

Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601

planningandzoning@wexfordjpc.org
www.wexfordjpc.org

231-775-1138x6

APPLICATION FOR ZONING BOARD OF APPEALS [page 1 of 2]

[WARNING: THIS FORM IS NOT A LAND USE PERMIT]

Property Owner: Lawrence, Rick + Chris Phone: (616)-970-9624
Owner Address: 301 E. Lake Mitchell Dr., Cadillac, MI 49601
Project Address: 687 E. Lake Mitchell Dr., Cadillac, MI 49601
Parcel ID # 2110 - WHB-39C Are property lines and building site staked? YES NO
by owner (Circle one)

IF BEING REPRESENTED BY AGENT OR ATTORNEY PLEASE COMPLETE THIS SECTION

Agent / Attorney: _____ / _____
Company Name Individual Name

Agent / Attorney Address: _____
Street # or P.O. Box City State Zip

Agent / Attorney Phone: (____)-____-____ Email: _____

ZONING BOARD OF APPEALS - ACTION BEING REQUESTED

(Check Only ONE)

- Administrative Appeal / Decision
- Dimensional Variance Request
- Ordinance Text / Map Interpretation

SITE PLAN: When applicable, the Zoning Administrator (on behalf of the Zoning Board of Appeals) may require that this application be accompanied by a legible site plan drawn to scale in accordance with Article 94 of the Wexford Joint Zoning Ordinance.

Please describe (*in detail*) the current use(s) of the buildings, structures, and / or land as applicable: [do not leave blank]

Land is currently vacant of any buildings or structures. We want to construct a new year round residential home.

The project address / property is located in the R-2 Residential Zoning District.

Do Not Write Below This Line - For Administrative Use Only

Assigned ZBA Case # _____
Fee: \$ _____ Receipt # _____

Date Application Received: ____ / ____ / ____
Date of ZBA Action: ____ / ____ / ____

APPLICATION FOR ZONING BOARD OF APPEALS [page 2 of 2]

DEMONSTRATING PRACTICAL DIFFICULTY

The Zoning Board of Appeals must find that very specific standards can be demonstrated or 'proven' that apply to your particular situation in order to grant a 'variance' from the zoning ordinance. You are encouraged to arrange a pre-application conference with the Zoning Administrator so that you can be presented with information that will assist you in submitting a complete application. **An application to appear before the Zoning Board of Appeals will not be considered complete unless accompanied by the appropriate fee, a site plan (as required), and a narrative that addresses all of the standards that the Zoning Board of Appeals is required to consider.**

AFFIDAVIT: I agree the statements and representations made herein and attached to this application are true and if found not to be true, any zoning (Land Use) permit that may be issued in reliance upon this application may be void. Further, I agree to comply with any conditions and regulations provided with any permit that may be issued in connection with this application. Further, I agree the permit that may be issued is with the understanding all applicable sections of the Wexford Joint Zoning Ordinance (and all conditions attached) will be complied with. Further, I agree to notify the Planning and Zoning Administrator for inspection before the start of construction and when locations of proposed uses are marked on the ground. ***Further, I agree to give permission for the Wexford Joint Zoning Board of Appeals / Planning and Zoning Administrator, the County and the State of Michigan to enter the property subject to this permit application for purposes of inspection.*** Finally, I understand this is an application to appear before the Wexford Joint Zoning Board of Appeals, (not a permit), and that a Land Use Permit, if issued, conveys only land use rights and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: Christina Lawrence
Richard Lawrence

Date: 1-2-2024
1-2-2024

Please see Article 94 of the Wexford Joint Zoning Ordinance for Site Plan requirements related to any matter before the Zoning Board of Appeals:



Wexford Joint Planning Commission

c/o Cherry Grove Township
4830 E. M-55 Highway
Cadillac, Michigan 49601

231-775-1138 Ext. 6

www.wexfordjpc.org

planningandzoning@wexfordjpc.org

Lawrence, Richard
301 E. Lake Mitchell Drive
Cadillac, Michigan 49601

and

Miles Builders
c/o Donald Miles
1151 W. Randall Street | Ste B
Coopersville, Michigan 49404

December 20, 2023

Re: Parcel #2110-WHB-39C | a/k/a: 687 East Lake Mitchell Drive – Cadillac, Michigan 49601

Dear Richard Lawrence and Donald Miles,

Following our previous email communication and our phone conversation of Friday, December 15, 2023 regarding your proposed new dwelling / home at the above-captioned property, I must deny your Land Use Permit application.

The primary reason for denial is failure to demonstrate the intent to comply with the required waterfront yard setback of 50' (fifty) feet specified in Article 43, Section 4304.D.1.c, further detailed in Article 10, Section 1011 regarding Water Protection.

