF NEW
BUFFALO

Judgment.

14. This Judgment will be declared null and void *nunc pro tunc* should the amended plat not be prepared and filed as required by this Judgment and by the requirements of MCL 560.229 within 90 days from the entry of this Judgment.

15. This Court shall retain jurisdiction over this matter until final approval of the proposed amended plat has been granted by the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation.

16. This resolves the last pending claim in this matter and closes this case.

Dated: 3/20, 2006

HONORABLE LYNDA A. TOLEN
LYNDA A. TOLEN, Trial
Court Judge

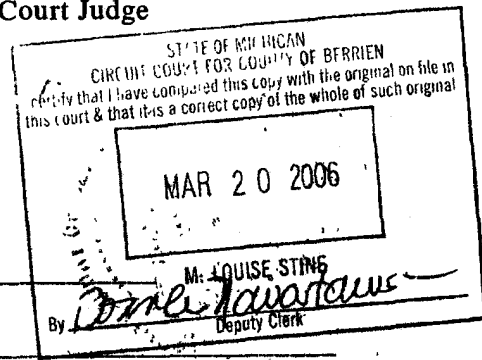
Prepared by:
MICHAEL M. BELL (P65999) *M.M. Bell*
Attorney for the Plaintiff

APPROVED:

Dated: 3/15/06
Barbara A. Schmidt
BARBARA A. SCHMIDT (P40530)
Attorney for State Defendants

Dated: _____

HAROLD G. SCHUITMAKER (P20087)
Attorney for Defendant, City of
New Buffalo



Dated: _____
R. McKINLEY ELLIOTT (P34337)
Attorney for Defendant Roger H. Zilke

Dated: _____

JOHN E. DEWANE (P12735)
Attorneys for Defendant IMPC

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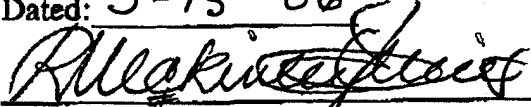
HONORABLE _____
LYNDA A. TOLEN, Trial
Court Judge

Prepared by:
MICHAEL M. BELL (P65999)
Attorney for the Plaintiff

APPROVED:

Dated: _____

BARBARA A. SCHMIDT (P40530)
Attorney for State Defendants

Dated: 3-15-06


R. MCKINLEY ELLIOTT (P34337)
Attorney for Defendant Roger H. Zilke

Dated: _____

HAROLD G. SCHUITMAKER (P20087)
Attorney for Defendant, City of
New Buffalo

Dated: _____

JOHN E. DEWANE (P12735)
Attorneys for Defendant IMPC

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Dated: _____, 2006

HONORABLE _____
LYNDA A. TOLEN, Trial
Court Judge

Prepared by:
MICHAEL M. BELL (P65999)
Attorney for the Plaintiff

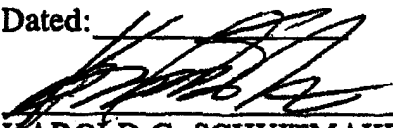
APPROVED:

Dated: _____

Dated: _____

BARBARA A. SCHMIDT (P40530)
Attorney for State Defendants

R. McKINLEY ELLIOTT (P34337)
Attorney for Defendant Roger H. Zilke

Dated: _____


HAROLD G. SCHUITMAKER (P20087)
Attorney for Defendant, City of
New Buffalo

Dated: _____

JOHN E. DEWANE (P12735)
Attorneys for Defendant IMPC

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Dated: _____, 2006

HONORABLE
LYNDA A. TOLEN, Trial
Court Judge

Prepared by:
MICHAEL M. BELL (P65999)
Attorney for the Plaintiff

APPROVED:

Dated: _____

Dated: _____

BARBARA A. SCHMIDT (P40530)
Attorney for State Defendants

R. McKINLEY ELLIOTT (P34337)
Attorney for Defendant Roger H. Zilke

Dated: _____

Dated: 3-17-06

HAROLD G. SCHUITMAKER (P20087)
Attorney for Defendant, City of
New Buffalo

JOHN E. DEWANE (P12735)
Attorneys for Defendant IMPC

All uses of this plat are subject to the provisions of the Act of March 19, 1906 of the Michigan Legislature. All of which are referred to by the number of the Act and do not create these acts.

