

OFFICE OF THE CITY COUNCIL



# PUBLIC NOTICE

## *Notice of Public Hearing*

Pursuant to Act 267 of the Public Acts of 1976 (Open Meetings Act) and Flint City Charter Section 1-405, **NOTICE IS HEREBY GIVEN** that the Flint City Council will hold a **PUBLIC HEARING** at **5:30 p.m., on MONDAY, FEBRUARY 23, 2026**, in the City Council Chambers, 3<sup>rd</sup> Floor, Flint City Hall, 1101 S. Saginaw Street, Flint, for the following purpose(s):

**260004.6** A Public Hearing to consider the vacation of Baker Street, between Industrial Street and North Street, Flint.

Ashley Capital has applied for City of Flint approval to vacate this portion of Baker Street for the Flint Commerce Center's Development Project.

A copy of the Final Report for the Baker Street Vacation is available for public inspection on the City's website at [www.cityofflint.com/view-public-notices/](http://www.cityofflint.com/view-public-notices/), as well as at the City Clerk's Office, 2<sup>nd</sup> Floor, Flint City Hall, 1101 S. Saginaw Street, Flint.

Persons with disabilities may participate in this Public Hearing by emailing a request for accommodations (including, but not limited to, interpreters) to [CouncilPublicComment@cityofflint.com](mailto:CouncilPublicComment@cityofflint.com), with the subject line *Request for Accommodation*, or by contacting the City Clerk at (810) 766-7418.

If there are any questions concerning this notice, please direct them to the City Council Office at (810) 766-7418.

A handwritten signature of Davina G. Donahue.

Davina G. Donahue, City Clerk

POSTED: 2/06/2026

# Memo

**To: Clyde Edwards, City Administrator**  
**From: Tyler Bailey, Deputy Director, Business Services**  
**Subject: Vacation of Baker Street**

**Ashley Capital petitioned to the Flint Planning Commission (PC 24-26) to vacate to the public right-of-way known as Baker Street. This was heard and evaluated before the Planning Commission, and the Commission found that the petition satisfied the review criteria to make the final recommendation to City Council to approve PC 24-26 by resolution. The legal description provided is "ALL THAT PART OF BAKER STREET EAST OF NORTH ST."**

**This would allow Ashley Capital to continue its work for Building Two, as this one block street is directly on the future site of Building Two. Both directions of Baker Street dead end into the Flint Commerce Center site to the north, and to the north abuts the Flint Commerce Center site. This is an under-utilized vacant street that is more of a liability than an asset.**



**CITY OF FLINT**  
**DEPARTMENT OF BUSINESS & COMMUNITY SERVICES**  
**Planning & Zoning Division**

**Sheldon Neeley,**  
**Mayor**

Office of the Mayor  
Sheldon Neeley  
1101 South Saginaw Street  
Flint, Michigan 48502  
810-766-7355  
www.cityofflnt.com

**Final Report**

**October 2, 2025**

**To:**  
**City of Flint Planning Commission**

**From:**  
**Brian Acheff - Zoning Coordinator**

**RE: PC 24-26 Final Report**

PC 24-26, a petition to vacate the City of Flint public right-of-way known as Baker St was heard and evaluated before the Planning Commission (Commission) at its November 12, 2024, meeting. At the aforementioned Planning Commission meeting, the Commission found that the petition satisfied the applicable review criteria to make a final recommendation to City Council to approve PC 24-26 by resolution and therefore, the Commission shall certify its findings and the Commission Chair affix their signature to this final report as required per §42-25(b)<sup>1</sup> of Flint City Code.

*This space intentionally left blank!*

<sup>1</sup>§42-25(b) of Flint City Code states that "after completion of the hearing before the Planning Commission, the Planning Commission shall prep its final report and recommendation and submit it to the City Council within 15 days following the meeting of the Planning Commission at which the report is made final. The receipt of the final report shall be noticed in the minutes of the City Council.



**CITY OF FLINT**  
DEPARTMENT OF BUSINESS & COMMUNITY SERVICES  
Planning & Zoning Division

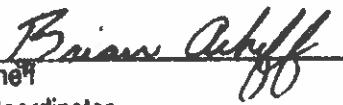
Sheldon Neeley,  
Mayor

**Plan Commission Action PC 24-26 | City of Flint Right-of-Way Vacation**

The City of Flint Planning Commission (Commission) at its meeting on November 12, 2024, moved to positively recommend to City of Flint, City Council (City Council) to approve by resolution the petition PC 24-26, a petition to vacate the City of Flint right-of-way known as Baker St. located between North St and the previously vacated Industrial Ave. Based on the above findings the Commission hereby certifies its findings as the final report to City Council on this 14 day of October of 2025, satisfying §42-25(b) of City of Flint City Code.

  
\_\_\_\_\_  
Robert Wesley

Plan Commission President

  
\_\_\_\_\_  
Brian Achell

Zoning Coordinator

# BAKER STREET EXHIBIT



PROPOSED BAKER STREET VACATION  
LOT 16 OF OAK PARK SUBDIVISION  
THE CITY OF FLINT, GENESEE COUNTY, MICHIGAN,  
AS PARTICULARLY DESCRIBED AS:

MINNING AT THE SOUTHWEST CORNER OF SAID BLOCK  
OF OAK PARK SUBDIVISION; THENCE N89°52'37"E  
THE NORTH LINE OF SAID BLOCK 15, ALSO BEING  
LINE 800.45 FEET TO THE SOUTHEAST CORNER OF WAY AS  
BLOCK 15; THENCE S01°22'45"E, 60.01 FEET TO THE  
THE EAST CORNER OF SAID BLOCK 15; THENCE  
S01°22'37"E, 800.45'  
P.O.B. BAKER STREET VACATION  
SW COR. BLOCK 15, OAK PARK S.B.  
FIND 1 1/4" IRON PIPE

PARCEL "A"  
TO REMAIN A PARK

C/L VACATED WOODSMALL DRIVE (AS PLATED)

INDUSTRIAL AVENUE (60' WIDE)

OAK PARK PARCEL  
TO BE SOLD AND REDEVELOPED

N. R.O.W. LINE, PLATED BAKER  
ST. & S. LINE, BLOCK 15 OAK  
PARK SUBDIVISION  
N89°52'37"E 800.45'  
N01°22'37"E 60.01'

BAKER STREET (60' WIDE)  
TO BE VACATED

58952'37"E 740.21'  
S. R.O.W. LINE, PLATED BAKER  
ST. & N. LINE, BLOCK 16 OAK  
PARK SUBDIVISION  
S01°22'37"E 740.21'  
BLOCK 16  
OAK PARK SUBDIVISION  
W. R.O.W. LINE, —  
INDUSTRIAL AVE

E. R.O.W. LINE  
NORTH ST.

END:  
● = FOUND IRON AS NOTED  
I.B. = POINT OF BEGINNING  
I.W. = RIGHT OF WAY  
□ = PROPOSED BAKER STREET VACATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°22'11"E	30.00'
L2	S09°52'37"W	60.25'
L3	N01°22'34"W	30.00'

FIELD: MLS	1 NO. OF
DRAWN: ZPC	0
CHECKED: JAR	50 FEET
I.W. =	100 FEET
PROPOSED BAKER STREET VACATION	1 OF 1
DATE: OCTOBER 16, 2024	0 (810) 341-7500
SCALE: 1" = 100'	WEB: ROWEPC.COM
REVISED	JOB NO. 2400194

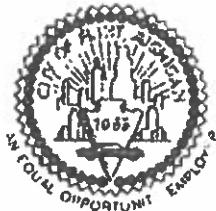


ASHLEY CAPITAL



ROWE PROFESSIONAL  
SERVICES COMPANY

The Rowe Building  
540 S. Saginaw St., Suite 200  
Flint, MI 48502  
CITY OF FLINT,  
GENESEE COUNTY, MICHIGAN



**CITY OF FLINT**  
DEPARTMENT OF BUSINESS & COMMUNITY SERVICES  
Planning & Zoning Division

**Sheldon Neeley,**  
Mayor

## Staff Report

<b>Board / Commission:</b>	City of Flint Planning Commission
<b>Meeting Date:</b>	Tuesday, November 12, 2024
<b>Location:</b>	1101 S Saginaw St, Flint, MI 48502
<b>File Number:</b>	PC 24-26
<b>Petition Type:</b>	Street Vacation
<b>Applicant:</b>	Flint Commerce Center 2, LCC / Ashley Capital
<b>Location:</b>	Intersection of North St & Baker St
<b>Parcel ID (PID)</b>	N/A
<b>Ward:</b>	2
<b>Current Zoning:</b>	Public Right-of-Way
<b>Future Zoning:</b>	PC, Production Center

**Request:**

The applicant Flint Commerce Center 2, LLC / Ashley Capital is petitioning the City of Flint Planning Commission (Commission) to make a positive recommendation to the City of Flint, City Council to approve by resolution the vacation of the public right-of-way known as Baker St, located between North St and the vacated Industrial Ave (see Exhibit A).

PC 24-26 is required so that the subsidiary entities of the applicant (Flint Commerce Center 1, LLC & Flint Commerce Center 2, LLC) can assume proper site control regarding the development of Flint Commerce Center – Building #2, the dedication of the one (1) acre pocket park commemorating Historic Oak Park and the Historic Oak Park Neighborhood as part of the Flint Commerce Center – Building #2 development, and reconfiguration of the existing northern parcel lines of Flint Commerce Center – Building #1; the properties that will be directly affected by the subject street vacation petition are 2525 Industrial Ave (Oak Park) and 2201 Industrial Ave.

**Property Background:**

The subject segment of Baker St being vacated was platted as part of the Oak Park Subdivision of part of Section 1 and 2 of Smith's Reservations (1900) and was a local street that traversed between N. Saginaw St and Industrial Ave, though at some point in time the segment of Baker St between N. Saginaw St and North St was vacated, in addition to several other local streets between N. Saginaw St and North St (Rankin St, Dayton St, Warren St, and Newall St) for the development of the site where Flint Genesee Job Corps is located.



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**Planning & Zoning Division**

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The subject segment of Baker St and the other aforementioned streets that were vacated was a sub-area predominately comprised of residential dwellings, neighborhood businesses, and some commercial mixed-use buildings along N. Saginaw St which were heavily reliant on the economic impact of the adjacent "Buick City", as the manufacturing complex provided jobs to workers who lived, shopped, socialized and worshiped in the subject sub-area. Though as the footprint of General Motors declined over time within the City of Flint, the subject sub-area's form and function as a neighborhood center was greatly diminished and eventually redeveloped into smaller industrial uses, the Flint Genesee Job CORPS campus, the Hamilton Community Health Campus, and the Flint Commerce Center.

**Project Background:**

The subject vacation petition PC 24-26 regards the redevelopment of the former "Buick City", now the Flint Commerce Center, though specifically the development of Flint Commerce Center – Building #2. The vacation of the subject segment of Baker St will provide space allocated for semi-trailer staging lot, installation of a landscaped berm to screen the aforementioned semi-trailer staging lot and vehicular access to the proposed one (1) acre pocket park, to be dedicated/deeded to the City of Flint, commemorating Historic Oak Park and the Historic Oak Park Neighborhood.

**Utility Infrastructure**

**Public Infrastructure**

Traversing the property along the path of the vacated Thetford Rd and within other areas of the yard of the subject development are City of Flint owned utility assets that are as follows (also see Exhibit H):

- 1 - 12" Water Main
- 1 - 36" Storm Sewer Main
- 1 - 12" Sanitary Sewer Main

**Private Infrastructure**

Based on the provided site plan (Exhibit G) there are no private utilities that exist within the proposed area to be vacated.

**Easement**

As a requirement of the subject vacation petition PC 24-26, a public utility easement shall be granted to the City of Flint (City) in-order for the City to operate, maintain, repair and replace the public utility infrastructure that exists within (subsurface) the area of Baker St being vacated (reference the above the Utility Infrastructure - Public Infrastructure section of this report); further per Part II, Article I, §42-25.5 "The vacation or discontinuance of the street, alley or other public place shall take effect upon the recording with the Register of Deeds and shall be subject to the easements or reservations as therein stated." of Flint City Code (see Exhibits B, D, E, & G).



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**Planning & Zoning Division**

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Mayor

**Department Reviews:**

Department	Status	Comments
Water Department	Approved with Conditions	See Exhibit L(a)
Sewer Department	Pending	Pending
Traffic Engineering	Approved	None

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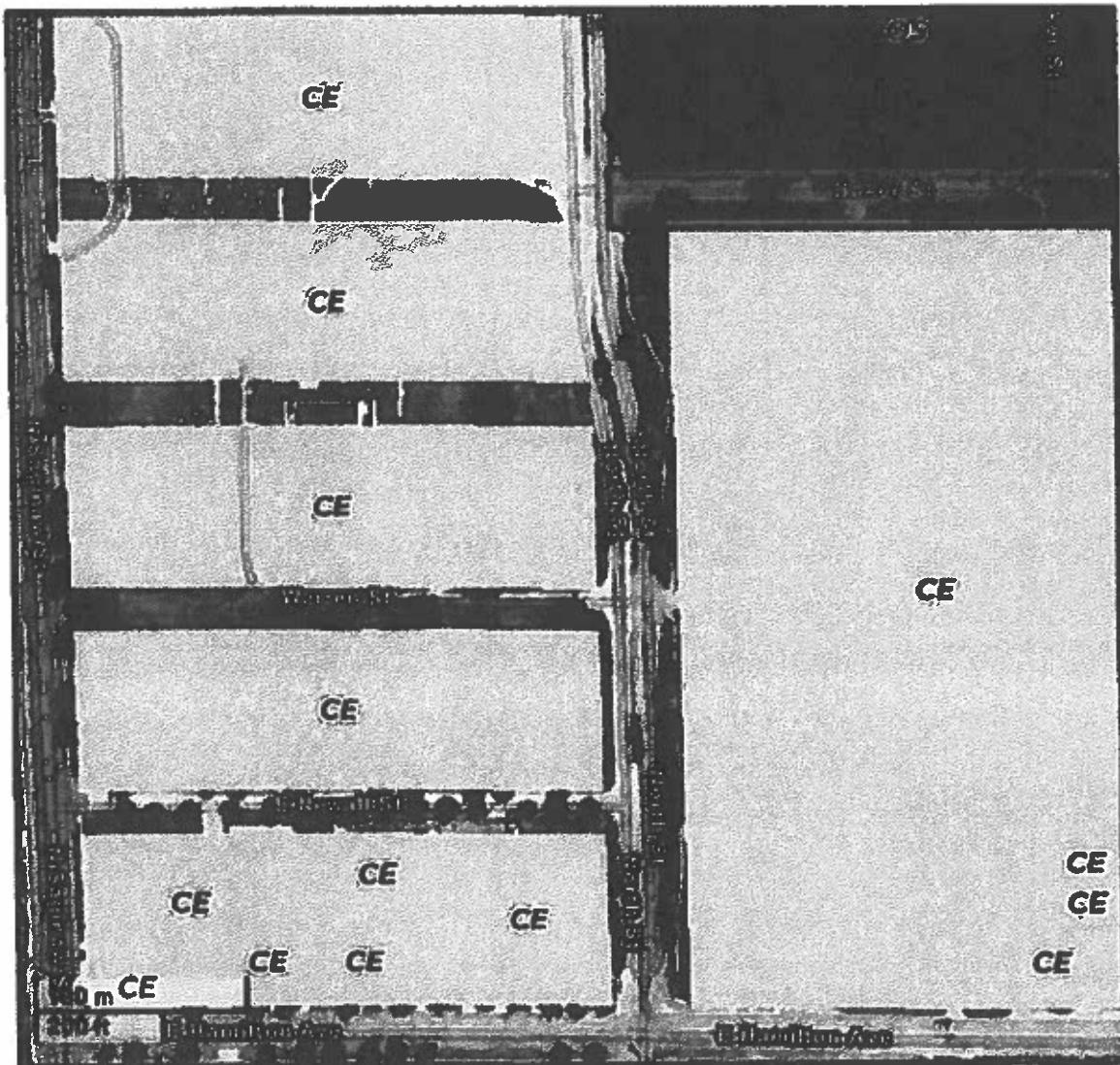


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**DEPARTMENT OF BUSINESS & COMMUNITY SERVICES**  
**Planning & Zoning Division**

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Mayor

**Land Use/ Compatibility:** The property is currently City of Flint owned public right-of-way and is surrounded by the following zoning districts:

Direction	Existing Zoning	Comprehensive Plan Land Use
North	OS, Open Space (Future PC, Production Center ref RZ 24-01)	OS, Open Space (Future PC, Production Center ref RZ 24-01)
South	CE, Commerce & Employment	CE, Commerce & Employment
East	PC, Production Center	PC, Production Center
West	CE, Commerce & Employment	CE, Commerce & Employment



The red box in the figure above is a generalized delineation of the area of interest regarding the subject vacation petition.



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**Planning & Zoning Division**

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**Exhibits Attached to this Report:**

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- Exhibit A – PC 24-26 Vacation Application
- Exhibit B – Area to be Vacated
- Exhibit C – Allocation of Vacated Right-of-Way Survey
- Exhibit D – Baker St Vacation Survey
- Exhibit E – Baker St Utilities
- Exhibit F – Flint Commerce Center – Building #2 Boundary Survey
- Exhibit G – Flint Commerce Center – Building #2 Site Plan
- Exhibit H – Historical Parcel Make-Up
- Exhibit I – Oak Park Subdivision of part of Sections 1 and 2 of Smith's Reservation
- Exhibit J – Section 1 Smith Reservation
- Exhibit K – Plat of Sections 2, 3, 4, 5, 6, & 8 Being part of the Reservation
- Exhibit L – Department Review Forms

**Staff Recommendation**

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The Planning Commission's duty on a street vacation is to make a recommendation to City Council for approval or denial of the petition by resolution based on the merits of the application, planning principles, input from various City departments, utility companies, and transportation agencies.

Staff finds that the petition to vacate, the City of Flint Right-of-Way between North St and the vacated Industrial Ave, PC 24-26, has satisfied the applicable review criteria to make a positive recommendation to City Council for approval by resolution.

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**CITY OF FLINT**  
DEPARTMENT OF BUSINESS & COMMUNITY SERVICES  
Planning & Zoning Division

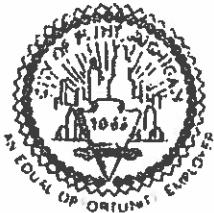
**Sheldon Neeley,**  
Mayor

**Plan Commission Action PC 24-26 | City of Flint Right-of-Way Vacation**

The City of Flint Planning Commission is hereby making a \_\_\_\_\_  
to the City of Flint, City Council, to \_\_\_\_\_, petition PC 24-26, to vacate, the City  
of Flint Public Right-of-Way between North St and the vacated Industrial Ave, known as Baker St, for the  
development of the Flint Commerce Center – Building #2 on this  
\_\_\_\_\_ day of \_\_\_\_\_ of 2024.

\_\_\_\_\_  
**Robert Wesley**  
Plan Commission President

\_\_\_\_\_  
**Brian Acheff**  
Zoning Coordinator



**CITY OF FLINT**  
**DEPARTMENT OF BUSINESS & COMMUNITY SERVICES**  
**Planning & Zoning Division**

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**Positive Recommendation:**

I motion to make a positive recommendation to City Council for approval by resolution regarding the subject vacation petition PC 24-26, to vacate, the City of Flint Right-of-Way known as Baker St, between North St and the vacated Industrial St as the subject vacation petition, PC 24-15, has satisfied the applicable review criteria.