If you disagree with this written decision, you may choose to do one, any, or none of the following within 30 (thirty) days of the date of this letter:

1. You may accept the decision of the Zoning Administrator as final and do nothing.
2. You may appeal the decision of the Zoning Administrator to the Wexford Joint Zoning Board of Appeals.
3. If you believe that the Zoning Administrator acted erroneously, you may seek an interpretation of the zoning ordinance by the Wexford Joint Zoning Board of Appeals.

The above remedies may not be exhaustive. Should you have any questions or concerns, please do not hesitate to contact this office.



Visit our website with your mobile device

Respectfully,



Robert (Bob) Hall
Planning and Zoning Director



Visit our website with your mobile device

January 3, 2024

HAND DELIVERED

Wexford Joint Zoning Board of Appeals
c/o Cherry Grove Township
4830 E. M-55 Highway
Cadillac, MI 49601

Re: 687 East Lake Mitchell Drive – Parcel #2110-WHB-39C

Dear Members of the Wexford Joint Zoning Board of Appeals:

Thank you for the time to hear our appeal for a Land Use permit for property located at 687 East Lake Mitchell Drive. As of December 2021, we currently reside in our cottage full time at 301 East Lake Mitchell Drive and we now wish to build a little larger home with a garage as our permanent residence. We purchased the lot from my mother, Dorothy Stenman, who lives next door at 667 East Lake Mitchell Drive.

Of note, this lot is considered a non-conforming lot as there are different circumstances with this lot as a result of the abandonment of the old roadway years ago and the replating of the new roadway. We come before you asking for 2 variances: (1) a 15 foot variance to the 50 foot set back requirement on the lake shore, in order to build the home no closer than 35 feet from the waters edge, which is aligned with existing structures to the north and south of the lot; and (2) a variance to build 2 feet from the lot line on the road side, noting there is a +20 foot right of way/easement from the edge of the road to the property line.

Our design is an “L” shaped home so that the house is in line with the other houses nearest to us on the lake front side which are around 33-36 feet from the waters edge and we meet the side yard setback requirements of 15 feet. We note that my mom’s house to the south of the lot is 5 feet from the lot line and we are now meeting the 15 foot side setback requirement on the north lot line which the previous old cottage did not meet (was 5 feet). Therefore, the side setback requirements will now be met. With the proposed placement of the home, there is no obstruction or interference with the other properties nearest to us with the lakeside placement. We are also enclosing with this letter, letters of support from our nearest neighbors. We also mention that in 2003-2004 we built our cottage/current home and the placement lakeside was based upon our immediate neighbors homes, so that the cottage is in line with them and around 30 feet from the water. At that time, the building permit was issued without the need for an appeal. One last note, there is a recent new build just down the road from our current home at 379 E. Lake Mitchell that has been constructed approximately 30 feet from the waters edge.

As to the roadside variance, it is our understanding that the County Road Commission and the Township do not own any property once the road was moved but hold a 66 foot "right of way" which includes easements for utilities. This results in a 20+ foot easement which provides the similar distance from the edge of the road to the garage as other properties along this section of the roadway. With the side entry to our garage, there is sufficient room for cars to park without encroaching upon the roadway. We are requesting this variance for 26 feet of the 115 feet roadside lot line as the remainder of the home will be approximately 36 feet from the lot line.

We have measured the distance of several newer permanent structures along East Lake Mitchell Drive and find that 20 feet from the road edge is not abnormal for the area. We would like to note that the road right of way is only 40 feet where these garages are located. The garage will be lined up with other structures along this portion of the road. The garage was intentionally placed as a side entry to allow better parking, avoid access issues to the road, easy access for my mom to enter the home from the south side and to also block the view of the large barn/garage across the street, which is somewhat out of character for this residential neighborhood. There are no residential homes directly across from the lot so the proposed home does not impact any residential home across the street. It is our understanding the vacant "swamp" property directly across the street from our lot is designated as conservational property and will remain vacant/unbuildable property.

Additionally, we want to inform you that we intend to address the water run off in this area by installing underground tiling and other drainage solutions for both the lot and my mom's home at 667 to improve the water runoff in this area. A consult with a local excavator noted that the properties of 667 and 687 receive most of the precipitation run off from the roadway from the intersection with Lofgren to the lots.

Our intention is to build a custom aesthetically pleasing home in the neighborhood to live year round which is similar in size to other newer homes in the area, it does not impact traffic or road use and there is no change to accessibility of light, passage, air and views of the area. In our opinion the home will only add value to the area and does not harm any surrounding property owners or negatively impact any easements/right of ways.