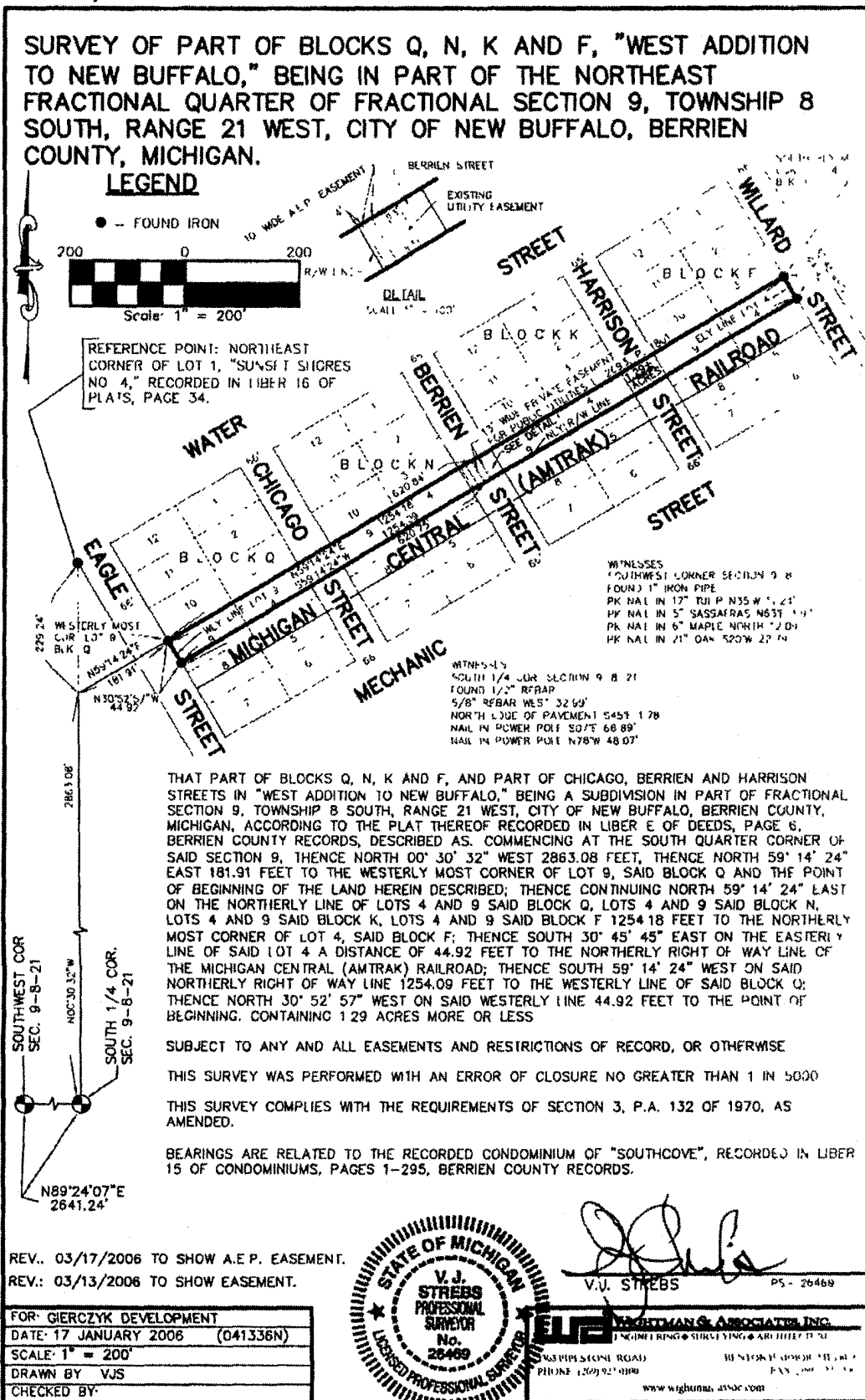
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SHEET 1 OF 1