**Positive Recommendation with Condition:**

I motion to make a positive recommendation with condition to City Council for approval by resolution regarding the subject vacation petition PC 24-26, to vacate, the City of Flint Right-of-Way known as Baker St between North St and the vacated Industrial Ave, as the subject vacation petition, PC 24-15, has satisfied the applicable review criteria; the recommended condition of approval is as follows:

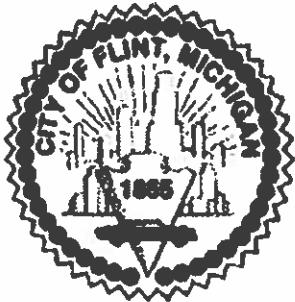
- Approval and adoption of the subject vacation petition, PC 24-26 is contingent upon approval of RZ 24-01, a petition to rezone the property located 2525 Industrial Ave (Oak Park) from OS, Open Space to PC, Production Center.

**Postponement:**

I motion to postpone the hearing of the subject street vacation petition, PC 24-26, the proposed vacation of the City of Flint Right-of-Way known as Baker St, between North St and the vacated Industrial Ave till the next regularly scheduled meeting as the subject vacation petition, PC 24-26, has not satisfied the applicable review criteria and further information is needed as follows:

1. ...
2. ...
3. ...
4. ...

**[this space Intentionally left blank]**



Fee: \$1002  
Date Rec'd: 10/21/2024  
Application #: PC 24-26  
Meeting Date: 11/12/2024

City of Flint  
Department of Business and Community Services  
1101 S Saginaw Street Room S105, Flint, MI 48502  
Phone: (810)768-7426  
<https://www.cityofflint.com/department/bcs/>

### Application for Street, Alley, or Other Public Ground Vacation

Street Vacation

Alley Vacation

Other Public  
Ground Vacation

Street/Alley/Other Public Ground to be Vacated:

Baker Street

Nearest Cross Streets:

Located between: Leith Street & Hamilton Road  
(street) (street)

Legal Description:

PROPOSED BAKER STREET VACATION  
PART OF BLOCK 18 AND 19 OF OAK PARK SUBDIVISION IN THE CITY OF FLINT, GENESSEE COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 18 OF OAK PARK SUBDIVISION; THENCE N89°52'37"E ALONG THE SOUTH LINE OF SAID BLOCK 18, ALSO BEING THE NORTH LINE OF BAKER STREET RIGHT OF WAY AS PLATTED, 801.45 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 18; THENCE S01°22'45"E, 60.01 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 18; THENCE S89°52'37"W ALONG THE SOUTH FRONT OF WAY LINE OF SAID BAKER STREET, ALSO BEING THE NORTH LINE OF SAID BLOCK 19, 740.21 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 19; THENCE N01°22'11"W, 30.00 FEET; THENCE E89°52'47"W, 60.25 FEET; THENCE N01°21'34"W, 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRE, MORE OR LESS AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD

Acreage:

N/A

Address(es) & Parcel I.D. Number(s) (if applicable):

See attached description

Zoning District (if applicable): PC Production Center

Change in property use

## Applicant Information

Name:	Joe Schiffman		
Firm:	Ashley Capital		
Address:	2575 S. Haggerty Road		
City:	Canton		
State:	MI	Zip Code:	48188
Phone:	734-725-1141	Email:	Jschiffman@ashleycapital.com
Applicant Signature:			

## Applicant Notarization

The above information and attached exhibits, to my knowledge and belief, are true and correct.

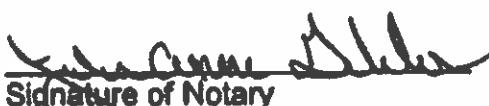
**Joe Schiffman**

Printed Name of Applicant

  
Signature of Applicant

**Julia Gibbs**

Notary Public's Name (printed)

  
Signature of Notary

12-20-27  
My Commission Expires

Michigan, Wayne  
State; County

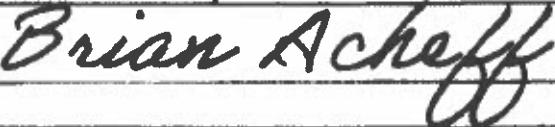
Subscribed and sworn to before me this 21<sup>st</sup> day of October 2024, (Day) (Month).

2024  
(Year)

**JULIA ANNE GIBBS**  
NOTARY PUBLIC, STATE OF MICHIGAN  
COUNTY OF WAYNE  
My Commission Expires December 20, 2027  
Acting in the County of Wayne

## Owner Information

**Property Owner** Same as applicant

Name:	City of Flint		
Firm:	N/A		
Address:	1101 S. Saginaw St		
City:	Flint		
State:	MI	Zip Code:	48502
Phone:	(810) 766-7426	Email:	bacheff@cityofflint.com
Designee of Agency Authorizing Vacation:	Brian Acheff		
Designee Signature:			

**Please note:**

The non-refundable fee made payable to the City of Flint must accompany your application.

For fees, please reference the City of Flint Master Fee Schedule.

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City of Flint  
Department of Business and Community Services  
1101 S Saginaw Street Room S105, Flint, MI 48502  
Phone: (810)766-7426  
<https://www.cityofflnt.com/department/bca/>

### Affidavit & Consent of Owner

Project PC 24-26 Baker St Vacation (Flint Commerce Center Building #2)

Docket November 12, 2024 Planning Commission  
(If Applicable)

**Complete and submit if applicant is different from the property owner.**

I (we) the City of Flint

NAME(S)

After being first duly sworn, depose and say:

1. That I/we are the owner(s) of the real estate located at Baker St (see attached exhibit with legal description).  
(Please include the Address(es) and Parcel Identification Number(s) (PID))  
(For requests that pertain to multiple parcels of real property attach a notarized exhibit(s) to this affidavit)
2. That I/we have read and examined the Application, and are familiar with its contents.
3. That I/we have no objection to, and consent to such request as set forth in the application.
4. Such request being made by the applicant ( is) ( is not) a condition to the sale or lease of the above reference property.

(AFFIANT)

STATE OF MICHIGAN

)

) SS:

COUNTY OF

Genesee

)

Subscribed and sworn to before me this 21 day of October 2024  
(Day) (Month) (Year)

Victoria Cooper Wassermann Seal:

Victoria Cooper  
(Signature)

Notary Public

My Commission expires: 2-14-2026

County of Residence: Genesee

BAKER STREET EXHIBIT



**POSED BAKER STREET VACATION  
1 OF BLOCK 15 AND 16 OF OAK PARK SUBDIVISION  
THE CITY OF FLINT, GENESSEE COUNTY, MICHIGAN.**

AS PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 15, OF OAK PARK SUBDIVISION; THENCE N89°52'37"E BEING THE SOUTH LINE OF SAID BLOCK 15, ALSO BEING THE NORTH LINE OF BAKER STREET, RIGHT OF WAY AS DESCRIBED, 800.45 FEET TO THE SOUTHEAST CORNER OF BLOCK 15, THENCE S01°22'45"E, 60.01 FEET TO THE EAST CORNER OF SAID BLOCK 16; THENCE S22°37'30"E ALONG THE SOUTH RIGHT OF WAY LINE OF BAKER STREET, ALSO BEING THE NORTH LINE OF BLOCK 16, 740.21 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 16; THENCE N01°21'16"E, 30.00 FEET; THENCE S89°52'37"E, 60.25 FEET; THENCE S21°34'34"E, 30.00 FEET TO THE POINT OF BEGINNING; PLANNING 0.04 ACRE, MORE OR LESS AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF

אָמֵן וְאָמֵן וְאָמֵן

TO BE SOLD AND UNDEVELOPED  
OAK PARK PARK

PARCEL "A"  
TO REMAIN A PARK

— P.O.B. BAKER STREET VACATION  
SW COR. BLOCK 15, OAK PARK SUB  
FND 1 1/4" IRON PIPE

### NORTH STREET (VARIABLE WIDTH)

END. ● FOUND IRON AS NOTED  
● POINT OF BEGINNING  
● RIGHT OF WAY  
● PROPOSED BAKER STREET VACATION

BAKER STREET (60' WIDE)  
TO BE VACATED

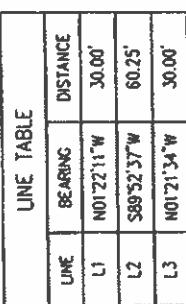
S. ROW LINE, PLATED BAKER  
ST. & N. LINE, BLOCK 16 OAK  
PARK SUBDIVISION

30'-

W. R. O. W. LINE,  
INDUSTRIAL AVE

BLOCK 16  
PARK SUBDIVISION

ASHLEY CAPITAL		ROWE PROFESSIONAL SERVICES COMPANY	
10'	R 16, 2024	50'	0
PART OF OAK PARK SUBDIVISION		The Rowe Building 540 S. Saginaw St., Suite 200 CITY OF FLINT, CLINTON COUNTY, MICHIGAN	
E. R.O.W. LINE → NORTH ST.		1 INCHES 100 FEET	
		SHEET: 1	OF 1
		JOB NO.: 2400194	
		C: (810) 241-7500 WWW.JROWEPSC.COM	



TABLE

גיאת נסיך

LINE	BEARING	DISTANCE
L1	N01°22'11" W	30.00'
L2	S89°52'37" W	60.25'
L3	N01°21'34" W	30.00'

ASHLEY CAPITAL



The Rome Building  
640 S. Saginaw St., Suite 200  
East MI 48507

0: (010) 341-7500  
[www.jiaoye.com](http://www.jiaoye.com)

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## **VACATION OF STREET, ALLEY, OR PUBLIC GROUNDS**

### **APPLICATION PROCEDURES**

- 1) Prior to application, please contact the City of Flint Zoning Division staff to discuss the vacation request to ensure that the applicant is aware of the effects the vacation may have and any responsibilities that may apply to the applicant should the vacation be approved.**
- 2) Submit application to City of Flint Zoning Division; include with the application:**
  - a) The associated non-refundable \$1002 fee made payable to the "City of Flint";**
  - b) A survey with legal description of the requested vacation;**
  - c) A copy of the original plat map identifying the subject area and adjoining properties**
  - d) Any letters from all the applicable utility companies indicating no objection to the vacation;**
  - e) If applicable, the attached petition form with names, addresses and signatures of abutting property owners of the requested vacation for verification of concurrence with the requested vacation.**
  - f) Any other information you feel necessary for the Planning Commission to review your request.**
- 3) Notice of Public Hearing:**
  - a) Legal Notice: No less than 15 days before the public hearing, Zoning staff will prepare a public notice to be published in the Flint Journal, giving notice of the public hearing, and outlining the applicant's request.**
  - b) Public Notice: No less than 15 days before the public meeting, Zoning Staff will send a mailed notice, via USPS, to property owners within 300 feet of the subject site to inform them of the request and when and where the public hearing will take place.**

## **VACATION OF STREET, ALLEY, OR PUBLIC GROUNDS APPLICATION PROCEDURES**

### **4) Application Review**

- a)** Zoning staff reviews the application, any additional materials submitted, and conducts a site visit. A staff report is generated and submitted to the Planning Commission summarizing the merits of the application, planning principals, input from various City departments, utility companies, transportation agencies, and any other relevant background information.
- b)** Prior to the public hearing, the Planning Commission reviews all application materials, the staff review, and conducts a site visit of the subject site.

### **5) Planning Commission**

- a)** During the public hearing portion of the Planning Commission meeting, the applicant has the opportunity to address the Commission regarding the vacation request. In addition, anyone with interest in the case is also given an opportunity to address the Commission, either for or against the requested vacation. The Planning Commission considers all public input prior to rendering a recommendation.
- b)** After public comment is given, the Commission will deliberate on the merits of the case and vote on a recommendation to forward to the Flint City Council. The application is then forwarded to City Council with the Planning Commission's recommendation.

### **6) City Council**

- a)** The Flint City Council will schedule a public hearing, publish a notice of said public hearing and hold the public hearing at one of their regularly scheduled meetings. The Flint City Council renders the final decision to approve or deny the application for the requested vacation.
- b)** A vacation and discontinuance of street, alley, or public ground requires approval of City Council and adoption by Resolution. Should the vacation be approved, the city property shall cease to be part of the city public system and the land will become the property of the adjoining landowner and placed on the assessment rolls for the purpose of taxation. The city may reserve an easement for public utility purposes. It becomes the new owner's responsibility to maintain the property they have acquired.

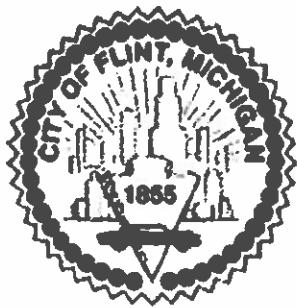
## **VACATION OF STREET, ALLEY, OR PUBLIC GROUNDS**

### **APPLICATION PROCEDURES**

- 7) Upon approval, within 30 days the City Clerk shall record a certified copy of the resolution with the Register of Deeds for Genesee County and forward a certified copy of the resolution to the State Treasurer.

Please use the following link below in **BLUE**, to review the City of Flint, City Code language for the vacation of streets, alleys, or other public grounds:  
**City of Flint City Code Chapter 50, §42-25**

[this space intentionally left blank]



**City of Flint  
Department of Business and Community Services  
1101 S Saginaw Street Room S105, Flint, MI 48502  
Phone: (810)768-7426  
[www.cityofflnt.com/zoning-division/](http://www.cityofflnt.com/zoning-division/)**

## Petition

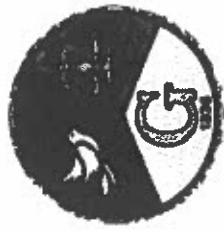
We, the undersigned, petition the City of Flint as follows:



**City of Flint  
Department of Business and Community Services  
1101 S Saginaw Street Room S105, Flint, MI 48502  
Phone: (810)768-7426  
[www.cityofflint.com/zoning-division/](http://www.cityofflint.com/zoning-division/)**