Included with this letter, we have enclosed the following:

- Signed letters of support from our immediate neighbors from both sides of the property.
- Pictures of other homes recently built or renovated that support the variances needed to build our proposed home.
- Drawings of the proposed home on the lot.

- Answers to the Wexford Joint Zoning Ordinance – Zoning Board of Appeals Review Standards questions.
- Copy of the Judgment and Order of Vacation from 2002 awarding property to the waters edge and noting the easements or right of way.

We again thank you for taking the time to hear our appeal.

Sincerely,



Chris and Rick Lawrence

Zoning Board of Appeals – Review Standards answers:

2 Variances requested - 15' from the lakeside and 20' from the roadside

687 E. Lake Mitchell Drive – New Build

1. The requested variance to allow us to construct a home 35' from the waters edge will place the home in line with the other property owners that are closest to us. This placement is also aligned with the previous home that was on the property when Dorothy Stenman originally purchased the property and since has been a family effort in removing it. Placement at 35' from the waters edge will not interfere with the use or view by the other property owners. If we were to be required to have a 50 foot setback, our view will be negatively impacted by the buildings to the south and north of us and the house will visually stick out and appear out of place as it will be out of alignment with the immediate neighbors. Our plan is to have all living areas required on the main floor as we age, in addition to possibly providing (live in) care for aging family members. Our current design is to have a garage connected to the home in an L shape which will allow us to enter indirectly from the roadway. In order for this two car garage to be accommodated we are requesting a 18 foot roadside variance which would allow us to build the garage wall 2 feet from the lot line. There still remains a 20 foot easement between the garage and the edge of the road, which again is comparable to other properties along E Lake Mitchell Dr.
2. The property is unique in the fact that along with several other adjacent properties the road was moved (vacated) to its current location in 2002. After the road was moved the affected property owners claimed ownership to the waters edge and noted easements via a Judgment and Order from 2002. Although still considered to be a non-conforming lot this property is beautiful and presents an opportunity to add a beautiful home after the significant work effort of the family in removing the old structure that was beyond repair and an eyesore to the neighborhood.
3. We have worked on our building plans through many iterations and various designs, always assuming we could enjoy the lakeside setback that the adjacent properties enjoyed as described in our support letter. In addition to accommodating a footprint within the setbacks is the challenge of water runoff management which has been a challenge even without a structure on the lot. With the proposed layout of the garage and the home, and building on a slab foundation rather than a crawl space, we will improve and capture the water coming off the roadway and the roofs to a natural flow

toward the lakeshore. Our plan will also address the significant amount of water runoff both lots (687 and 667) receive from this section of the roadway. If we are required to meet all setback requirements, the buildable home will not have the lakeside value as other homes immediately adjacent to the lot, the livable area on the main floor will be reduced and the plans for water runoff management will be more difficult to route with a large yard area on the roadside that would still collect water.

4. The requested lake front variance keeps the proposed build to be consistent and in line with other properties in the immediate area and adds value to the other property owners in the area.
5. The requested variance would not cause an adverse impact on the surrounding area. By allowing the variance, an aesthetically pleasing year round home will be added on now vacant property. The proposed build fits in with other structures and the current character of the neighborhood, it will add value to the vacant property, and in turn would add value to the other properties in the immediate area.

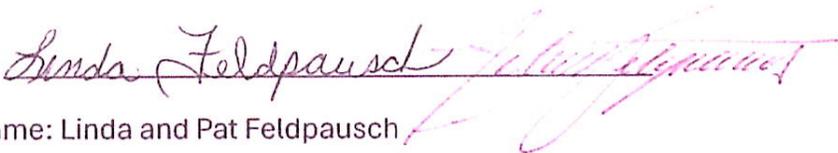


December 18, 2023

Dear Wexford Joint Planning Commission:

We are writing this letter in support of Chris and Rick Lawrence. Our home is adjacent to the north of the vacant lot now owned by Chris and Rick. They have discussed and shared their proposed plans to build their permanent home on the vacant lot. We have no problems with their proposed plans and find that their proposed home is in alignment with the homes in this area and will only add value. We are in full support of the proposed plans and ask that you grant them their building permit.

Sincerely,

Signature: 

Printed Name: Linda and Pat Feldpausch

Address: 701 East Lake Mitchell Drive, Cadillac

Date: 12-21-2023

December 17, 2023

Dear Wexford Joint Planning Commission:

I am writing this letter in support of Chris and Rick Lawrence. I own two mobile homes, three lots to the south and a large barn across the street, from the vacant lot. I have known Chris and Rick for over 20 years now. They have discussed and shared their proposed plans to build their permanent home on the vacant lot. I have no problems with their proposed plans and find that the proposed home will only add value to the other homes in the immediate area. I am in support of their plans and ask that you grant them their building permit.