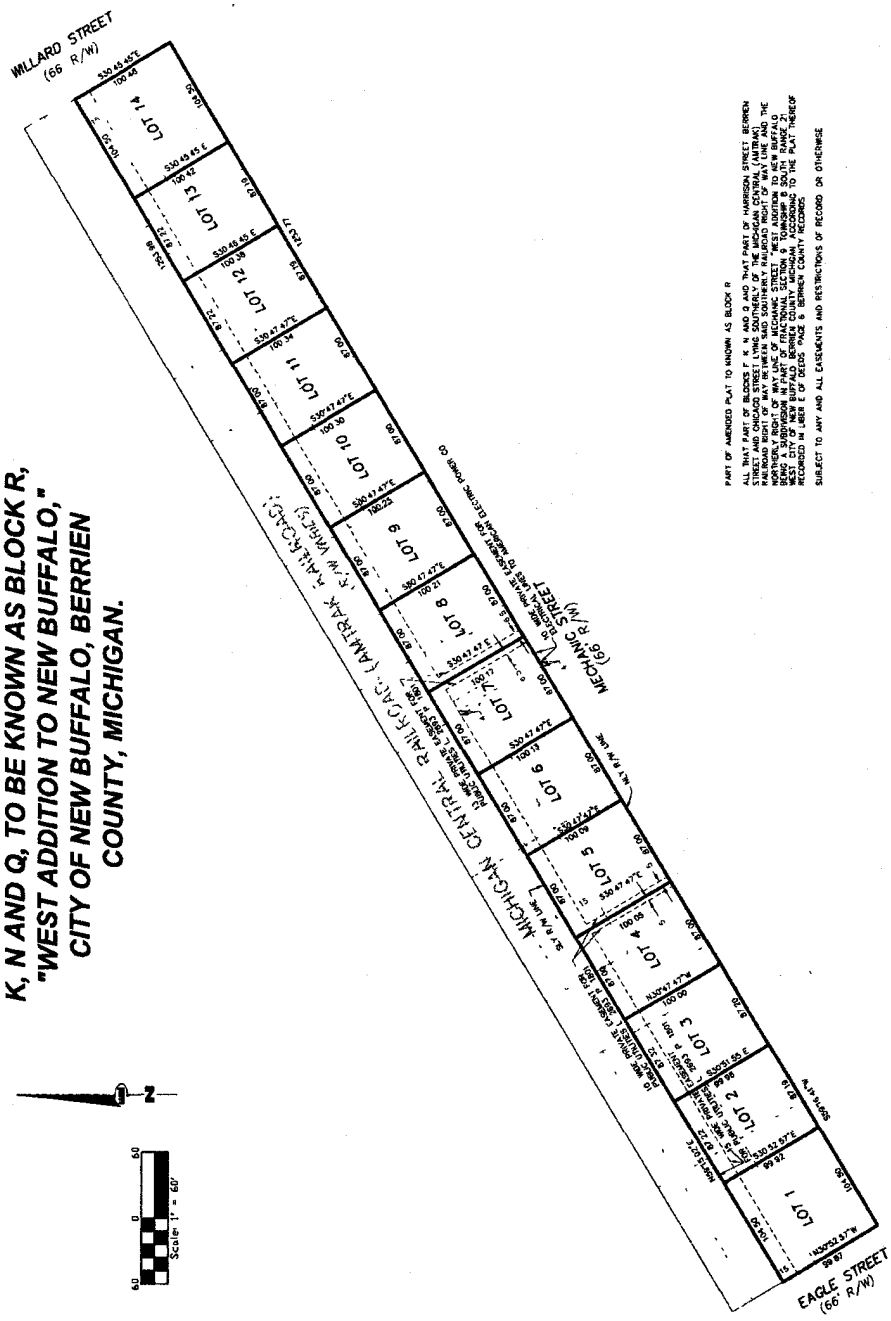
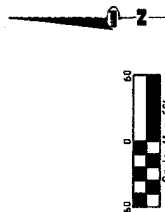
DESENBERG, COLIP, & BELL, P.C.

Page 1 of 1

Exhibit A



**SKETCH OF LOT LAYOUT FOR THE
AMENDED PLAT OF PART OF BLOCKS F,
K, N AND Q, TO BE KNOWN AS BLOCK R,
"WEST ADDITION TO NEW BUFFALO,"
CITY OF NEW BUFFALO, BERRIEN
COUNTY, MICHIGAN.**



PART OF AMENDED PLAT TO KNOWN AS BLOCK R
ALL THAT PART OF BLOCKS F, K, N AND Q AND THAT PART OF MILLARD STREET, BERRIEN
STREET AND CHURCH STREET LYING SOUTHWESTLY OF THE MICHIGAN CENTRAL (AMTRAK)
RIGHT-OF-WAY AND THAT PART OF MECHANIC STREET LYING WEST OF THE
MICHIGAN CENTRAL (AMTRAK) RIGHT-OF-WAY AND THAT PART OF MECHANIC STREET
LYING WEST OF THE MICHIGAN CENTRAL (AMTRAK) RIGHT-OF-WAY TO NEW BUFFALO,
BERRIEN COUNTY, MICHIGAN, BEING A SUBDIVISION IN PART OF THE ORIGINAL SECTION 9 TOWNSHIP 8 SOUTH RANGE 20
RECORDED IN LIBER 1 OF DEEDS AND RECORDS IN BERRIEN COUNTY RECORDS
SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE

REV 07/13/2008 TO SHOW EASEMENT

W.P. DESENBERG, COLIP & BELL, P.C.
11000 W. BURNHAM AVE. SUITE 100
TOLSON, OHIO 44887-1000
419-285-1100