## Petition

**City of Flint 1101 S. Saginaw Street, Room S105, Flint MI 48502  
(810) 766-7426**



PC 24-26 Baker St  
Vacation

Area to be Vacated

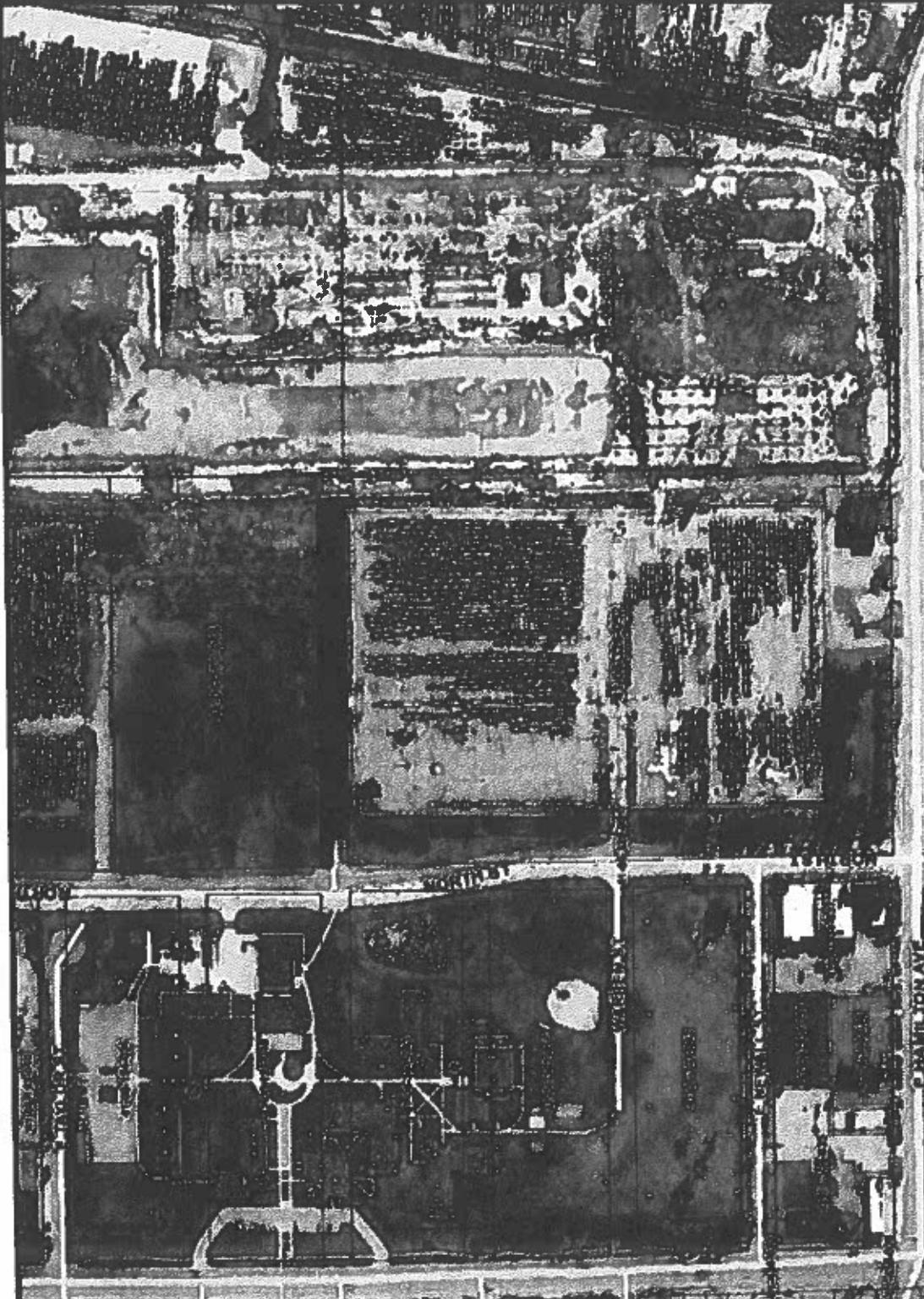


Map Published:  
11/04/2024 3:55 PM

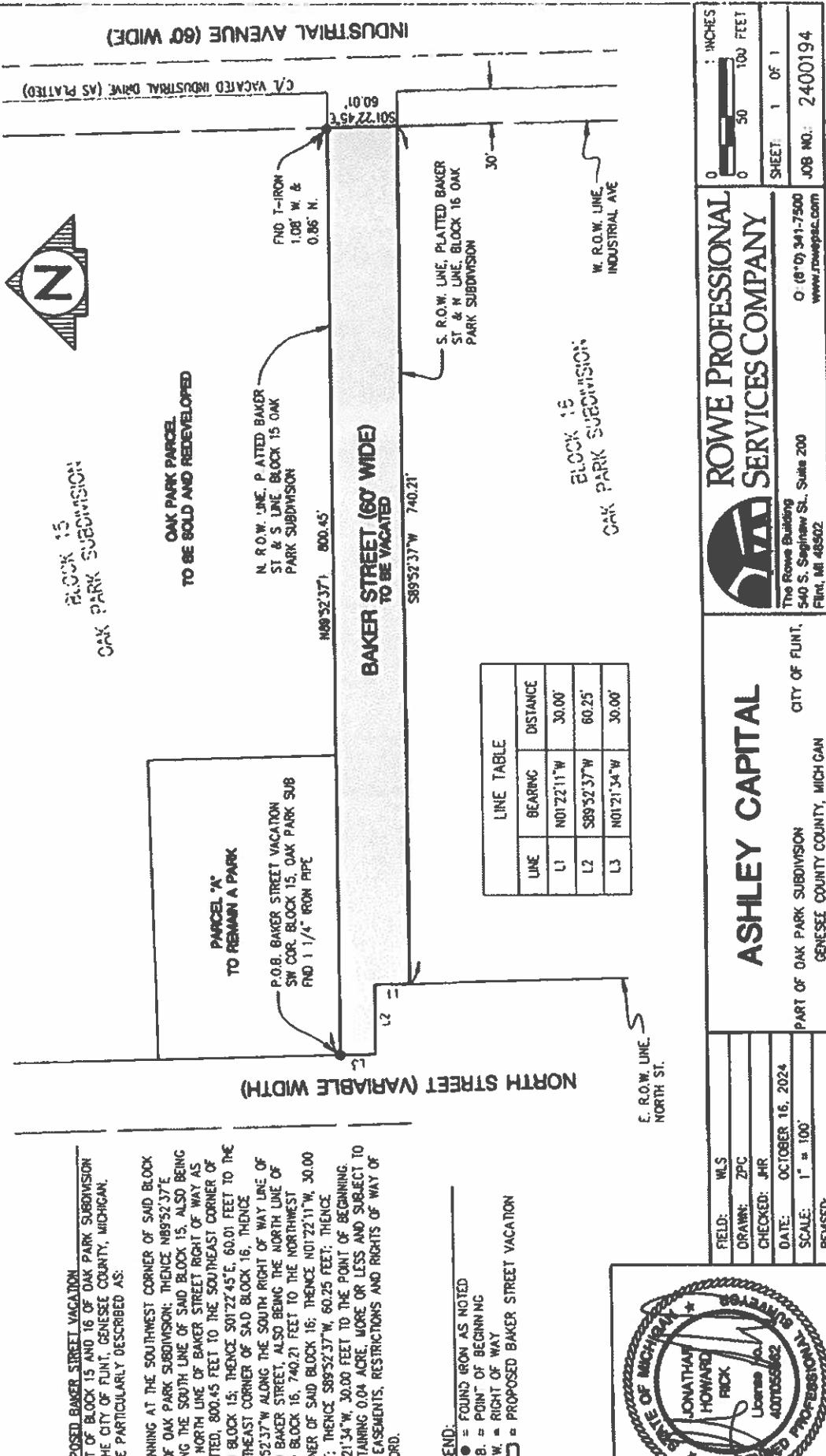
100m  
328ft

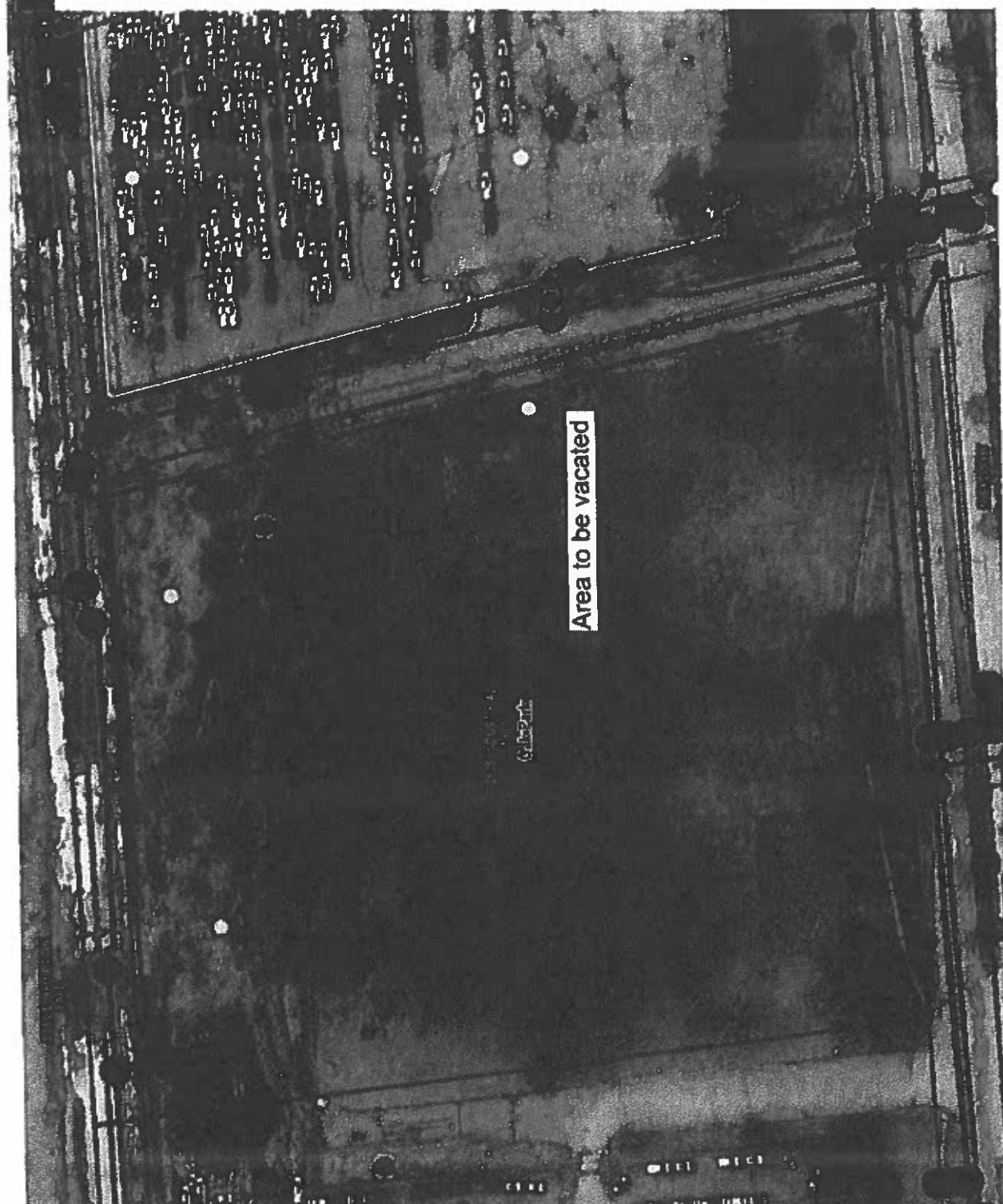
powered by  
**FetchGIS**

Disclaimer: This map does not  
represent a survey or legal  
document and is provided on an  
'as is' basis. Genesee County  
expresses no warranty for the  
information displayed on this map  
document.



## BAKER STREET EXHIBIT

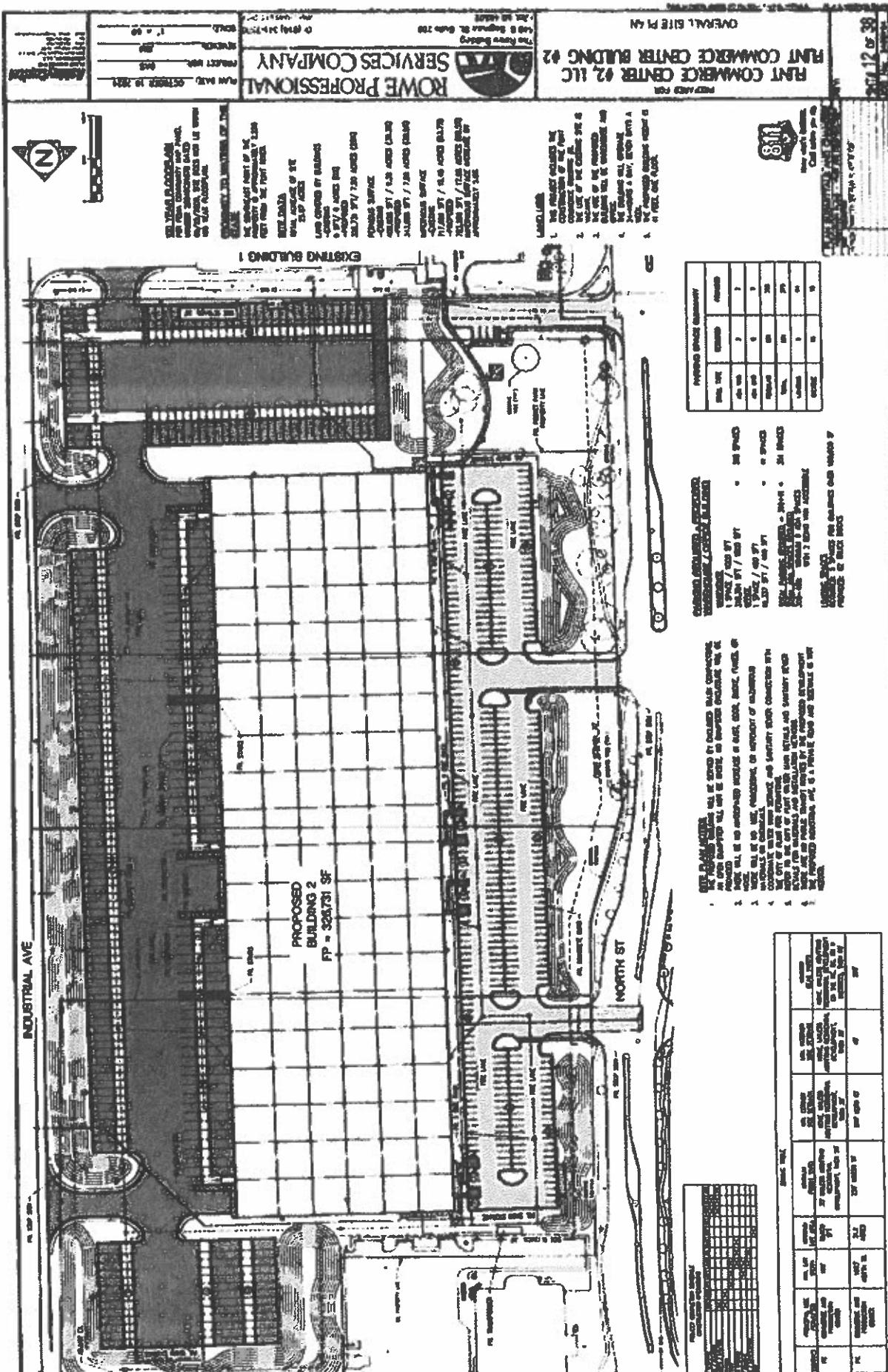




CONTROLS

- ✓  US Parcels
- ✓  Sanitary Pipes
- ✓  Sanitary Manholes
- ✓  Pump Stations
- ✓  Stormwater Pipes
- ✓  Stormwater Manholes
- ✓  Stormwater Outlets
- ✓  Water Pipes
- ✓  Water Meters
- ✓  Hydrants
- ✓  Parks
- ✓  Roads 2015
- ✓  Street Trees 2016
- Parcels, Genesee County Address
- ✓  Water Resources
- FloodZones
- National Waterways Inventory - Water Only
- Cities, Villages, Townships
- Sewer Easement Lines
- ✓  Waterways - County Roads
- Zoning
- 2021 CDF Parcels
- Parcels, Genesee County





# OAK PARK SUBDIVISION

of part of Sections 1 and 2 of Smith's Reservation

GENESEE CO., MICHIGAN

Scale-200 feet per inch

1 mile

Mason L. Brown  
Engineer and Surveyor  
George C. Spence  
Chairman of Commissioners  
Detroit, Michigan

I hereby certify that the above plat is correct  
and no monuments consisting of trees, stakes, etc.  
are square and if stakes long have been placed in  
the ground at all angles in the boundaries, and at the  
intersection of all streets or streets and alleys, as shown  
on the above plat.

Mason L. Brown  
Engineer and Surveyor

HAMILTON AVENUE

100 FEET

FLINT CITY WATER WORKS

Office of Register of Deeds  
Geneese County  
July 10, 1900

I hereby certify that all the lots  
and parcels upon the within described  
are paid up from the 11th day of  
July, 1900, to the 11th day of  
July, as appears by the records in my

Office Earl Johnson  
County Treasurer.

KNOW ALL MEN BY THESE PRESENTS, that Mr. Mason L. Brown, William C. Durand, Clara Pitt Durand,  
his wife by Horace C. Spence his attorney in fact  
have caused the land described in the above plat to  
be surveyed, laid out and platted to be known as Oak  
Park Subdivision of Part of Section 1 and 2 of Smith's  
Reservation in Genese County, Michigan, and that  
the streets and alleys shown on said plat are hereby  
dedicated to the use of the public.  
Witness our hands and seals this the 28th day of June  
A.D. Nineteen hundred. Mason L. Brown (S)

William C. Durand (S)  
Clara Pitt Durand (S)  
by Horace C. Spence  
his attorney in fact

State of Michigan  
County of Genese 35. On the 28th day of June, 1900 before me, a Notary  
Public in and for said County, personally appeared the above named  
parties to me, and William C. Durand, Clara Pitt Durand, by Horace C.  
Spence, his attorney in fact, known to me to be the same persons who  
executed the above declaration, and who acknowledged the same to be  
their free act and deed. Charles A. Durand, Notary Public  
Genese County, Michigan.

State of Michigan  
County of Genese 35. On the 28th day of June, 1900 before me, a Notary  
Public in and for said County, personally appeared the above named  
parties to me, and William C. Durand, Clara Pitt Durand, by Horace C.  
Spence, his attorney in fact, known to me to be the same persons who  
executed the above declaration, and who acknowledged the same to be  
their free act and deed. Charles A. Durand, Notary Public  
Genese County, Michigan.

1900. John P. Mathewson  
Register of Deeds

The property herein platted is described as follows: All that part of the County  
of Genese Reservation, which lies east of the east line of Industrial Avenue and west of  
the property herein platted is described as follows: All that part of the County  
of Genese Reservation, which lies east of Lots 15, 16, 17 and 18 of Duray and Hamilton 1/2 of Section  
of Genese County, Michigan.

Register of Deeds  
Genese County, All Recorded this 10th day of July A.D. 1900 at 1:30 o'clock P.M. in  
Book 2 of Plots, page 13. Stephen Mathewson, Register of Deeds.

I hereby certify that this 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 the 28th day of January 1900.

George P. Motley  
Clark Auditor General's Department.

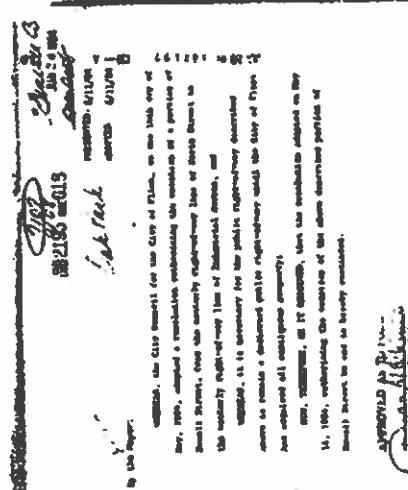
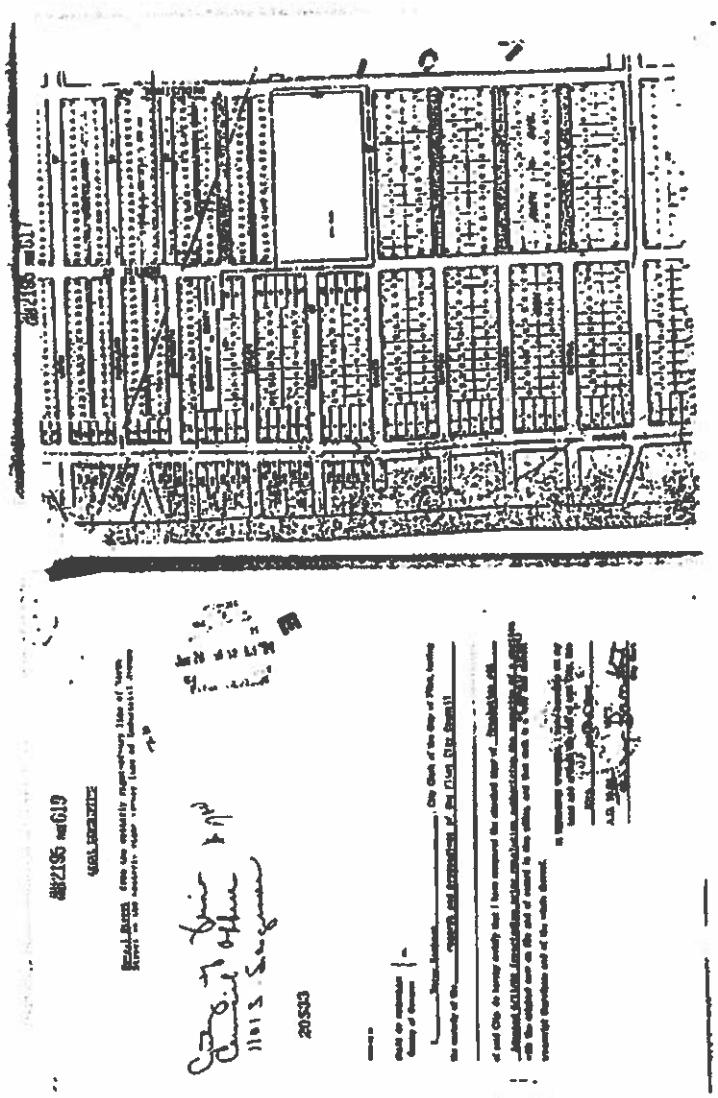
PITTSBURGH, PA., NOV. 10, 1911.

Mr. F. J. DUNN, Mayor,  
The City of Pittsburgh,  
Pa.

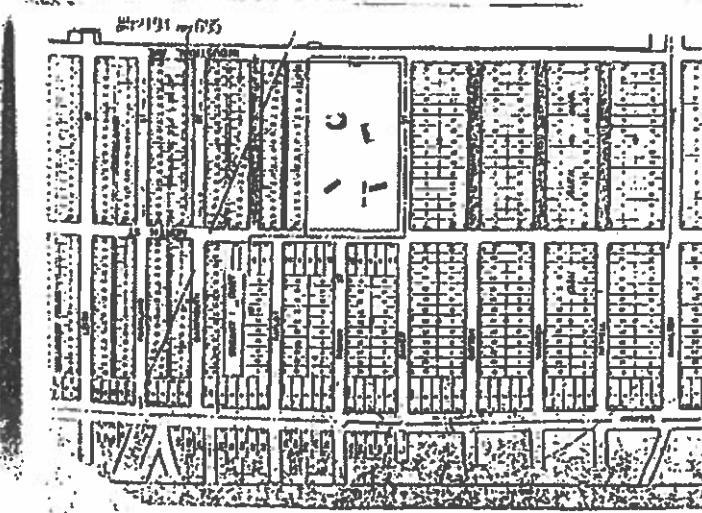
Dear Sir: I have the honor to submit a copy of this resolution  
with the request of that the Pittsburgh Councils and Boards be informed  
of the same.

Very truly yours,  
John J. Coughlin,  
Chairman of the Board of Trade, Pittsburgh.

11/10/11.







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Fig. 1.—FIREANT HABITS.—*Red fire ants* were collected within the city limits of Lake Charles, Louisiana, during a month and a half of the summer of 1917. The habits of *Red fire ants* are described in detail.

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the influence on the cost of imports to the United States of the depreciation of the dollar, and of the value of the United States dollar in foreign exchange markets.