Sincerely,



Tom Oliver

Address:

3570 SEAMAN RD WELLSTON, MICH 49689

Date:

12/21/2023

December 17, 2023

Dear Wexford Joint Planning Commission:

I am writing this letter in support of Chris and Rick Lawrence. My home is located two lots to the north of the vacant lot owned by Chris and Rick. They have discussed and shared their proposed plans to build their permanent home on the vacant lot. I have no problems with their proposed plans and find that the proposed home will only add value to the other homes in the area.

Sincerely,

Signature: 
Printed Name: Ronald Starkey
Address: 705 Lake Mitchell Rd.
Date: 12/18/23

From: Dorothy Stenman

dastenman@icloud.com

Subject: Permit for building on lot, 687
East Lake Mitchell

Date: Dec 18, 2023 at 12:35:00 PM

To: Chris Lawrence

lawrence.christinemarie@gmail.com

To: Wexford Joint Planning Commission

I am sending this letter in support of my daughter and son-in-law, Chris and Rick Lawrence. They have shared and discussed with me their proposed plans for building a permanent home on the now vacant lot. I have no problem with their plans as they are in alignment with my home to the south and the other homes on that part of the lake.

I am asking that you grant them their building permit.

Sincerely,

Dorothy Stenman

667 East Lake Mitchell

Cadillac, Michigan. 49601

Sent from my iPad

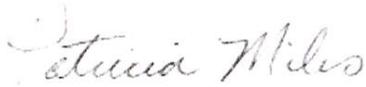
December 19, 2023

Wexford County Joint Planning Commission members,

This letter is written in support of Chris and Rick Lawrence, owners of the vacant lot on East Lake Mitchell Drive, two lots north of my cottage at 663 East Lake Mitchell Drive. I have known Chris and Rick for over twenty years and they have discussed and shared their proposed permanent home building plan for the vacant lot with me. I have no concerns or issues with their proposed building plan and believe that the proposed home will only add value to the other homes in the immediate area.

Thank you for your consideration.