272 *Journal of Health Politics*

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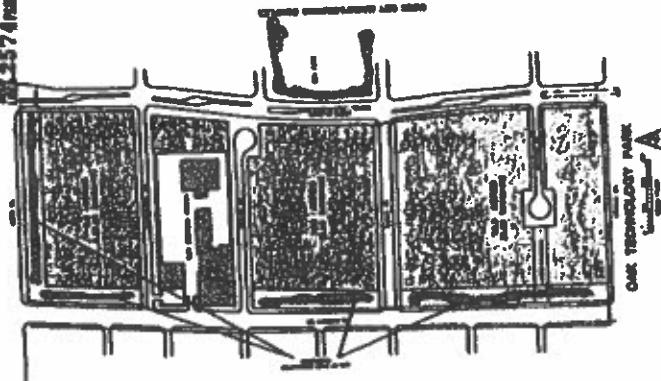
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四庫全書

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APPROVED AS TO FORM  
*Michael J. Glatz*  
Michael J. Glatz  
Chairman, City Council

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1. *Monograph of the genus *Leptothrix* (Siphonophorae).* By G. M. Smith. (1895.)

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961685.1

PRESENTED: JAN 13 1997

LIBER 3460 PAGE 970

ADOPTED: JAN 13 1997

Resolution Recommending Vacation of Parkland Avenue  
between N. Saginaw Street and North Street AND  
the Vacation of an Alley Off Leith Street in Parkland Sub.

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✓7107-10

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BY THE MAYOR:

WHEREAS, due notice having been given to all persons interested as to the time and place of a hearing in respect to the proposed action of this body to vacate the street, alley or public ground known as that part of Parkland Avenue from 20 feet east of the east R.O.W. line of Saginaw Street to 25 feet west of the west R.O.W. line of North Street as platted, in Parkland Sub. and the Durant-Dort Carriage Co. replat of parts of Blocks 12 and 27 and all of 13-15 of Oak Park Sub., Ward 3, AND also the vacation of the alley bounded by Lots 16, 17 and 20-24 of block 9 of Parkland Sub. Ward 3, and

WHEREAS, pursuant to the requirements of Section 42-25 of the Flint City Code a public hearing has been held so that members of the Flint City Council could meet and hear objections to the proposed vacation and discontinuance of the above described street, alley or public ground;

NOW, THEREFORE, BE IT RESOLVED, that all of Parkland Avenue from 20 feet east of the east R.O.W. line of Saginaw Street to 25 feet west of the west R.O.W. line of North Street as platted, in Parkland Sub. and the Durant-Dort Carriage Co. replat of parts of Blocks 12 and 27 and all of 13-15 of Oak Park Sub., Ward 3, AND all of the alley bounded by Lots 16, 17 and 20-24 of block 9 of Parkland Sub. Ward 3, is hereby vacated and discontinued forever as a public street, and the same is hereby placed on the assessments rolls for the purpose of taxation, that there is hereby reserved to the City of Flint an easement for public utility purposes, for the operation, repair, maintenance and replacement of sewers, water mains and appurtenances presently installed in the portion of the attached described street, alley or public ground herein vacated, and except further that an easement for public utility purposes for the operation, repair and maintenance and replacement of gas mains and underground and overhead electric and telephone lines and appurtenances presently installed in the portion of the attached described street, alley or public ground herein vacated is hereby reserved to the owners of such facilities. No structures shall be placed over or under any such existing utility without the express written consent of the owner thereof.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer.

APPROVED AS TO FORM:

W. C. Crawford II

William H. Crawford II  
Chief Legal Officer

Flint Council

9233

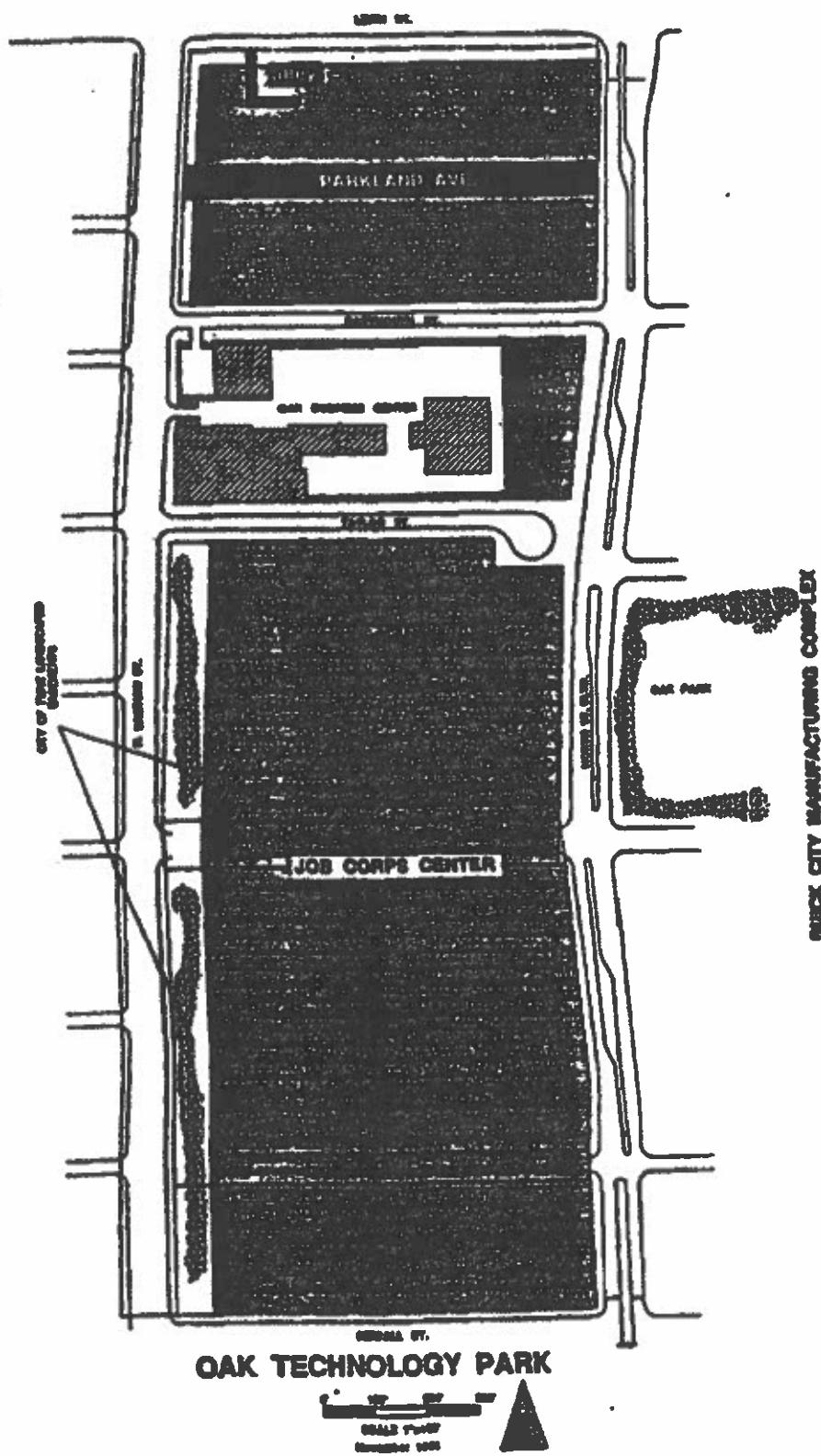
APPROVED BY  
CITY COUNCIL

JAN 13 1997

Leinde Davis

REC'D: 1/13/97  
20113.14  
JF/

MASTER LIBER 3460 PAGE 971



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STATE OF MICHIGAN  
County of Genesee.

ss.

I, Louis A. Hawkins

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LIBER 346 UPAGE 97

, City Clerk of the City of Flint, having the  
custody of the records and proceedings of the Flint City Council

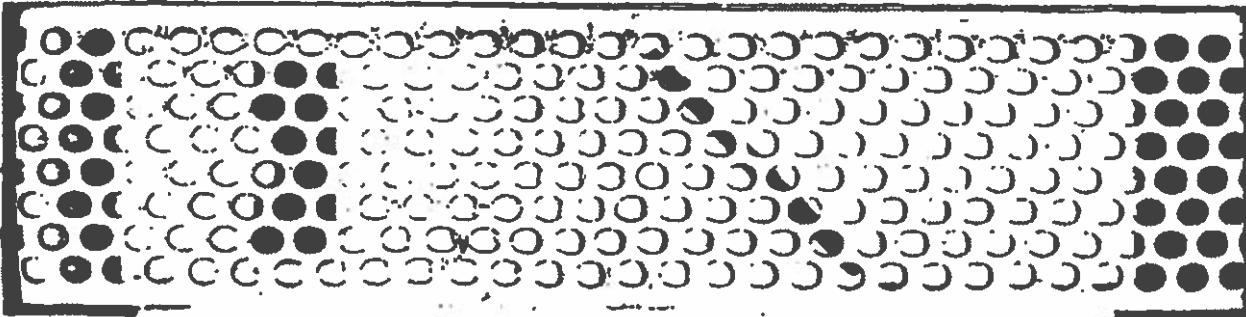
of said City, do hereby certify that I have compared the attached copy of Resolution 961685.1  
(vacation of Parkland between N. Sag. & North St. & an Alley off Leith in Parkland  
with the original now on file and of record in this office, and that such is a true and correct transcript Sub. )  
therefrom and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my  
hand and affixed the seal of said City, this  
12th day of Feb.

A. D. 19 97

Louis A. Hawkins

City Clerk



MASTER 4059 PAGE 111  
5635  
981756.1 5661  
PRESENTED: JAN 11 1999 ✓ 7107  
7108  
ADOPTED: JAN 11 1999 5668  
5670

*Mark P. Miller*  
JAN 23 3 02 PM '99

GRANGE COUNTY  
Resolution Recommending Vacation of Various Streets Located  
in University Park Estates

FEB 18 1999

BY THE MAYOR:

WHEREAS, due notice having been given to all persons interested as to the time and place of a hearing in respect to the proposed action of this body to vacate the street, alley or public ground known as that part that encompasses the following streets that are located in what is commonly known as University Park Estates: the area of land includes Part of McFarlan & Co's Northern Add., Alex McFarlan's Add., Part of Oak Park Sub., Wrights Replat, and Part of MacLaughlin's sub. The City requests to vacate Elizabeth St., at the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Wood St. from the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Mary St. from the east right-of-way of N. Saginaw St. to the west right-of-way line of Industrial Ave., Page St. from the east right-of-way line of N. Saginaw St., to the west right-of-way line of Industrial Ave., Wright St. from the north right-of-way line of Wood St. to the south right-of-way line of Mary St., Willard Ct. From the north right-of-way line of Wood St. to the south right-of-way line of Mary St., and North St. from the north right-of-way line of Cornelia St. to the south right-of-way line of Harriet St., WARD 5, and

WHEREAS, pursuant to the requirements of Section 42-25 of the Flint City Code a public hearing has been held so that members of the Flint City Council could meet and hear objections to the proposed vacation and discontinuance of the above described street, alley or public ground;

NOW, THEREFORE, BE IT RESOLVED, that the part that encompasses the following streets that are located in what is commonly known as University Park Estates: the area of land includes Part of McFarlan & Co's Northern Add., Alex McFarlan's Add., Part of Oak Park Sub., Wrights Replat, and Part of MacLaughlin's sub. Elizabeth St., at the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Wood St. from the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Mary St. from the east right-of-way of N. Saginaw St. to the west right-of-way line of Industrial Ave., Page St. from the east right-of-way line of N. Saginaw St., to the west right-of-way line of Industrial Ave., Wright St. from the north right-of-way line of Wood St. to the south right-of-way line of Mary St., Willard Ct. From the north right-of-way line of Wood St. to the south right-of-way line of Mary St., and North St. from the north right-of-way line of Cornelia St. to the south right-of-way line of Harriet St., WARD 5, is hereby vacated and discontinued forever as a public street, and the same is hereby placed on the assessments rolls for the purpose of taxation, that there is hereby reserved to the City of Flint an easement for public utility purposes, for the operation, repair, maintenance and replacement of sewers, water mains and appurtenances presently installed in the portion of the attached described street, alley or public ground herein vacated, and except further that an easement for public utility purposes for the operation, repair and maintenance and

1700 City of Flint Council Debbie Chertwinski

MASTER LIBER 4059 PAGE 718 5635

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replacement of gas mains and underground and overhead electric and telephone lines and appurtenances presently installed in the portion of the attached described street, alley or public ground herein vacated is hereby reserved to the owners of such facilities. No structures shall be placed over or under any such existing utility without the express written consent of the owner thereof.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer.

APPROVED AS TO FORM:

  
APPROVED BY  
CITY COUNCIL

  
JAN 11 1999

  
Karen McDonald Lopez  
Chief Legal Officer

m0106.7

FORM CC 34

STATE OF MICHIGAN }  
County of Genesee. } u.

I, Inez M. Brown, City Clerk of the City of Flint, having the  
custody of the records and proceedings of the Flint City Council,

of said City, do hereby certify that I have compared the attached copy of Resolution 981756 adopted 1/11/99

with the original now on file and of record in this office, and that such 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 City, this

26th day of January

A. D. 1999





Map of the Grand Traverse on the Flint River in Michigan showing the boundaries of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 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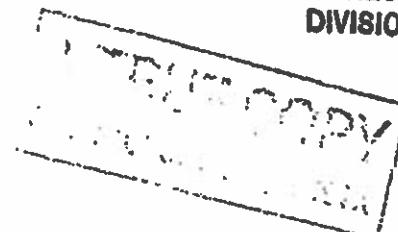
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ENVIRONMENTAL RESOURCE  
DIVISION



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

CITY OF FLINT, a Michigan Municipal  
Corporation,

vs

Plaintiff,

CASE NO. 98-64471-CH

MICHIGAN STATE TREASURER, et al;

Defendants.

Honorable Geoffrey L. Neithercut

CONSENT JUDGMENT  
VACATING RECORDED PLATS AND  
PORTIONS OF RECORDED PLATS

At a session of said court, held in the County of Genesee  
State of Michigan, on May 5<sup>th</sup>, 2000

PRESENT: HONORABLE GEOFFREY L. NEITHERCUT  
Circuit Court Judge

WHEREAS, this matter having come on to be heard upon the December 30, 1998 Complaint  
of the City of Flint, a Michigan Municipal Corporation to Vacate recorded plats or portions of  
recorded plats identified in the Complaint for the new University Park Estates Development in the  
City of Flint (Exhibit 1) and Plaintiff having represented to the Court that it has joined all parties  
required to be joined by MCL 560.224a(1); MSA 26.430(224a) and those parties having either  
stipulated to the Judgment, consented to the vacation of the plats, been given notice of the  
proceedings leading to this Judgment or have been defaulted.

**NOW THEREFORE, IT IS ORDERED AND ADJUDGED;**

1. That the Plats and/or portions of the Plats described in the attached legal description (Exhibit 2) located in the City of Flint, Genesee County, Michigan are hereby vacated pursuant to MCL 560.226; MSA 26.430(226).
2. All existing easements located within the boundaries of the proprietor plats are hereby preserved, and the proprietor plats shall show all existing 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 easement shown has contacted all utility companies providing services to these subdivisions and 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 the title search or issuance of a title policy and the submittal date of the proprietor plats and shall provide a copy of those records to the Michigan Department of Consumer and Industry Services upon submission of the proprietor plats.
3. The City of Flint has by Resolutions adopted August 5, 1901, April 14, 1980 and January 11, 1999 and recorded with the Genesee county Register of Deeds (See Exhibit 3) vacated various streets located in the area included within the plats or portions of plats vacated by this Judgment and the public utility easements in said vacated streets, if any, have been extinguished by Resolution 000209 adopted by the Flint City Council February 28, 2000 and recorded with the Genesee County Register of Deeds March 2, 2000.
4. Within Thirty days of the entry of this Judgment, Plaintiff shall record this Judgment in the office of the Genesee County Register of Deeds and the Register of Deeds shall place on the original plats the date, liber, and page of the record of the Court's Judgment pursuant to MCL

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560.228; MSA 26.430(228).

5. Plaintiff shall prepare and file within 965 days of the entry of this Judgment, in the form required by Land Division Land Act for a final plat, new proprietor plats for the plats or portions thereof vacated by this judgment as described in Exhibit 2 for the review and approval of the Michigan Department of Consumer and Industry Services in accordance with the Land Division Act. MCL 560.101 et seq; MSA 26.430(101) et seq.

6. Upon notice and hearing, this Judgment may be declared null and void *nunc pro tunc* should the new proprietor plats not be prepared and filed as required by this judgment and by the requirements of MCL 560.101 et seq; MSA 26.430(101) et seq.

GEOFFREY L. NEITHERCUT  
P-25466

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Honorable Geoffrey L. Neithercut  
Circuit Court Judge

I stipulate to the entry of this Judgment

Michael T. Joliat  
Michael T. Joliat  
Attorney for City of Flint

Wendy A. McIntyre  
Wendy A. McIntyre *by ATJ w/ perm.*  
Attorney for Consumers Energy Company

Barbara Schmidt  
Barbara Schmidt  
Assistant Attorney General  
Attorney for  
Michigan Dept. of  
Consumer and Industry  
Services

Robert L. Shegos  
Robert L. Shegos *by ATJ w/ perm.*  
Attorney for Defendant Genesee County Rd Com.

7108

A TRUE COPY  
Michael J. Carr, Clerk

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

CITY OF FLINT, a Michigan Municipal  
Corporation,

Plaintiff,

vs

CASE NO. 98-64471 CH

GEOFFREY L NEITHERCUT  
P-25466

MICHIGAN STATE TREASURER;  
GENESEE COUNTY DRAIN  
COMMISSIONER; CHAIRMAN OF THE  
BOARD OF THE GENESEE COUNTY  
ROAD COMMISSION; CONSUMERS ENERGY  
COMPANY, a Michigan Corporation; M. J.  
STEINBERG, R.D. SWILLEY, C. and H. BULLOCK,  
W. WRIGHT, G. and SARA WILLOUGHBY,  
J.R. and L. A. SMITH, D.E. and EDITH WITHEY,  
VINLINDEN & SIMERSON, M.D. GAINES,  
A. CORRIEBAU and D. DEKRU, M. AL-HAQQ,  
J.F. LAVELLE and P. BUSQUE, W. SPENCER,  
A.J. CROCKER, W. M. and E. HOWARD, S. R. and B.I.  
THRASHER, STATE OF MICHIGAN, WINDMILL  
PLACE, K.A. KISH and U.A. MAIER, FLINT ODYSSEY  
HOUSE, REPOSSESSIONS, INC., V. DENDY, LOYST  
FLETCHER, JR., A. COOPER, C.C. CHANDLER, et al.,  
CHURCH'S FRIED CHICKEN, D. SCHMITT, J. & M. A.  
BABALA, DOWNTOWN DEVELOPMENT AUTHORITY,  
MICHIGAN ELECTRIC SUPPLY CO., BOARD OF  
EDUCATION, BUICK MOTOR DIVISION, PIONEER  
LEASING, INC., FLINT SAUSAGE WORKS, D.D. and M.A.  
JACKSON, CONSUMERS POWER, CO., E.I. DUPONT  
DENEMOURS CO., B. and M. REYNOLDS, DELIA REFACE,  
MARIA REFACE, DAYNE and JO DAVIS, I. SCHNEIDER, AND  
ALL OTHER UNKNOWN PARTIES AND OWNERS  
WITHIN 300 FEET.

Defendants.

MICHAEL T. JOLIAT (P32086 )  
Attorney for Plaintiffs  
2300 Austin Parkway, Suite 140  
Flint, Michigan 48507  
810-235-9000

EXHIBIT

7108

**COMPLAINT TO VACATE PORTIONS OF  
RECORDED PLAT**

**NOW COMES** the Plaintiff, City of Flint, a Michigan Municipal Corporation its attorneys Chief Legal officers Karen McDonald Lopez and Michael T. Joliat, P.C. and for its Complaint to Vacate Portions of Recorded Plat states as follows:

1. The Plaintiff, City of Flint, is a Michigan Municipal Corporation, located at 1101 S. Saginaw Street, Flint, Genesee County, Michigan.

2. ... A portion of the real property subject to this Complaint, of which Plaintiff has an interest, was previously platted as more fully described in Exhibit A Legal Description and Exhibit B Plat Map. (The plat map and legal description exhibits are expressly incorporated herein by reference.)

3. The Plaintiff seeks vacation of portions of the plats affecting the premises described in paragraph 2 and Exhibits A & B to facilitate residential development of the subject premises pursuant to Section 104 of the Michigan Subdivision Control Act (MCL 560.104) as reflected on the attached maps.

4. Plaintiff is also pursuing vacating portions of the streets within the platted area which are under the jurisdiction of the City of Flint and this Court, pursuant to its Charter and MCL 117.4f and acquisition of all property within the replat area.

5. That the proposed vacations and redevelopment of the subject premises will benefit the public interest and is necessary to provide quality residential housing.

6. The proposed vacations will not adversely affect adjoining property owners within 300 feet of the subject premises, their respective mortgagees, Defendant utility companies,

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Defendant municipality, Defendant road commission, Defendant drain commissioner or the treasurer of the State of Michigan, all necessary parties pursuant to MCL 560.224a and MCR 2.205(A).

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter a Judgment Vacating the above referenced portions of the plat and streets, and to grant such further relief that it deems fair and equitable under the circumstances.

Michael T. Joliat  
MICHAEL T. JOLIAT (P-32086)  
Attorney for  
2300 Austin Parkway, Suite 140  
Flint, Michigan 48507  
(810) 235-9000

Dated: December 30, 1998

f:\users\mike\flint\class\complaint

## LEGAL DESCRIPTION

Commitment No.: G-17642

The land referred to in this Commitment, situated in the County of Genesee, City of Flint, State of Michigan, is described as follows:

A parcel of land in Section Numbers 1 and 2 of the "INDIAN RESERVATION OF ELEVEN SECTIONS AT AND NEAR THE GRAND TRAVERSE OF THE FLINT RIVER, MICHIGAN TERRITORY" (Now Genesee County, State of Michigan) (Also commonly known as "Smith's Reservation"), as reserved by the 3RD Article of the Saginaw Treaty of September 4, 1819, being located in the City of Flint, Genesee County, State of Michigan, including and being those parts of the following recorded plats;

That part of Section No. 2 lying South of Harriet Street, East of Saginaw Street, North of Cornelia Street, and West of Industrial Avenue in the "Plat of Section 1, 2, 3, 4, 5, 6 and 8, being part of the reserve at/near the Grand Traverse on Flint River, Genesee County, Michigan (also known as unplatied land in the City's Records) (as recorded in Liber 7 of Deeds, page 308 and Liber 1 of Plats, page 5, Genesee County Records), part of Block 1 and Blocks 2, 3, 4 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT" (as recorded in Liber 77 of Deeds, page 9, Genesee County Records), that part of Blocks 1 and 3 lying West of Industrial Avenue and Block 2 of "ALEX MCFARLAN'S ADDITION TO THE CITY OF FLINT" (as recorded in Liber 2 of Plats, page 5, Genesee County Records), part of Lots 1 and 14 of "MAINES REPLAT OF PART OF MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT" (as recorded in Liber 2 of Plats, page 11, Genesee County Records, Blocks 1, 2, 23 and 24 of "OAK PARK SUBDIVISION" (as recorded in Liber 2 of Plats, page 12 and 13, Genesee County Records), all of "WRIGHT'S REPLAT OF BLOCK NO. 4 OF MCFARLAN & CO'S RAILROAD ADDITION TO THE CITY OF FLINT" (as recorded in Liber 2 of Plats, page 14, Genesee County Records), that part of "MC LAUGHLIN'S ADDITION TO THE CITY OF FLINT" lying West of Industrial Avenue (as recorded in Liber 2 of Plats, page 16, Genesee County Records), all of "WILLARD COURT" (as recorded in Liber 5 of Plats, page 38, Genesee County Records), and including parts of North Street, Wright Street, Willard Court, Page Street, Mary Street, Wood Street, and Elizabeth Street, as shown on said plats;

Said Parcel begin more particularly described as beginning at the Northwest corner of said Block 2 of "OAK PARK SUBDIVISION" which is located by the following five (5) courses from corner C, the corner at the Northwest end of the line common to said Section Numbers 1 and 2 on the reservation boundary line (said line lies along the Southwesterly part of Government Lot 3 of fractional Section 1, Township 7 North, Range 6 East, Genesee County, Michigan); (1) South 67 degrees 18 minutes 47 seconds East 198.10 feet (recorded as South 66 degrees 27 minutes East 196.9 feet and 210.9 feet) along the line between the "STONE-MACDONALD ADDITION TO THE CITY OF FLINT" and the "POMEROY-BONBRIGHT 2ND ADDITION TO THE CITY OF FLINT" (as recorded in Liber 3 of Plats, pages 28 and 39, respectively, Genesee County Records), also being said line between Section Numbers 1 and 2 of said reservation; (2) South 67 degrees 21 minutes 41 seconds East 479.13 feet (recorded as South 66 degrees 27 minutes East 477.6 feet and 479.2 feet) along said line between the "STONE-MACDONALD ADDITION TO THE CITY OF FLINT" and the "POMEROY-BONBRIGHT 2ND ADDITION TO THE CITY OF FLINT," (3) continuing along said line between Section Numbers 1 and 2 of said reservation South 67 degrees 18 minutes 52 seconds East 1797.96 feet to a point on the East line of Saginaw Street (said point being South 00 degrees 53 minutes 08 seconds East 9.14 feet from the Northwest corner of Block 4 of said Oak Park Subdivision), (4) South 00 degrees 53 minutes 08 seconds East (recorded as South 550.91 feet along said East line of Saginaw Street to the Southwest corner of Block 3 of said "OAK PARK SUBDIVISION" and (5) South 00 degrees 50 minutes 10 seconds East 59.80 feet (recorded as South 1 degrees East 60.0 feet) across Harriet Street to said Northwest corner of said Block 2 of "OAK PARK SUBDIVISION," said point of beginning of this description; thence

## LEGAL DESCRIPTION - CONTINUED

along the South line of Harriet Street South 89 degrees 18 minutes 35 seconds East 791.40 feet (recorded as South 88 degrees 47 minutes East and North 89 degrees East 792.0 feet) to the Northeast corner of said Block 1 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT," said line also being the North line of said Block 2 of "OAK PARK SUBDIVISION," crossing part of Lot 1 of "MAINES REPLAT OF PART OF MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT"; and also being the North line of said part of Block 1 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT"; thence South 89 degrees 53 minutes 45 seconds East 60.02 feet (recorded as 60.0 feet) across said North Street to the Northwest corner of said Block 23 of "OAK PARK SUBDIVISION;" thence; along the South line of Harriet Street South 89 degrees 40 minutes 23 seconds East 799.71 feet (recorded as South 88 degrees 47 minutes East 800.0 feet) to the Northeast corner of Lot 1 of said "MCLAUGHLIN'S ADDITION TO THE CITY OF FLINT" and the West line of Industrial Street (said corner bearing South 89 degrees 40 degrees 23 minutes East 179.14 feet; from the intersection of said South line of Harriet Street with said line between Section Numbers 1 and 2 of said Reservation and also bearing North 00 degrees 54 minutes 14 seconds West 74.36 feet from the intersection of said West line of Industrial Avenue with said line between Section Numbers 1 and 2 of said reservation), said line also being the North line of said Block 23 and the North line of said "MCLAUGHLIN'S ADDITION TO THE CITY OF FLINT"; thence along the West line of Industrial Street South 00 degrees 54 minutes 14 seconds East 299.89 feet (recorded as South 300.0 feet) to the Southeast corner of Lot 6 of said "MCLAUGHLIN'S ADDITION TO THE CITY OF FLINT," said line also being the East line of Lots 1 through 6 of said plat; thence South 00 degrees 44 minutes 33 seconds East 60.34 feet (recorded as 60.0 feet) across said Page Street to the Northeast corner of Lot 15 of said "MCLAUGHLIN'S ADDITION TO THE CITY OF FLINT;" thence continuing along said West line of Industrial Avenue South 00 degrees 50 minutes 46 seconds East (recorded as South) 806.70 feet across said Mary Street to an angle point in said West line of Industrial Avenue which is in Lot 6 of said Block 1 of "ALEX MCFARLAN'S ADDITION TO THE CITY OF FLINT," said line also being the East line of Lots 15 through 20 of said "MCLAUGHLIN'S ADDITION TO THE CITY OF FLINT", and the East line of a Block which is part of said "PLAT OF SECTIONS 2, 3, 4, 5, 6 and 8, being part of the reserve at/near the Grand Traverse on Flint River, Genesee County, Michigan;" thence from said angle point in said Lot 6 continuing along said Westerly line of Industrial Avenue South 18 degrees 55 minutes 09 seconds

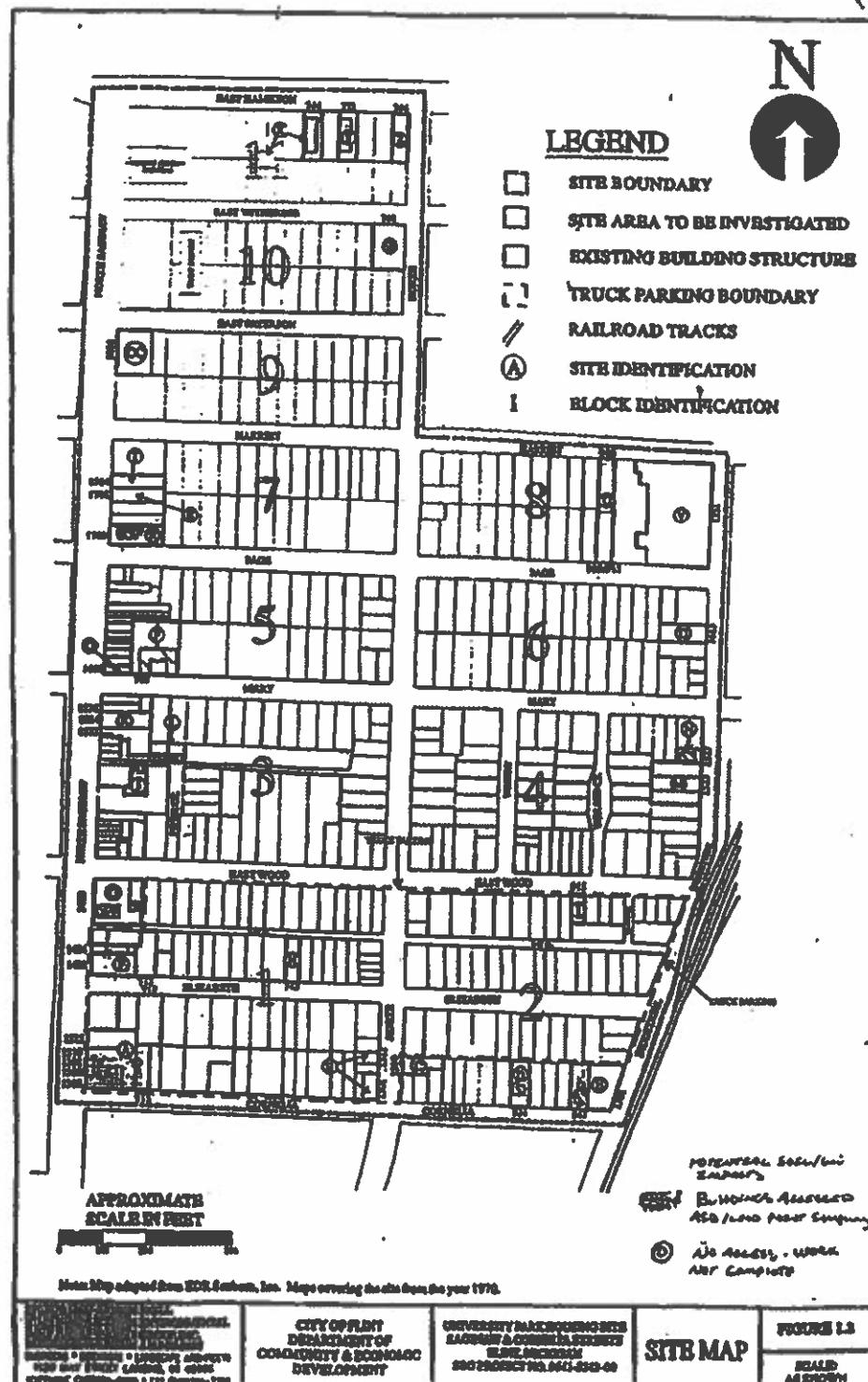
West 369.50 feet to the South line of said Lot 6, across Wood Street and continuing to a point on the South line of Lot 6 of said Block 3 of "ALEX MCFARLAN'S ADDITION TO THE CITY OF FLINT;" thence South 13 degrees 59 minutes 41 seconds West 61.61 feet across Elizabeth Street to the Northeast corner of a Block which is part of said "PLAT OF SECTIONS 2, 3, 4, 5, 6 and 8, being part of the reserve at/near the Grand Traverse on Flint River, Genesee County, Michigan;" thence continuing along the Westerly line of Industrial Avenue South 14 degrees 23 minutes 11 seconds West 268.02 feet to the Southeast corner of said Block which is part of said "PLAT OF SECTIONS 2, 3, 4, 5, 6 and 8, being part of the reserve at/near the Grand Traverse on Flint River, Genesee County, Michigan" and the North line of Cornelia Street; thence along said North line of Cornelia Street North 89 degrees 34 minutes 57 minutes West 1448.35 feet across said North Street to the Southwest corner of said Block 4 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT" and the East line of Saginaw Street, said line also being the South line of said Block which is part of said "PLAT SECTIONS 2, 3, 4, 5, 6 and 8, being part of the reserve at/near the Grand Traverse on Flint River, Genesee County, Michigan" and the South line of said Block of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT;" thence along said East line of Saginaw Street North 00 degrees 33 minutes 12 seconds West 649.33 feet (recorded as North 1 degrees West 648.0 feet) across said Elizabeth Street and across said Wood Street to the Southwest corner of said Block 2 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT," said line also being the West line of said Block 4 and the West line of said Block 3 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT;" thence continuing along the East line of said Saginaw Street North 00 degrees 19 minutes 37 seconds West 524.84 feet (recorded as North 1 degrees West 522.0 feet) across said Mary Street to the Southwest corner of said Block 1 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT," said line also being the West line of said Block 2 of "MCFARLAN & CO'S NORTHERN

## LEGAL DESCRIPTION - CONTINUED

ADDITION TO THE CITY OF FLINT AND;" thence continuing along the East line of said Saginaw Street North 00 degrees 50 minutes 10 seconds West 660.74 feet (recorded as North 1 degree West 660.0 feet) across said Page Street to the Northwest corner of said Block 2 of "OAK PARK SUBDIVISION" and the point of beginning, said line also being the West line of said part of Block 1 of "MCFARLAN & CO'S NORTHERN ADDITION TO THE CITY OF FLINT" and the West line of said Block 2 of "OAK PARK SUBDIVISION" containing 67.98 acres of land and being subject to all easements and rights-of-way of record. The bearings are based upon an astronomical observation on Saginaw Street with an accuracy of 10 seconds +/-.

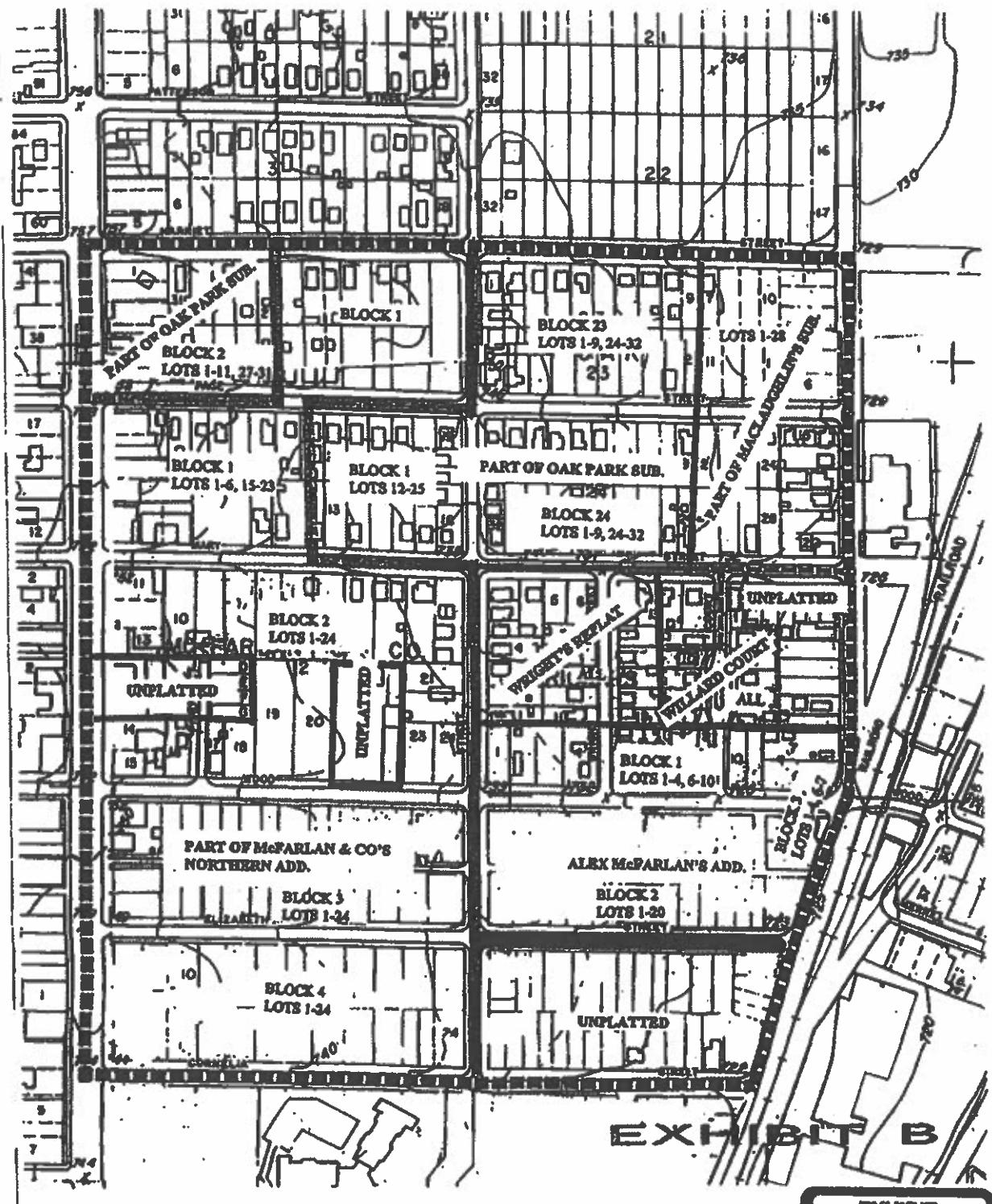
The "Indian Reservation of Eleven Sections at and near the Grand Traverse on the Flint River, Michigan Territory (now City of Flint)," as reserved by the 3rd Article of the Saginaw Treaty of September 4, 1819 (also commonly known as "SMITH'S RESERVATION"), was surveyed in 1821 just prior to the survey of the public land surveys in Genesee County but was excluded from the public land surveys. It constitutes an area along both sides of the Flint River composed of 11 Lots of 440 acres each which surveyor General Tiffin called "Sections" which are irregular-shaped polygons fronting the river and which from most of the area of present-day Flint. Most of the area would have been the Northeast quadrant of Flint Township, Township 7 North, Range 6 East, if the reservation did not exist.