Sincerely,
Patricia Miles



Cadillac address:
663 East Lake Mitchell Drive
Cadillac, MI. 49601

Mailing address:
5670 Sheldon Road
Rochester, MI 48306



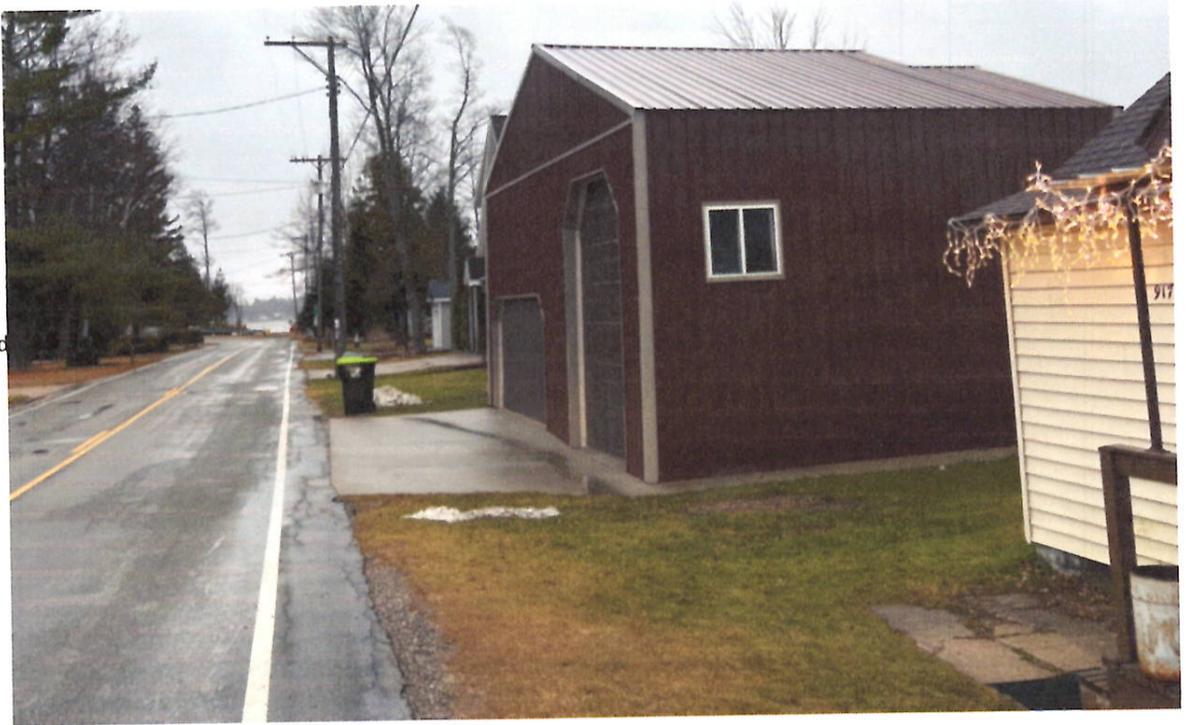
NEW BUILD
2022-2023

379 E. Lake
Mitchell Dr.



Approximately
30' from
foundation to
water's edge

Garage Addition
2018 or 2019
907 E. Lake Mitchell Dr
Approximately 12' from road



2381 E. Lake Mitchell Dr
17.2' from road

2397 E. Lake Mitchell Dr
20.5' from road

2403 E. Lake Mitchell Dr
20.5' from road

2409 E. Lake Mitchell Dr
20.5' from road



J35
pg 522-546

STATE OF MICHIGAN
IN THE 28TH CIRCUIT COURT FOR THE COUNTY OF WEXFORD

Mary Ann Reamer, et al,

File No. 01-16335-CH

Plaintiffs,

Hon. Charles D. Corwin
JUDGMENT AND ORDER
OF VACATION

v

Cherry Grove Township, et al

Defendants.

GOCKERMAN, WILSON, SAYLOR &
HESSLIN, P.C.
BY: RICHARD M. WILSON, JR. (P29717)
Attorneys for Plaintiffs
414 Water Street
Manistee, MI 49660
(231) 723-8333

JAMES R. PIGGUSH (P29221)
Assistant Attorney General
Attorney for State Defendants
Natural Resources and Environmental
Quality Division
300 S. Washington Sq., Ste. 315
Lansing, MI 48913
(517) 373-7540

HERRINTON, MENEZES &
SMATHERS, P.C.
BY: MARK E. SMATHERS (P44482)
Attorneys for Cherry Grove Township
1200 South Mitchell Street
Cadillac, MI 49601
(231) 775-0147

SMITH HAUGHEY RICE & ROEGGE
BY: CHARLES B. JUDSON (P31574)
Attorneys for Defendant
Charter Communications
P. O. Box 848
Traverse City, MI 49685-0848
(231) 929-4878

WENDY A. McINTYRE (P53792)
Attorney for Defendant Consumers Energy Company
212 West Michigan Avenue
Jackson, MI 49201
(517) 788-0717

ALBERT CALILLE (P26819)
Attorney for Defendant Ameritech
444 Michigan Ave., Room 1750
Detroit, MI 48226
(313) 223-0964

LAW OFFICE OF DAVID R.
PETERSON, P.C.
BY: DAVID R. PETERSON (P25793)
Attorneys for Defendant Howard
121 W. Chapin St., P.O. Box 232
Cadillac, MI 49601
(231) 779-3100

WILLIAM M. FAGERMAN (P27271)
Wexford County Prosecuting Attorney
Attorney for Wexford County Drain
Comm. and Dept. of Public Health
1200 S. Mitchell St., P.O. Box 863
Cadillac, MI 49601-0863
(231) 779-9505

GEORGE HATHAWAY (P51273)
Attorney for Defendant Mich Con
2000 Second Avenue
Detroit, MI 48226
(313) 235-8958

12/22 2023
TRUE COPY
Alaina M. Nyman
WEXFORD COUNTY CLERK
Alaina M. Nyman
~~DEPUTY CLERK~~

BY FILED

AUG 05 2002

TIME _____
WEXFORD COUNTY CLERK

At a session of said Court held in the Circuit Courtrooms of the Wexford County Courthouse, in the City of Cadillac, Wexford County, Michigan, this 5th day of AUG, 2002.

PRESENT: HON. CHARLES D. CORWIN, Circuit Judge

This matter having been brought before the Court upon Plaintiffs' Motion for Entry of Judgment based on the Complaint of the Plaintiffs for vacation of a road in the plat of White Birch Park as recorded in the Office of the Register of Deeds of Wexford County, Michigan, on January 19, 1911, at Liber 1 of Plats, page 147, Wexford County Records, and a hearing having been held pursuant to notice on the 8th day of August, 2002, at which the Plaintiffs, by and through their attorneys, Gockerman, Wilson, Saylor & Hesslin, P.C., appeared and offered proofs in support of the relief prayed for in their Complaint and no one having appeared in opposition thereto; and

IT FURTHER APPEARING TO THIS COURT, from the files and records in this cause, that Plaintiffs represent that a Summons and a copy of the Complaint were properly served upon all the Defendants by certified mail, return receipt requested, in accordance with the Michigan Court Rules in such case made and provided and that the receipts for certified mail on all Defendants are on file in this cause as shown by the Proofs of Service filed with this Court; or by personal service, as is shown by the Proofs of Service filed with this Court; and

IT FURTHER APPEARING TO THIS COURT, that the Defendants, Old Kent Bank of Cadillac, Kathryn A. Berentsen, Chairperson of the Wexford County Road Commissioners, Janet R. (Porter) Gibson, Old Kent Bank & Trust, Michigan National Bank, Rock Home Loans at Michigan National Bank, NBD Bank, David A. Wagner, Debra A. Wagner, Jerry C. Arrington, Nationasbanc Mortgage Corp., James D. Knoop,

MERS, Chase Manhattan Mortgage, Flagstar Bank FSB, Midwest Mortgage, Inc., Carole L. Knoop, Norwest Bank, Minnesota, NA, Matthew Gibson, and Sharon L. Ulrey, have been defaulted on the 29th day of October, 2001, and that Defendant Lars W. Berentsen was defaulted on the 15th day of January, 2002, and notice thereof has been served upon all Defendants in accordance with the Michigan Court Rules in such case made and provided; and

IT FURTHER APPEARING TO THIS COURT, that Defendants, Frank Stenger, Jr. and Rosemary Stenger, have executed an Acknowledgment of Service, as heretofore filed with this Court; and

IT FURTHER APPEARING TO THIS COURT, that Defendants, Ronald J. Stankey and Okjung Stankey, have been substituted for William Preston and Bonnie Preston, as appears from the Order Substituting Parties Defendant heretofore filed with this Court; and

IT FURTHER APPEARING TO THIS COURT, that Defendants, Gerald A. Getty, Frank K. Stenger, Jr. Rosemary Stenger, Pearl Grooters, Henry M. Grooters, Susan Smith, Scott Smith, Richard Ulrey, Larry Branagan, Nancy J. Branagan, Paula J. Dunbar, David J. Dunbar, Sally A. Armstrong Trust and Thomas W. Armstrong, have filed with this court their Consents to the relief prayed for in the Plaintiffs' Complaint; and

IT FURTHER APPEARING TO THIS COURT, that Defendant Claire A. Howard is deceased, as is evidenced by the Dismissal heretofore filed with this Court on October 10, 2001; and

IT FURTHER APPEARING TO THIS COURT, that Mark E. Smathers, of Herrinton, Menezes & Smathers, P. C., has filed an Appearance with this Court as

attorney for Cherry Grove Township; that Charles B. Judson, of Smith, Haughey, Rice and Roegge, has filed an Appearance with this Court as attorney for Charter Communications; that Wendy A. McIntyre has filed an Answer and Conditional Consent with this Court as attorney for Consumers Energy Company; that James R. Piggush, Assistant Attorney General, has filed an Appearance on behalf of State Defendants, now the Michigan Department of Consumer and Industry Services; that Albert Calille has filed an Appearance with this Court as attorney for Ameritech (f/k/a Michigan Bell Telephone Company); that David R. Peterson has filed an Answer on behalf of Alan Howard; that William M. Fagerman, Prosecuting Attorney for Wexford County, has filed an Appearance on behalf of the Wexford County Drain Commissioner and the Wexford County Department of Public Works; that George H. Hathaway has filed an Answer and Consent on behalf of Michigan Consolidated Gas Company; and

IT FURTHER APPEARING TO THIS COURT, that the Board of County Road Commissioners for Wexford County, Michigan, has passed a resolution dated February 7, 2001, stating that the Board of County Road Commissioners for Wexford County has no objection to the vacation of the road as prayed for in the Complaint, a copy of which resolution is attached hereto as Exhibit "C"; and

IT FURTHER APPEARING TO THIS COURT, that the Township Board of Cherry Grove Township, Wexford County, Michigan, has passed a resolution dated February 14, 2001, stating that the Township Board of Cherry Grove Township, Wexford County, Michigan, has no objection to the vacation of the road as prayed for in the Complaint, a copy of which resolution is attached hereto as Exhibit "D"; and