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EXHIBIT

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#### Legal Description of Vacated Lands

That part of land in Section Numbers 1 and 2 of the "Indian Reservation of Eleven Sections at and near the Grand Traverse of the Flint River, Michigan Territory" (now Genesee County, State of Michigan) (also commonly known as "Smith's Reservation"), being located in the City of Flint, Genesee County, State of Michigan, and described as follows:

said land is bounded by and lies south of the South line of Harriet Street, east of the East line of Saginaw Street, north of the North line of Cornelia Street, and west of the West line of Industrial Avenue, except for that part of "Alex McFarlan's Addition to the City of Flint," as cited below, which lies within and east of the right-of-way of Industrial Avenue.

Said land is more particularly defined as including all of, or the herein noted parts of, the following plats:

All of Blocks 1, 2, 3 and 4 of "McFarlan & Co's. Northern Addition to the City of Flint" (as recorded in Liber 77 of Deeds, Page 0, G.C.R.), all of "Alex McFarlan's Addition to the City of Flint" (as recorded in Liber 2 of Plats, Page 5, G.C.R.), all of "Maines Replat of part of McFarland & Co's Northern Addition to the City of Flint" (as recorded in Liber 2 of Plats, Page 11, G.C.R.), Blocks 1, 2, 23 and 24 and Block or Lot A of "Oak Park Subdivision" (as recorded in Liber 2 of Plats, Page 12 and 13, G.C.R.), all of "Wrights Replat of Block No. 4 of McFarland & Co's Railroad Addition to the City of Flint" (as recorded in Liber 2 of Plats, Page 14, G.C.R.), that part of "McLaughlin's Addition to the City of Flint" lying west of Industrial Avenue (as recorded in Liber 2 of Plats, Page 16, G.C.R.), all of "Willard Court" (as recorded in Liber 5 of Plats, Page 38, G.C.R.); AND INCLUDING the following streets as shown on said plats: North Street from the South line of said Harriet Street to the North line of said Cornelia Street, all of Clark Street, Wright Street and Willard Court, all of the Alley in said "Alex McFarlan's Addition to the City of Flint," and those parts of Page, Mary, Wood, and Elizabeth Streets from the East line of said Saginaw Street to the West line of said Industrial Avenue; AND INCLUDING any part of "McFarland & Co's Railroad Addition to the City of Flint" which lies within the area vacated; - no known copy of this plat exists but it is listed in the Register of Deeds' records of plats in Genesee County and it must have, at least partially, lain within the area vacated since all of "Wrights Replat of Block No. 4 of McFarland & Co's Railroad Addition to the City of Flint," as recorded in Liber 2 of Plats, Page 14, G.C.R., lies within the area vacated.

Drafted by: Jack N. Owens, Professional Surveyor  
Rowe Incorporated, 6211 Taylor Dr., Flint, MI 48507

Exhibit 2; Page 1 of 1

P:\USERS\MIKE\PLINTY\CLASS\FINAL2

EXHIBIT

7108

000209

MASTER LIBER 4409 PAGE 111

Presented: FEB 26 2000

Approved: FEB 26 2000

Resolution Extinguishing Public Utility Easements in Vacated Streets  
in the University Park Estates area

This Council adopted Resolution GM-3276 on April 14, 1980 and Resolution 981756.1 on January 11, 1999 (Copies attached) vacating certain streets in the University Park Estates area, but retaining easements for public utility purposes; and

As part of the development process, the City filed suit to vacate the existing platted subdivisions in this area to accommodate the replatting of the area for University Park Estates. All of the public utility easements necessary for the new University Park Estates Subdivision are shown on the approved plat as required by law. The public utility easements previously reserved to the City in the vacation resolutions must be extinguished because they conflict with the newly platted Subdivision;

NOW, THEREFORE, BE IT RESOLVED, that the public utility easements previously reserved to the City of Flint in the area that encompasses the following streets that are located in what is commonly known as University Park Estates, the area of land includes Part of McFarlan & Co's Northern Add., Alex McFarlan's Add., Part of Oak Park Sub., Wrights Replat, and Part of MacLaughlin's sub; Clark Street from the N Line of Elizabeth Street to the S. line of Wood Street; Elizabeth St., at the east right-of-way Saginaw St. to the west right-of-way line of Industrial Ave.; Wood St. from the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave.; Mary St. from the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave.; Page St. from the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave.; Wright St. from the north right-of-way line of Wood St. to the south right-of-way line of Mary St.; Willard Ct. from the north right-of-way of Wood St. to the south right-of-way line of Mary St.; and North St., from the north right-of-way line of Cornelia St. to the south right-of-way line of Harriet St., WARD 5, are hereby vacated, extinguished and discontinued forever

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer.

Approved as to Form:

*Brooke Mayh*  
ft Karen McDonald Lopez  
Chief Legal Officer

15771

APPROVED BY  
CITY COUNCIL

GENESEE COUNTY  
REGISTER OF DEEDS

Mar 2 12 39 PM '00  
00. H. H.

*Deanne L. Shrock*  
FEB 26 2000



7108

MASTER  
BOOK 4409 PAGE 112  
X19  
1141 2081 114895

GM-3276-4/9/80  
PRESENTED: 4/14/80

ADOPTED: 4/14/80

By the Mayor:

WHEREAS, due notice having been given to all persons interested as to the time and place of a hearing in respect to the proposed action of this body to vacate and discontinue the following street, alley or public ground:

Clark Street from the N line of Elizabeth St. to the S. line of Wood St.  
and

WHEREAS, pursuant to the requirements of section 42-25 of the Flint City Code a public hearing has been held so that members of the Flint City Council could meet and hear objections to the proposed vacation and discontinuance of the above described street, alley or public ground;

NOW, THEREFORE, BE IT RESOLVED, that all that part of the same is hereby vacated and discontinued forever as a public street, and the same is hereby placed on the assessment rolls for the purpose of taxation, except, however, that there is hereby reserved to the City of Flint an easement for public utility purposes, for the operation, repair, maintenance and replacement of sewers, water mains and appurtenances presently installed in the portion of the above street, alley or public ground herein vacated, and except further that an easement for public utility purposes for the operation, repair and maintenance and replacement of gas mains and underground and overhead electric and telephone lines and appurtenances presently installed in the portion of the above street, alley or public ground herein vacated is hereby reserved to the owners of such facilities. No structures will be placed over or under any such existing utilities without the express written consent of the owner thereof.

Recommended by Special Affairs Comm. 4/14/80

EXHIBIT

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610-766-7351 COMMUNITY DEV

896 P02 JAN 06 '00 15:02

MASITE LIBER 4409 PAGE 113

981756.1

PRESENTED: JAN 11 1999

ADOPTED JAN 11 1999

Resolution Recommending Vacation of Various Streets Located  
in University Park Estates

BY THE MAYOR:

WHEREAS, due notice having been given to all persons interested as to the time and place of a hearing in respect to the proposed action of this body to vacate the street, alley or public ground known as that part that encompasses the following streets that are located in what is commonly known as University Park Estates: the area of land includes Part of McFarlan & Co's Northern Add., Alex McFarlan's Add., Part of Oak Park Sub., Wright Replat, and Part of MacLaughlin's sub. The City requests to vacate Elizabeth St., at the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Wood St. from the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Mary St. from the east right-of-way of N. Saginaw St. to the west right-of-way line of Industrial Ave., Page St. from the east right-of-way line of N. Saginaw St., to the west right-of-way line of Industrial Ave., Wright St. from the north right-of-way line of Wood St. to the south right-of-way line of Mary St., Willard Ct. From the north right-of-way line of Wood St. to the south right-of-way line of Mary St., and North St. from the north right-of-way line of Cornelia St. to the south right-of-way line of Harriet St., WARD 5, and

WHEREAS, pursuant to the requirements of Section 42-25 of the Flint City Code a public hearing has been held so that members of the Flint City Council could meet and hear objections to the proposed vacation and discontinuance of the above described street, alley or public ground;

NOW, THEREFORE, BE IT RESOLVED, that the part that encompasses the following streets that are located in what is commonly known as University Park Estates: the area of land includes Part of McFarlan & Co's Northern Add., Alex McFarlan's Add., Part of Oak Park Sub., Wrights Replat, and Part of MacLaughlin's sub. Elizabeth St., at the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Wood St. from the east right-of-way line of N. Saginaw St. to the west right-of-way line of Industrial Ave., Mary St. from the east right-of-way of N. Saginaw St. to the west right-of-way line of Industrial Ave., Page St. from the east right-of-way line of N. Saginaw St., to the west right-of-way line of Industrial Ave., Wright St. from the north right-of-way line of Wood St. to the south right-of-way line of Mary St., Willard Ct. From the north right-of-way line of Wood St. to the south right-of-way line of Mary St., and North St. from the north right-of-way line of Cornelia St. to the south right-of-way line of Harriet St., WARD 5, is hereby vacated and discontinued forever as a public street, and the same is hereby placed on the assessments rolls for the purpose of taxation, that there is hereby reserved to the City of Flint an easement for public utility purposes, for the operation, repair, maintenance and replacement of sewers, water mains and appurtenances presently installed in the portion of the aforesaid described street, alley or public ground herein vacated, and except further that an easement for public utility purposes for the operation, repair and maintenance and

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810-766-7351 COMMUNITY DEV

896 PG3 JAN 06 '99 15:02

MASTER LIBER 4409 PAGE 114

replacement of gas mains and underground and overhead electric and telephone lines and appurtenances presently installed in the portion of the attached described street, alley or public ground herein vacated is hereby reserved to the owners of such facilities. No structures shall be placed over or under any such existing utility without the express written consent of the owner thereof.

BE IT FURTHER RESOLVED, that the City Clerk shall within thirty (30) days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer.

APPROVED AS TO FORM:

  
Karen McDonald Lopez  
Chief Legal Officer

20106.7

APPROVED BY  
CITY COUNCIL

JAN 11 1999



EXHIBIT

7108



**City of Flint, Michigan**

**CERTIFIED COPY**

Third Floor, City Hall,  
1101 S. Saginaw Street  
Flint, Michigan 48502

~~MS-100~~ 4409 PAGE 115

I, Inez M. Brown, DO HEREBY CERTIFY that I am the duly elected City Clerk of the City of Flint, Michigan and as such City Clerk I am the keeper of the minutes and records of the proceedings of the City Council of said City and have in my custody the ordinances and records of said City.

I DO FURTHER CERTIFY that attached is a true and correct copy of

Resolution No: 000209

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Flint aforesaid, this 1st day of March, 2000



Inez M. Brown

Inez M. Brown, City Clerk

**CORPORATE  
SEAL**

When recorded return to:  
Michael T. Joliat, P.C.  
5206 Gateway Centre, Suite 200  
Flint, MI 48507

17-2

Aug. 6-1901

7108

from st. from the line of said Bryant house  
to the corner of the said st. in front of said  
house, is a certain, I next to the found it  
wall of the Bryant house and within bunch  
thereof.

Our petitioners further show that it will be  
impossible for them to construct said sidewalk  
unless said post and anchor post is removed.  
We therefore petition your honorable body to  
take such action as will remove said  
obstacle and your petitioners will ever pray.

Citizen and Chamber  
On motion referred to street committee with power  
to act.

By Alf. Bardwell.

To the Common Council of the City of Flint.  
Gentlemen:-

We the undersigned property owners residing  
on Elizabeth st. 1st. Ward, most respectfully petition  
your Honorable body to construct sidewalks on  
said street where sidewalks are not already  
constructed from business st. to St. Johns st. and  
your petitioners will ever pray.

H. P. Taylor and 12 others.  
On motion referred to street committee.

Report of Standing Committees.  
To the Common Council of the City of Flint:-

Gentlemen:-  
Your Committee on streets to whom was  
referred the matter of securing prices and  
estimates on street paving. Beg leave to report  
as follows:

Upon the opening of Industrial avenue and  
the vacating of Clark st. Martha Brown offer to  
sell the right of way for said street for \$150.  
Fred Randall agrees to the vacating of Clark st.  
all but 30 ft. of the N. side from Wood st. south to  
the alley for the sum of \$100 and to have the  
alley opened easterly to Industrial  
avenue. Alex. M. Taylor offers to deed the land  
for Industrial avenue across his lot and for  
the extension of the alley to intersect with  
the extension of Clark

GENESEE COUNTY  
REGISTERED 1901

EXHIBIT

He recommended that all of the above propositions accepted and that the City Attorney procure the debt. He also recommended that the people offered make a bid to Gles. McFarlan for that portion of Clark St. to be vacated. He also recommended that \$5.00 per foot be the Indent Avenue street opening fund from the Street Fund as a temporary loan and that the City Clerk make orders upon said fund to:

Gles. McFarlan for	150 "
Marcella Brown for	150 "
Fred Randall for	100 "
Gles. McFarlan for	100 "
Total	500.

For payment for said lands upon receipt of the debt properly executed.

Upon the opening of 5th street in the 5th ward from Detroit St. to Lyons St. we find the Geo. L. McGuire and his sister own all the prop and they offer to deed to the City a 50 ft. street as mapped and staked out by the City Engineer for the sum of \$4000.

The estimate of the buildings will sell for \$1200. Total expense \$2600.

He recommended that their offer be accepted and that the City Attorney procure the debt.

He also recommended that \$4000 be transferred from the Street Fund to the 5th St. Opening Fund as a temporary loan and that the City Clerk draw orders upon said fund to pay for the said street when the debts are properly executed.

Upon the opening of Beach St. we find that the property is owned by Henry C. Smilie of Orange, Mass. and a H. C. Smilie of this City acts as his agent; H. A. Adams and Maria Morley. Henry C. Smilie offers to deed his property for \$2200.

H. A. Adams offers to deed his property for \$1600. Maria Morley offers to deed her property for \$1475. Total \$5275.

The estimate the Smilie building will sell for \$900.

Adams	700.
Morley	400.
Total	2000.

He recommended that their offer be accepted and that the city attorney procure the deeds.

He also recommended that \$5,275 be transferred from the Street Fund to the Board of Education to be a temporary loan and that the city clerk draw orders as above upon said fund to pay for the property when the deeds are properly executed.

Upon the opening of Garrison St. we find that the property is divided by J. Lynch and Chas. H. Gaudell. J. Lynch offers to deed to the City the right of way across his property for \$200 to Chas. H. Gaudell for \$200.

And the City to deed him a strip of land off the N. side of his place which was originally a street. Total expense \$400.

He recommended that their offer be accepted and that the city attorney procure the deeds and that the proper officers make Gaudell a deed of the strip so designated.

He also recommended that \$400 be transferred from the Street Fund to the Garrison St. opening fund as a temporary loan and that the city clerk draw orders as above upon said fund to pay for the property when the deeds are properly executed.

He recommended that the same commissioners be appointed to make the arrangements for the several street openings and that they make one roll of the district as heretofore adopted by the council and carry out the amounts for the opening of each street in a separate street column on said roll.

In relation to the opening of North St. - 8th. Street, Avenue G and Highland. We ask for further time in which to make a report.

All of which is respectfully submitted.

S. J. Wilson

J. D. Wright

W. L. Stevens

John H. Nevall

B. J. Ball

H. H. Miller

On motion adopted by the following vote: Pres-  
Alfred Ball, Lovijay, McKinley, Miller, Nevall, Price,  
Stephenson, Stevens, Weston, Wilson, Wright  
Nay - Al. Bardwell.

7/08

Form CC 54

STATE OF MICHIGAN }  
County of Genesee. } ss.

I, Inez M. Brown, City Clerk of the City of Flint, having the  
custody of the records and proceedings of the Flint City Council,

of said City, do hereby certify that I have compared the attached copy of Council Minutes from August 5, 1901

with the original now on file and of record in this office, and that such 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 City, this

13th day of April

A. D. 1900

Inez M. Brown  
City Clerk

EXHIBIT

7108

182

dated 159

This Indenture,

between

John Dill

EXHIBIT

7108

Barcode  
Instr: 200901200002519 01/29/2009  
P: 1 of 3 F: \$30.00 1:41PM  
Roxann Bogardus T200901095  
Genesee County Register MICHAEL

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

CITY OF FLINT, a Michigan Municipal Corporation,

Plaintiff,  
vs

CASE NO. 98-64471-CH

JUDGE: GEOFFREY L. NEITHERCUT

MICHIGAN STATE TREASURER, ET AL.

Defendants.

MICHAEL T. JOLIAT, PLC  
BY: MICHAEL T. JOLIAT (P32086)  
Attorney for Plaintiff, City of Flint  
Capitol Theatre Building  
140 E. Second Street, Ste. 215 *38.00*  
Flint, MI 48502  
(810) 244-5862 FAX: (810) 244-1650

BARBARA A. SCHMIDT (P40530)  
Assistant Attorney General  
Attorney for Defendant MDCIS  
525 W. Ottawa, Fl 6  
P.O. Box 30765  
Lansing, MI 48908  
(517) 373-7540 FAX: (517) 373-1610

DEBORAH ANN KILE (P36689) and *3*  
Attorney for Defendant Consumers Credit Union  
1 Energy Plaza Dr., Rm EP 11-309 *1-15-09*  
Jackson, MI 49201  
(517) 788-0717 FAX: (517) 788-0719 Date: *1-15-09*  
Deputy: *4 Melodie*  
Michael

ROBERT L. SHEGOS (P20327)  
Attorney for Defendant Genesee Rd Com.  
1044 N. Irish Road, #A  
Davison, MI 48423  
(810) 653-9036 FAX: (810) 658-2444

2009 JAN 16 P 4037  
CLERK OF THE CIRCUIT COURT  
GENESEE COUNTY CLERK  
FILED

Order Amending Order Amending Consent Judgment

At a session of Court held in the City of Flint, County of Genesee,  
State of Michigan, this 15th day of January 2009.

PRESENT: HONORABLE GEOFFREY L. NEITHERCUT, Circuit Court Judge

This matter came before the Court on Plaintiff's Notice of Presentment of Order  
Pursuant to MCR 2.602(B)(3) to correct a deficiency in the April 6, 2006 Order  
Amending Consent Judgment which was to allow the filing and recording of certified  
surveys of two parcels of land that have not been re-platted as required in the Consent  
Judgment entered May 5, 2000 and the Court being advised that the deficiency was a  
missing page 2;

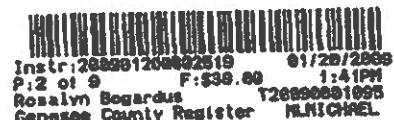
NOW, THEREFORE, IT IS ORDERED that the Order Amending Consent  
Judgment shall read as follows:

9  
1/2

1. Exhibit A, attached hereto, is a copy of a survey for the boundary of the parcel resulting from the vacation of Lots 9 and 24, Block 23, Oak Park Subdivision and Lots 1-14, inclusive, McLaughlin's Addition to the City of Flint, being part of Section Numbers 1 and 2 of the "Indian Reservation of Eleven Sections at and near the Grand Traverse of the Flint River, Michigan Territory", T7N, R7E, City of Flint, Genesee County, Michigan. That survey was performed in accordance with 1970 PA 132, as amended, being MCL 54.211 et. seq. Title to the land described in Exhibit A shall remain vested in Defendant General Motors Corporation and shall be used as the legal description for all purposes, including those of assessment, taxation, sale and conveyance of the parcel.

2. The parcel 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.

3. Exhibit B, attached hereto, is a copy of a survey for the boundary of the parcel resulting from the vacation of Lot 7, Block 3 in the plat of Alex McFarlan's Addition to the City of Flint, being part of Section Number 2 of the "Indian Reservation of Eleven Sections at and near the Grand Traverse of the Flint River, Michigan Territory", T7N, R7E, City of Flint, Genesee County, Michigan. That survey was performed in accordance with 1970 PA 132, as amended, being MCL 54.211 et. seq. Title to the land described in Exhibit B shall remain vested in Defendant CSX Railroad Corporation and shall be used as the legal description for all purposes, including those of assessment, taxation, sale and conveyance of the parcel.



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4. The parcel described in Exhibit B is not a parent parcel as defined by MCL 560.102(l) and cannot be divided in accordance with the provisions of MCL 560.108 and 560.109.

5. Only lawfully existing recorded easements located within the boundary of the parcels described in Exhibits A and B are hereby preserved, and said exhibits shall show only lawfully existing recorded easements.

6. A certified copy of this Amended Judgment shall be recorded by Plaintiff in the Office of the Genesee County Register of Deeds within thirty (30) days from the date of entry of this Amended Judgment, and a copy of the recorded Amended Judgment shall be provided to the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation within 30 days of its recording.

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

*Geoffrey L. Neithercut*  
HON. GEOFFREY L. NEITHERCUT, Circuit Judge

Dated: January 15, 2009

Prepared by:

MICHAEL T. JOLIAT, PLC  
BY: Michael T. Joliat P32088  
140 E. Second Street, Ste 215  
Flint, MI 48502  
(810) 244-5862

  
Instr: 200901200002510 01/15/2009  
P: 1 of 1 P: 1 of 1  
Resale: Resale: T200900001005  
Genesee County Register FLN1104061

ZMKRPLNT/Repl. case/order amending order amending consent judgment.doc

CERTIFICATE COPY OF RECORD

STATE OF MICHIGAN

County of Genesee

ss.

I, MICHAEL J. CARR, Clerk of said County of Genesee and Clerk of the Circuit Court for said County, do hereby certify that I have compared the foregoing copy of Order Amending  
Case Order Judgment with the original record thereof, now retaining in my office, and that is a true and correct copy therefrom, and of the whole of such original record.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court and County, this 16th day of January, A.D. 2009.

MICHAEL J. CARR, Clerk  
By John M. Harrington  
Deputy County Clerk

7108 .



Instri:200001200002510 01/29/2000  
P.8 of 9 F:638.00 1:41PM  
Rosalyn Bogardus T20000001005  
Genesee County Register RLMICHEL

**EXHIBIT A**



**CERTIFIED SURVEY**

Inst. 30000120002070 01/20/2009  
P. 8 of 9 F:999.00 1:40PM  
Reserve Services T30000091009  
Casson County Register #L57CHP1

71<sup>08</sup>

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 152 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 IN 15,000. DESCRIPTION OF LAND SURVEYED: FOR CHRIST-S-A-1564

1 in 13,000

**DESCRIPTION OF LAND SURVEYED**

of 9 \$100.00  
11th District T38000001000  
Cass County Sheriff M.L.G. 1986

**ACT 132 OF 1970, AS AMENDED, AND**

**DESCRIPTION OF LAND SURVEY**

SEE SHEET 2 OF 4

GENERAL MOTORS DESCRIPTION: COURT ORDER NO. 98-64471-CH: SCU/99-18

A PARCEL OF LAND BEING PART OF SECTION NUMBERS 1 AND 2 OF THE "INDIAN RESERVATION OF ELEVEN SECTIONS AT AND NEAR THE GRAND TRAVERSE OF THE FLINT RIVER, MICHIGAN TERRITORY" (NOW GENESEE COUNTY, STATE OF MICHIGAN) (ALSO COMMONLY KNOWN AS "SMITH'S RESERVATION"), BEING LOCATED IN THE CITY OF FLINT (TOWNSHIP 7 NORTH, RANGE 7 EAST), GENESEE COUNTY, MICHIGAN, INCLUDING PART OF BLOCK 23 OF OAK PARK SUBDIVISION AND PART OF MC LAUGHLIN'S ADDITION TO THE CITY OF FLINT, BEING VACATED IN THE ORDER BY GENESEE COUNTY CIRCUIT COURT NO. 98-64471, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE SOUTH LINE OF HARRIET STREET WHICH IS LOCATED BY THE FOLLOWING EIGHT (8) COURSES FROM CORNER C, THE CORNER AT THE NORTHWEST END OF THE LINE COMMON TO SECTION NOS. 1 AND 2 ON SAID RESERVATION BOUNDARY LINE WHICH LIES ALONG THE SOUTHWESTERLY PART OF GOVERNMENT LOT 3 OF FRACTIONAL SECTION 1, TOWNSHIP 7 NORTH, RANGE 6 EAST:

(1) S67°18'47"E 198.10 FEET (RECORDED AS S66°27"E 196.9 FEET AND 210.9 FEET) ALONG THE LINE BETWEEN THE "STONE-MACDONALD ADDITION TO THE CITY OF FLINT" AND THE "POMEROY-BONBRIGHT 2ND ADDITION TO THE CITY OF FLINT" ( AS RECORDED IN LIBER 3 OF PLATS, PAGES 28 AND 39, RESPECTIVELY, GENESEE COUNTY RECORDS), ALSO BEING SAID LINE BETWEEN SECTION NOS. 1 AND 2 OF SAID RESERVATION, (2) CONTINUING ALONG SAID LINE S67°21'41"E 479.13 FEET (RECORDED AS S66°27"E 477.6 FEET AND 479.8 FEET), (3) CONTINUING ALONG SAID LINE BETWEEN SAID SECTION NOS. 1 AND 2 OF SAID RESERVATION S67°18'52"E 1797.96 FEET TO A POINT ON THE EAST LINE OF SAGINAW STREET, (4) S00°53'08"E 350.91 FEET ALONG SAID EAST LINE OF SAID SAGINAW STREET, (5) CONTINUING ALONG SAID EAST LINE S00°50'10"E 59.80 FEET, (6) S89°38'35"E 791.40 FEET ALONG SAID SOUTH LINE OF HARRIET STREET, (7) CONTINUING ALONG SAID SOUTH LINE S89°53'45"E 80.02 FEET, AND (8) CONTINUING ALONG SAID SOUTH LINE S89°40'23"E 449.86 FEET TO THE POINT OF BEGINNING;

THENCE FROM SAID POINT OF BEGINNING CONTINUING ALONG SAID SOUTH LINE OF HARRIET STREET S89°40'23"E 349.85 FEET; THENCE S00°54'14"E 299.89 FEET ALONG THE WEST LINE OF INDUSTRIAL AVENUE, THENCE N89°42'12"W 342.62 FEET ALONG THE NORTH LINE OF VACATED PAGE STREET AND THE NORTH LINE OF THE PLAT OF UNIVERSITY PARK ESTATES NO. 2 (AS RECORDED IN INSTR.

#2004505170054433, G.C.R.); THENCE N89°40'02"W 13.25 FEET ALONG THE NORTH LINE OF WILBERFORCE DRIVE OF SAID PLAT OF UNIVERSITY PARK ESTATES NO. 2; THENCE N00°14'48"E 300.00 FEET ALONG THE EAST LINE OF UNIVERSITY PARK ESTATES NO. 2 TO THE POINT OF BEGINNING, CONTAINING 2.43 ACRES.

**CORNER C. COMMON TO SEC. NOS. 1&2 AT  
NW LINE OF RESERVATION  
SET 1/2" REED/CAP20709**

CORNER D: COMMON TO SEC. NOS. 1&2 AT  
RT. BANK OF FLINT RIVER  
SET 1/2" REED/CAP 20709 IN ASPHALT  
WALK ALONG RIVER

N16°E 39.29' SE COR BLK FNTN HSE/2232 FRANCIS  
N21°W 42.95' SW COR BLK FNTN HSE/2232 FRANCIS  
N65°W 48.86' SET 600 SPK S. FC 24" SILVER MAPLE  
NB48° 43.11' SET 600 SPK N. FC 24" SILVER MAPLE

N25°E 17.53' SET PK NAIL W. FC POWER POLE  
N28°E 57.61' SW COR METAL I-BEAM POST/GUARD RAIL  
S55°E 57.79' SET CHISELED + TOP CENTER  
HEADWALL STORM SEWER  
S10°W 13.45' SET 600 SPK E. FC 24" MULBERRY

CURVE TABLE FOR UNIVERSITY PARK ESTATES NO. 2

Curve	Radius	Length	Delta	Tangent	Bearing	Chord
C12	80.00'	251.33'	180°00'00"	INFINITE	N99°42'12" W	180.00'
C13	20.00'	31.40'	89°37'49"	19.99°	S4°41'07" E	28.28'
C16	80.00'	78.08'	55°35'17"	42.47°	N61°44'34" W	75.02'
C17	80.00'	45.99'	32°26'10"	23.65°	N17°10'51" W	45.36'
C18	20.00'	31.00'	88°48'16"	19.58°	N45°15'24" W	27.99'

BEARINGS ARE REFERENCED TO ASTROMONIC OBSERVATION (SOLAR HR. ANGLE) 10-14/1998) 1183' E. OF E. LINE SAGINAW  
LEGEND. O = IRON SET, • = IRON FOUND, □ = MONUMENT FOUND, - - - = FENCE, (R) = RECORDED, (M) = MEASURED.



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01/20/2000  
Instr: 200501200002519 01/20/2000  
P:7 of 9 F:\$38.00 1:41PM  
Rosalyn Bogardus T20050001005  
Genesee County Register M.MICHAEL

EXHIBIT B

## **CERTIFIED SURVEY**

Inst. Date 01/26/2003  
P.O. # P1030.09 1-4100  
Reslyn Rodriguez 723200001293  
Cassino County Register MUNICIPAL.

710<sup>8</sup>

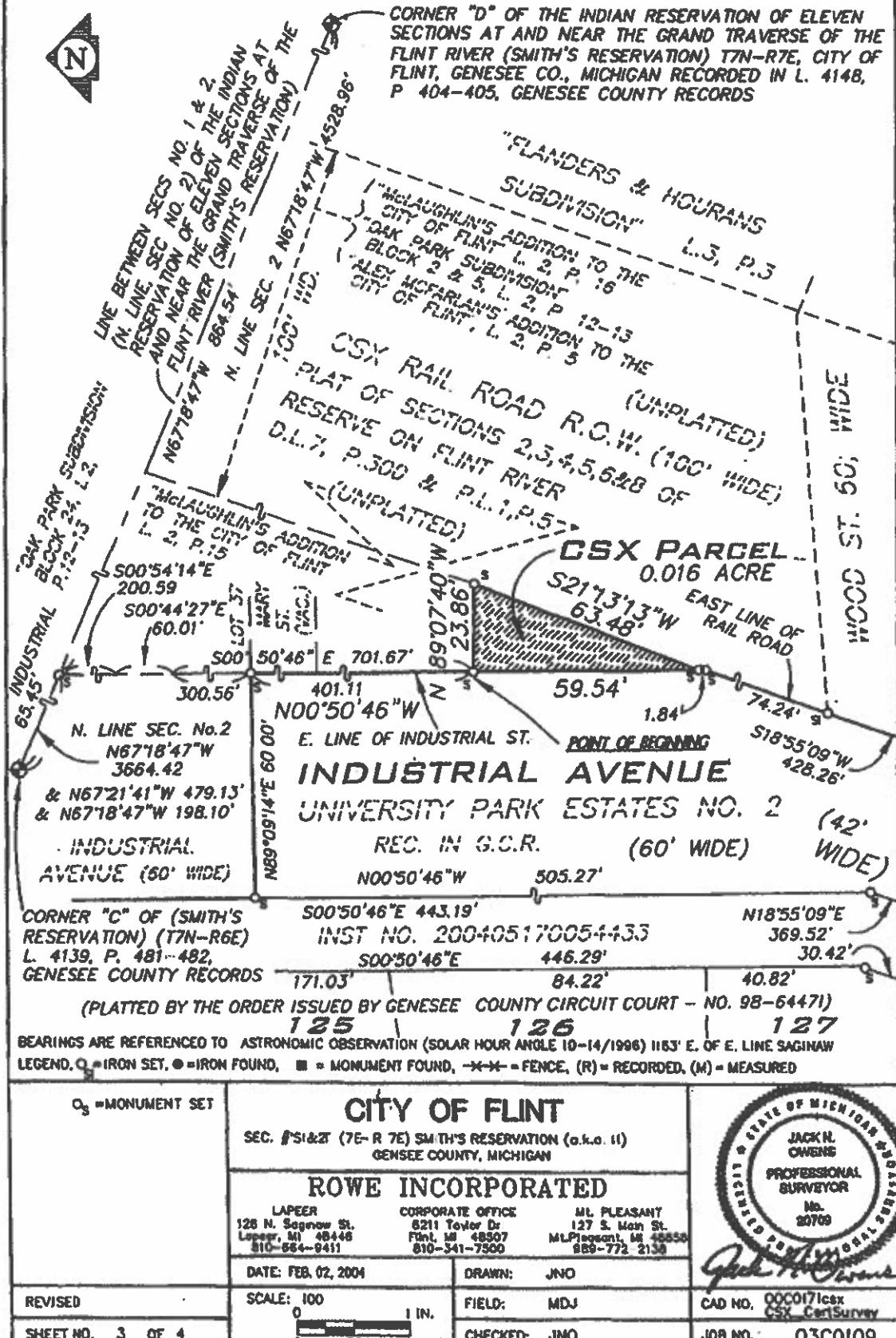
**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1870, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS  $1 \text{ in } 15,000$  DESCRIPTION OF LAND SURVEYED: \_\_\_\_\_

**DESCRIPTION OF LAND SURVEYED:**

SEE SHEET 4 OF 4

CORNER "D" OF THE INDIAN RESERVATION OF ELEVEN  
SECTIONS AT AND NEAR THE GRAND TRAVERSE OF THE  
FLINT RIVER (SMITH'S RESERVATION) T7N-R7E, CITY OF  
FLINT, GENESEE CO., MICHIGAN RECORDED IN L. 4148,  
P 404-405, GENESEE COUNTY RECORDS



7108

Instrument: 2000001234567890 Date: 01/26/2006  
 P.O. of D: 71250.00 1/15/06  
 Baseline Baseline: T39R05S01E006  
 Genesee County Register: PLATCHER

## CERTIFIED SURVEY

### CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 15,000

DESCRIPTION OF LAND SURVEYED:  
 SEE SHEET 4 OF 4

CSX RAIL ROAD DESCRIPTION: COURT ORDER NO. 98-64471-CH; SCU #99-18

A PARCEL OF LAND BEING PART OF SECTION NUMBER 2 OF THE "INDIAN RESERVATION OF ELEVEN SECTIONS AT AND NEAR THE GRAND TRAVERSE OF THE FLINT RIVER, MICHIGAN TERRITORY" (NOW GENESEE COUNTY, STATE OF MICHIGAN) (ALSO COMMONLY KNOWN AS "SMITH'S RESERVATION"), BEING LOCATED IN THE CITY OF FLINT (TOWNSHIP 7 NORTH, RANGE 7 EAST), GENESEE COUNTY, MICHIGAN, AND BEING THAT PART OF VACATED LOT 7 OF VACATED BLOCK 3 OF VACATED ALEX MCFARLAN'S ADDITION TO THE CITY OF FLINT LYING EAST OF INDUSTRIAL AVENUE, AS VACATED IN THE ORDER BY GENESEE COUNTY CIRCUIT COURT, CASE NO. 98-64471-CH, L. 4464, P.392-413, GENESEE COUNTY RECORDS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS:

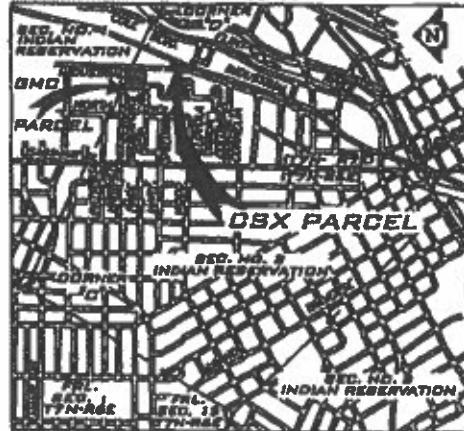
BEGINNING AT A POINT ON THE EAST LINE OF INDUSTRIAL AVENUE WHICH IS LOCATED BY THE FOLLOWING FOUR (4) COURSES FROM CORNER D, THE CORNER AT THE SOUTHEAST END OF THE LINE COMMON TO SECTION NOS. 1 AND 2 ON SAID RESERVATION WHICH LIES 59 FEET NORTH-NORTHWESTERLY FROM THE RIGHT BANK OF THE FLINT RIVER:

(1) N67°18'47"W 864.54 FEET (RECORDED AS N66°21'00"W) ALONG THE LINE BETWEEN THE "OAK PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGES 12 AND 13, GENESEE COUNTY RECORDS) AND THE "MC LAUGHLIN'S ADDITION TO THE CITY OF FLINT" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 16, GENESEE COUNTY RECORDS), ALSO BEING SAID LINE BETWEEN SECTIONS 1 AND 2 OF SAID RESERVATION, (2) S00°54'14"E 200.59 FEET (RECORDED AS SOUTH 199.9 FEET) ALONG THE EAST LINE OF INDUSTRIAL AVENUE, (3) CONTINUING ALONG SAID EAST LINE S00°44'27"E 60.01 FEET, AND (4) CONTINUING ALONG SAID EAST LINE S00°50'46"E 701.67 FEET;

THENCE FROM SAID POINT OF BEGINNING S89°07'40"E 23.86 FEET ALONG THE NORTH LINE OF SAID VACATED LOT 7; THENCE S21°13'13"E (RECORDED AS S22°00'00"W) 63.48 FEET ALONG THE EAST LINE OF SAID VACATED LOT 7, ALSO BEING THE WEST LINE OF THE CSX RAIL ROAD; THENCE N00°50'46"W 59.54 FEET ALONG SAID EAST LINE OF INDUSTRIAL AVENUE AND THE EAST LINE OF UNIVERISTY PARK ESTATES NO. 2 TO THE POINT OF BEGINNING, CONTAINING 0.016 OF AN ACRE.