IT FURTHER APPEARING TO THE COURT, from the proofs submitted by Plaintiffs that the prayer for relief of the Complaint should and ought to be granted and that the objections or conditions on consent set forth in the responsive pleadings of the appearing parties have been satisfied, and the Court being otherwise fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the relief prayed for in Plaintiffs' Complaint be and is hereby granted on the terms and conditions hereinafter set forth and that that portion of platted East Lake Mitchell Drive, depicted as "Driveway", on the original plat of White Birch Park, as described below and on Exhibit "A" is hereby vacated as a public street and the plat of White Birch Park is hereby revised and amended in substantial conformity to Exhibit "B" attached hereto, both of which Exhibits are incorporated herein by reference. The vacated portion of the "Driveway" vacated by this Order shall vest in the adjoining landowners in accordance with the provisions of the Land Division Act, except as otherwise stated below:

1. That the following described portion of the Driveway is hereby vacated:

A part of the Driveway in the plat of "White Birch Park" Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the Driveway (East Lake Mitchell Dr.), as per the Plat and the Point of Beginning; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence Southerly 90.55 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 37°03'27" and a Chord bearing of S7°59'31"E 88.98 feet; Thence Southerly 78.00 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of 4°46'40" and a Chord Bearing of S28°54'34"E 77.98 feet; Thence Southerly 51.71 feet along a curve to the left with a Radius of 1,500.64, a Delta Angle of 1°58'27" and a Chord Bearing of S21°52'37"E 51.71 feet; Thence

Southerly 95.04 feet along a curve to the left with a Radius of 385.26 feet, a Delta Angle of $14^{\circ}08'03''$ and a Chord Bearing of $S29^{\circ}55'53''E$ 94.80 feet; Thence $S65^{\circ}48'05''W$ 11.54 feet to the West line of the Driveway as per the Plat; Thence Northerly along said West Line 63.10 feet along a curve to the right with a Radius of 220.00, a Delta Angle of $16^{\circ}26'04''$ and a Chord Bearing of $N44^{\circ}23'27''W$ 62.89 feet; Thence Northerly 164.56 feet along a curve to the right with a Radius of 975.37 feet a Delta Angle of $9^{\circ}39'59''$ and a Chord Bearing of $N31^{\circ}20'25''W$ 164.36 feet; Thence Northerly 130.63 feet along a curve to the right with a Radius of 180.00 feet, a Delta Angle of $41^{\circ}34'02''$ and a Chord Bearing $N5^{\circ}45'16''W$ 127.74 feet; Thence $N15^{\circ}03'46''E$ 64.72 feet to the Point of Beginning. See attached Exhibit A.

2. That title to the following described portion of the vacated Driveway will vest in Plaintiffs Harold and Evelyn Miller pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of the public road (Driveway) right-of-way in the plat of "White Birch Park" Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence $N00^{\circ}05'48''E$ 929.80 feet along the East Section Line; Thence $N89^{\circ}54'12''W$ 1268.71 feet; Thence $S75^{\circ}12'35''W$ 33.32 feet; Thence $N65^{\circ}48'53''W$ 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat and the Point of Beginning; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of $3^{\circ}16'41''$ and Chord Bearing of $S12^{\circ}58'43''E$ 85.84 feet; Thence continuing Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of $8^{\circ}19'31''$ and a Chord Bearing of $S6^{\circ}22'28''W$ 20.32 feet; Thence $S71^{\circ}29'55''W$ 42.03 feet; Thence Northerly 55.31 feet along a curve to the right with a Radius of 180.00 feet, a Delta Angle of $17^{\circ}36'24''$ and a Chord Bearing $N6^{\circ}16'21''W$ 55.10 feet; Thence $N15^{\circ}03'46''E$ 64.72 feet to the Point of Beginning.

3. That the following described parcel lying easterly of and adjacent to the vacated portion of the Driveway will vest in Plaintiffs Harold and Evelyn Miller pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan. Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of 3°16'41" and a Long Chord Bearing of S12°58'43"E 85.84 feet to the Point of Beginning; Thence Southerly 18.47 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of 0°42'19" and a Long Chord Bearing S14°58'13"E 18.47 feet; Thence S71°29'55"W 7.41 feet; Thence Northerly 20.34 feet along a curve to the right with a Radius of 140.00 feet, a Delta Angle of 8°19'31" and a Long Chord Bearing N6°22'28"W 20.32 feet to the Point of Beginning.

4. That the following described parcel lying westerly of and adjacent to the vacated portion of the Driveway will vest in Plaintiffs Harold and Evelyn Miller pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

Lot 39 and commencing at the Southwest corner of said lot 39, Southerly 50 feet; Easterly to Road; Northerly to Southeast corner of Lot 39; West to beginning, Plat of White Birch Park Plat, Section 1, T21N, R10W, Cherry Grove Township, Wexford County, Michigan.