### LOCATION MAP

NOT TO SCALE



CORNER C: COMMON TO SEC.NOS. 1&2 AT  
 NW LINE OF RESERVATION  
 SET 1/2" REE00/CAP20709

N16°E 39.29' SE COR BLK FNTN HSE/2232 FRANCIS  
 N21°W 42.95' SW COR BLK FNTN HSE/2232 FRANCIS  
 N65°W 46.66' SET 60d SPK S. FC 24" SILVER MAPLE  
 N84°W 43.11' SET 60d SPK N. FC 24" SILVER MAPLE

CORNER D: COMMON TO SEC.NOS. 1&2 AT  
 RT. BANK OF FLINT RIVER  
 SET 1/2" REE00/CAP20709 IN ASPHALT  
 WALK ALONG RIVER

N25°E 17.53' SET PK NAIL W. FC POWER POLE  
 N28°E 57.61' SW COR METAL I-BEAM POST/  
 GUARD RAIL  
 S55°E 57.79' SET CHISELED + TOP CENTER  
 HEADWALL STORM SEWER  
 S10°W 13.45' SET 60d SPK E. FC 24" MULBERRY

BEARINGS ARE REFERENCED TO ASTRONOMIC OBSERVATION (SOLAR HOUR ANGLE 10-14/1998) 1183' E. OF E. LINE SAGINAW  
 LEGEND: O = IRON SET, • = IRON FOUND, □ = MONUMENT FOUND, -X-X- = FENCE, (R) = RECORDED, (M) = MEASURED

	<b>CITY OF FLINT</b> SEC. #S1023 (7E- R 7E) SMITH'S RESERVATION (O.K.O. II) GENESEE COUNTY, MICHIGAN		
	<b>ROWE INCORPORATED</b>		
REVISED	LAPEER 128 N. Saginaw St. Lapeer, MI 48446 810-684-2411	CORPORATE OFFICE 6211 Taylor Dr. Flint, MI 48507 810-341-7800	ML PLEASANT 127 S. Main St. Milplesant, MI 48856 989-772-2138
	DATE: FEB 02, 2004	DRAWN: JNO	
SHEET NO. 4 OF 4	SCALE: 100 0 50 100 FT.	FIELD: MDJ	CAD NO. 00C017/csx CSX_CanSurvey
		CHECKED: JNO	JOB NO. 03C0109

7108

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

CITY OF FLINT, a Michigan Municipal  
Corporation,

Plaintiff,  
vs

CASE NO. 98-64471-CH

JUDGE: GEOFFREY L. NEITHERCUT

MICHIGAN STATE TREASURER; ET AL

Defendants.

JOLIAT, TOSTO, MCCORMICK & BADE PLC  
BY: MICHAEL T. JOLIAT (P32086)  
Attorney for Plaintiff, City of Flint  
Capitol Theatre Building  
140 E. Second Street, Ste. 215  
Flint, MI 48502  
(810) 244-5862 FAX: (810) 244-1650

WENDY A. McINTYRE (P53792)  
Attorney for Defendant Consumers  
1 Energy Plaza Dr., Rm EP 11-309  
Jackson, MI 49201  
(517) 788-0717 FAX: (517) 788-8011

BARBARA A. SCHMIDT (P40530)  
Assistant Attorney General  
Attorney for Defendant MDCIS  
525 W. Ottawa, Fl 6  
P.O. Box 30755  
Lansing, MI 48909  
(517) 373-7540 FAX: (517) 373-1610

ROBERT L. SHEGOS (P20327)  
Attorney for Defendant Genesee Rd Com.  
1044 N. Irish Road, #A  
Davison, MI 48423  
(810) 653-9036 FAX: (810) 658-2444

A TRUE COPY  
Michael J. Carr, Clerk

Order Amending Consent Judgment

At a session of Court held in the City of Flint, County of Genesee,  
State of Michigan, this 16th day of April 2006.

PRESENT: HONORABLE GEOFFREY L. NEITHERCUT  
Circuit Court Judge

This matter came before the Court on Plaintiff's Motion to Amend the Consent Judgment  
to allow the filing and recording of certified surveys of two parcels of land that have not been re-  
platted as required in the Consent Judgment entered May 5, 2000 and the Court being fully  
advised in the premises;

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED:

Inst. # 200604070036483

Date 4-7-06

Time 3:28pm

7108

5. Only lawfully existing recorded easements located within the boundary of the parcels described in Exhibits A and B are hereby preserved, and said exhibits shall show only lawfully existing recorded easements.

6. A certified copy of this Amended Judgment shall be recorded by Plaintiff in the Office of the Genesee County Register of Deeds within thirty (30) days from the date of entry of this Amended Judgment, and a copy of the recorded Amended Judgment shall be provided to the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation within 30 days of its recording.

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

GEOFFREY L. NEITHERCUT  
P-25466

HON. GEOFFREY L. NEITHERCUT, Circuit Judge

Dated: April 10, 2004

We hereby stipulate to entry of the forgoing order:

  
JOLIAT, TOSTO, MCCORMICK & BADE PLC  
BY: MICHAEL T. JOLIAT (P32086)  
Attorney for Plaintiff, City of Flint

Dated: 8/19/05

WENDY A. MCINTYRE (P53792)  
Attorney for Defendant Consumers

Dated: \_\_\_\_\_

  
BARBARA A. SCHMIDT (P40530)  
Assistant Attorney General  
Attorney for Defendant MDCIS  
Dated: 8/19/05

ROBERT L. SHEGOS (P20327)  
Attorney for Defendant Genesee Rd Com.

Dated: \_\_\_\_\_

7108

5. Only lawfully existing recorded easements located within the boundary of the parcels described in Exhibits A and B are hereby preserved, and said exhibits shall show only lawfully existing recorded easements.

6. A certified copy of this Amended Judgment shall be recorded by Plaintiff in the Office of the Genesee County Register of Deeds within thirty (30) days from the date of entry of this Amended Judgment, and a copy of the recorded Amended Judgment shall be provided to the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation within 30 days of its recording.

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

HON. GEOFFREY L. NEITHERCUT, Circuit Judge

Dated: \_\_\_\_\_

We hereby stipulate to entry of the forgoing order:

JOLIAT, TOSTO, MCCORMICK & BADE PLC  
BY: MICHAEL T. JOLIAT (P32086)  
Attorney for Plaintiff, City of Flint

Dated: \_\_\_\_\_

WENDY A. McINTYRE (P53792)  
Attorney for Defendant Consumers

Dated: \_\_\_\_\_

BARBARA A. SCHMIDT (P40530)  
Assistant Attorney General  
Attorney for Defendant MDCIS  
Dated: \_\_\_\_\_

ROBERT L. SHEGOS (P20327)  
Attorney for Defendant Genesee Rd Com.

Dated: 6/11/05

7/08

5. Only lawfully existing recorded easements located within the boundary of the parcels described in Exhibits A and B are hereby preserved, and said exhibits shall show only lawfully existing recorded easements.

6. A certified copy of this Amended Judgment shall be recorded by Plaintiff in the Office of the Genesee County Register of Deeds within thirty (30) days from the date of entry of this Amended Judgment, and a copy of the recorded Amended Judgment shall be provided to the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation within 30 days of its recording.

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

---

HON. GEOFFREY L. NEITHERCUT, Circuit Judge

Dated: \_\_\_\_\_

We hereby stipulate to entry of the forgoing order:

JOLIAT, TOSTO, MCCORMICK & BADE PLC  
BY: MICHAEL T. JOLIAT (P32086)  
Attorney for Plaintiff, City of Flint

Dated: \_\_\_\_\_

*Deborah Ann Kile*  
WENDY A. McINTYRE (P53702) — Deborah Ann Kile  
Attorney for Defendant Consumers (P36659)

Dated: \_\_\_\_\_

BARBARA A. SCHMIDT (P40530)  
Assistant Attorney General  
Attorney for Defendant MDCIS  
Dated: \_\_\_\_\_

ROBERT L. SHEGOS (P20327)  
Attorney for Defendant Genesee Rd Com.

Dated: \_\_\_\_\_

7108

EXHIBIT A



7108

**CERTIFIED SURVEY**

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 15,000

DESCRIPTION OF LAND SURVEYED:  
SEE SHEET 2 OF 4

**GENERAL MOTORS DESCRIPTION: COURT ORDER NO. 98-64471-CH; SCU#99-18**

A PARCEL OF LAND BEING PART OF SECTION NUMBERS 1 AND 2 OF THE "INDIAN RESERVATION OF ELEVEN SECTIONS AT AND NEAR THE GRAND TRAVERSE OF THE FLINT RIVER, MICHIGAN TERRITORY" (NOW GENESEE COUNTY, STATE OF MICHIGAN) (ALSO COMMONLY KNOWN AS "SMITH'S RESERVATION"), BEING LOCATED IN THE CITY OF FLINT (TOWNSHIP 7 NORTH, RANGE 7 EAST), GENESEE COUNTY, MICHIGAN, INCLUDING PART OF BLOCK 23 OF OAK PARK SUBDIVISION AND PART OF MC LAUGHLIN'S ADDITION TO THE CITY OF FLINT, BEING VACATED IN THE ORDER BY GENESEE COUNTY CIRCUIT COURT NO. 98-64471, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE SOUTH LINE OF HARRIET STREET, WHICH IS LOCATED BY THE FOLLOWING EIGHT (8) COURSES FROM CORNER C, THE CORNER AT THE NORTHWEST END OF THE LINE COMMON TO SECTION NOS. 1 AND 2 ON SAID RESERVATION BOUNDARY LINE WHICH LIES ALONG THE SOUTHWESTERLY PART OF GOVERNMENT LOT 3 OF FRACTIONAL SECTION 1, TOWNSHIP 7 NORTH, RANGE 6 EAST:  
 (1) S67°18'47"E 198.10 FEET (RECORDED AS S66°27'E 196.9 FEET AND 210.9 FEET) ALONG THE LINE BETWEEN THE "STONE-MACDONALD ADDITION TO THE CITY OF FLINT" AND THE "POMEROY-BONBRIGHT 2ND ADDITION TO THE CITY OF FLINT" (AS RECORDED IN LIBER 3 OF PLATS, PAGES 28 AND 39, RESPECTIVELY, GENESEE COUNTY RECORDS), ALSO BEING SAID LINE BETWEEN SECTION NOS. 1 AND 2 OF SAID RESERVATION, (2) CONTINUING ALONG SAID LINE S67°21'41"E 479.13 FEET (RECORDED AS S66°27'E 477.6 FEET AND 479.6 FEET), (3) CONTINUING ALONG SAID LINE BETWEEN SAID SECTION NOS. 1 AND 2 OF SAID RESERVATION S67°18'52"E 1797.96 FEET TO A POINT ON THE EAST LINE OF SAGINAW STREET, (4) S00°53'08"E 550.91 FEET ALONG SAID EAST LINE OF SAID SAGINAW STREET, (5) CONTINUING ALONG SAID EAST LINE S00°50'10"E 59.80 FEET, (6) S89°38'35"E 791.40 FEET ALONG SAID SOUTH LINE OF HARRIET STREET, (7) CONTINUING ALONG SAID SOUTH LINE S89°53'45"E 60.02 FEET, AND (8) CONTINUING ALONG SAID SOUTH LINE S89°40'23"E 449.86 FEET TO THE POINT OF BEGINNING;

THENCE FROM SAID POINT OF BEGINNING CONTINUING ALONG SAID SOUTH LINE OF HARRIET STREET S89°40'23"E 349.85 FEET; THENCE S00°54'14"E 299.89 FEET ALONG THE WEST LINE OF INDUSTRIAL AVENUE; THENCE N89°42'12"W 342.62 FEET ALONG THE NORTH LINE OF VACATED PAGE STREET AND THE NORTH LINE OF THE PLAT OF UNIVERSITY PARK ESTATES NO. 2 (AS RECORDED IN INSTR.

#2004505170054433, G.C.R.); THENCE N89°40'02"W 13.25 FEET ALONG THE NORTH LINE OF WILBERFORCE DRIVE OF SAID PLAT OF UNIVERSITY PARK ESTATES NO. 2; THENCE N00°14'48"E 300.00 FEET ALONG THE EAST LINE OF UNIVERSITY PARK ESTATES NO. 2 TO THE POINT OF BEGINNING, CONTAINING 2.43 ACRES.

**CORNER C: COMMON TO SEC.NOS. 1&2 AT  
NW LINE OF RESERVATION  
SET 1/2" REED/CAP20709**

N16°E 39.29' SE COR BLK FNTN HSE/2232 FRANCIS  
N21°W 42.95' SW COR BLK FNDTN HSE/2232 FRANCIS  
N65°W 46.66' SET 60d SPK S. FC 24" SILVER MAPLE  
N84°W 43.11' SET 60d SPK N. FC 24" SILVER MAPLE

**CORNER D: COMMON TO SEC.NOS. 1&2 AT  
RT. BANK OF FLINT RIVER  
SET 1/2" REED/CAP20709 IN ASPHALT  
WALK ALONG RIVER**

N25°E 17.53' SET PK NAIL W. FC POWER POLE  
N28°E 57.61' SW COR METAL I-BEAM POST/GUARD RAIL  
555°E 57.79' SET CHISELED + TOP CENTER  
HEADWALL STORM SEWER  
S10°W 13.45' SET 60d SPK E. FC 24" MULBERRY

**CURVE TABLE FOR UNIVERSITY PARK ESTATES NO. 2**

CURVE	RADIUS	LENGTH	DELTA	TANGENT	BEARING	CHORD
C12	80.00'	251.33'	180°00'00"	INFINITE	N89°42'12"W	160.00'
C13	20.00'	31.40'	89°57'49"	19.99'	S44°41'07"E	28.28'
C16	80.00'	78.08'	55°55'17"	42.47'	N61°44'34"W	75.02'
C17	80.00'	45.99'	32°56'10"	23.85'	N17°18'51"W	45.36'
C18	20.00'	31.00'	88°49'16"	19.59'	N45°15'24"W	27.99'

BEARINGS ARE REFERENCED TO ASTRONOMIC OBSERVATION (SOLAR HR. ANGLE) 10-14/1996 1183' E. OF E. LINE SAGINAW  
LEGEND. O = IRON SET, ● = IRON FOUND. ■ = MONUMENT FOUND. -X-X- = FENCE, (R) = RECORDED. (M) = MEASURED

**CITY OF FLINT**

SEC. #1&2 T (7N - R7E) SMITH'S RESERVATION (a.k.a. II  
GENESEE COUNTY, MICHIGAN Secs. of Flint River)

**ROWE INCORPORATED**

LAPEER  
128 N. Saginaw St.  
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CORPORATE OFFICE  
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ML PLEASANT  
127 S. Main St.  
Midland, MI 48640  
989-772-2138

DATE: JAN. 21, 2004

DRAWN: JNO



7108

**EXHIBIT B**



7108

## CERTIFIED SURVEY

## CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 15,000

DESCRIPTION OF LAND SURVEYED:  
SEE SHEET 4 OF 4

CSX RAIL ROAD DESCRIPTION: COURT ORDER NO. 98-64471-CH; SCU #99-18

A PARCEL OF LAND BEING PART OF SECTION NUMBER 2 OF THE "INDIAN RESERVATION OF ELEVEN SECTIONS AT AND NEAR THE GRAND TRAVERSE OF THE FLINT RIVER, MICHIGAN TERRITORY" (NOW GENESEE COUNTY, STATE OF MICHIGAN) (ALSO COMMONLY KNOWN AS "SMITH'S RESERVATION"), BEING LOCATED IN THE CITY OF FLINT (TOWNSHIP 7 NORTH, RANGE 7 EAST), GENESEE COUNTY, MICHIGAN, AND BEING THAT PART OF VACATED LOT 7 OF VACATED BLOCK 3 OF VACATED ALEX MCFARLAN'S ADDITION TO THE CITY OF FLINT LYING EAST OF INDUSTRIAL AVENUE, AS VACATED IN THE ORDER BY GENESEE COUNTY CIRCUIT COURT, CASE NO. 98-64471-CH, L. 4464, P.392-413, GENESEE COUNTY RECORDS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF INDUSTRIAL AVENUE WHICH IS LOCATED BY THE FOLLOWING FOUR (4) COURSES FROM CORNER D, THE CORNER AT THE SOUTHEAST END OF THE LINE COMMON TO SECTION NOS. 1 AND 2 ON SAID RESERVATION WHICH LIES 59 FEET NORTH-NORTHWESTERLY FROM THE RIGHT BANK OF THE FLINT RIVER:

(1) N67°18'47"W 864.54 FEET (RECORDED AS N68°21'00"W) ALONG THE LINE BETWEEN THE "OAK PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGES 12 AND 13, GENESEE COUNTY RECORDS) AND THE "MC LAUGHLIN'S ADDITION TO THE CITY OF FLINT" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 16, GENESEE COUNTY RECORDS), ALSO BEING SAID LINE BETWEEN SECTIONS 1 AND 2 OF SAID RESERVATION, (2) S00°54'14"E 200.59 FEET (RECORDED AS SOUTH 199.9 FEET) ALONG THE EAST LINE OF INDUSTRIAL AVENUE, (3) CONTINUING ALONG SAID EAST LINE S00°44'27"E 60.01 FEET, AND (4) CONTINUING ALONG SAID EAST LINE S00°50'46"E 701.67 FEET;

THENCE FROM SAID POINT OF BEGINNING S89°07'40"E 23.86 FEET ALONG THE NORTH LINE OF SAID VACATED LOT 7; THENCE S21°13'13"E (RECORDED AS S22°00'00"W) 63.48 FEET ALONG THE EAST LINE OF SAID VACATED LOT 7, ALSO BEING THE WEST LINE OF THE CSX RAIL ROAD; THENCE N00°50'46"W 59.54 FEET ALONG SAID EAST LINE OF INDUSTRIAL AVENUE AND THE EAST LINE OF UNIVERISTY PARK ESTATES NO. 2 TO THE POINT OF BEGINNING, CONTAINING 0.016 OF AN ACRE.

## LOCATION MAP

NOT TO SCALE



CORNER C: COMMON TO SEC.NOS. 1&2 AT  
NW LINE OF RESERVATION  
SET 1/2" REEOD/CAP20709

N16°E 39.29' SE COR BLK FNTN HSE #2232 FRANCIS  
N21°W 42.95' SW COR BLK FNDTN HSE #2232 FRANCIS  
N65°W 46.66' SET 60d SPK S. FC 24" SILVER MAPLE  
N84°W 43.11' SET 60d SPK N. FC 24" SILVER MAPLE

CORNER D: COMMON TO SEC.NOS. 1&2 AT  
RT. BANK OF FLINT RIVER  
SET 1/2" REEOD/CAP20709 IN ASPHALT  
WALK ALONG RIVER

N25°E 17.53' SET PK NAIL W. FC POWER POLE  
N28°E 57.61' SW COR METAL I-BEAM POST/  
GUARD RAIL  
S55°E 57.79' SET CHISELED + TOP CENTER  
HEADWALL STORM SEWER  
S10°W 13.45' SET 60d SPK E. FC 24" MULBERRY.

BEARINGS ARE REFERENCED TO ASTRONOMIC OBSERVATION (SOLAR HOUR ANGLE 10-14/1996) 1163' E. OF E. LINE SAGINAW  
LEGEND, O = IRON SET, • = IRON FOUND, □ = MONUMENT FOUND, -X-X- = FENCE, (R) = RECORDED, (M) = MEASURED

## CITY OF FLINT

SEC. #S1&2 (7E- R 7E) SMITH'S RESERVATION (a.k.a. II)  
GENSEE COUNTY, MICHIGAN

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DATE: FEB. 02, 2004

DRAWN: JNO