Now described as: Lot 39 of the plat of "White Birch Park", Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan, and a parcel commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence continuing Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S6°22'28"W 20.32 feet; Thence S71°29'55"W 42.03 feet to the Point of Beginning; Thence S71°29'55"W 34.94 feet to a traverse line on the shore of Lake Mitchell; Thence N13°13'34"W 50.21 feet along said traverse line; Thence N71°29'55"E 53.40 feet; Thence Southerly 55.31 feet along a curve to the left with a Radius of 180.00 feet, a Delta Angle of 17°36'24" and a Chord Bearing S6°16'21"E 55.10 feet to the Point of Beginning.

5. That Lot 39, the vacated portion of the Driveway, and the parcels, as described in Paragraphs 2, 3, and 4 above, shall be consolidated into one Lot to be identified as Lot 75 in White Birch Park on the amended plat.

6. That title to the following described portion of the vacated Driveway will vest in Plaintiff Mary Ann Reamer pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of the public road (Driveway) right-of-way in the plat of "White Birch Park" Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence continuing Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S6°22'28"W 20.32 feet to the Point of Beginning; Thence Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 28°43'57" and a Chord Bearing of S12°09'16"E 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of 2°51'05" and a Chord Bearing of S27°56'46"E 46.54 feet; Thence S71°29'55"W 40.64 feet; Thence Northerly 40.90 feet along a curve to the right with a Radius of 975.37 feet a Delta Angle of 2°24'08" and a Chord Bearing of N27°42'30"W 40.89 feet; Thence Northerly 75.32 feet along a curve to the right with a Radius of 180.00 feet, a Delta Angle of 23°58'33" and a Chord Bearing N14°31'07"W 74.77 feet; Thence N71°29'55"E 42.03 feet to the Point of Beginning.

7. That the following described parcel lying easterly of and adjacent to the vacated portion of the Driveway will vest in Plaintiff Mary Ann Reamer pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan. Described as

Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of 3°16'41" and a Long Chord Bearing of S12°58'43"E 85.84 feet; Thence continuing Southerly 18.47 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of 0°42'19" and a Long Chord Bearing S14°58'13"E 18.47 feet to the Point of Beginning; Thence Southerly 115.00 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of 4°23'27" and a Long Chord Bearing S17°31'07"E 114.98 feet; Thence S71°29'55"W 5.48 feet; Thence Northerly 46.55 feet along a curve to the right with a Radius of 935.37 feet, a Delta Angle of 2°51'05" and a Long Chord Bearing N27°56'46"W 46.54 feet; Thence Northerly 70.21 feet along a curve to the right with a Radius of 140.00 feet, a Delta Angle of 28°43'57" and a Long Chord Bearing N12°09'16"W 69.47 feet; Thence N71°29'55"E 7.41 feet to the Point of Beginning.

8. That the following described parcel lying westerly of and adjacent to the vacated portion of the Driveway will vest in Plaintiff Mary Ann Reamer pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

The North 115 Feet of a parcel commencing 50 feet SE'LY from the SE corner of Lot 39; thence Westerly 41 feet more or less to Lake Mitchell; thence South 19°45' East 343.8 feet; thence North 65°30' East to Highway; thence Northerly to Beginning. Plat of White Birch Park, Section 1, T21N, R10W, Cherry Grove Township, Wexford County, Michigan.

Now Described as: A part Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N 00°05'48" E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence continuing Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S6°22'28"W 20.32 feet; Thence continuing Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 28°43'57" and a Chord Bearing of S12°09'16"E 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of

2°51'05" and a Chord Bearing of S27°56'46"E 46.54 feet; Thence S71°29'55"W 40.64 feet to the Point of Beginning; Thence S71°29'55"W 50.08 feet to a traverse line along the shore of Lake Mitchell; Thence N11°39'32"W 115.82 feet along said traverse line; Thence N71°29'55"E 34.94 feet; Thence Southerly 75.32 feet along a curve to the left with a Radius of 180.00 feet a Delta Angle of 23°58'33" and a Chord Bearing of S14°31'07"E 74.77 feet; Thence Southerly 40.90 feet along a curve to the left with a Radius of 975.37 feet, a Delta Angle of 2°24'08" and a Chord Bearing S27°42'30"W 40.89 feet; to the Point of Beginning.

9. That the parcels, as described in Paragraphs 6, 7, and 8 above, shall be consolidated into one Lot to be identified as Lot 76 in White Birch Park on the amended plat.

10. That title to the following described portion of the vacated Driveway will vest in Plaintiffs Art and Dorothy Stenman pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of the public road (Driveway) right-of-way in the plat of "White Birch Park" Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S06°22'28"W 20.32 feet; Thence Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 28°43'57" and a Chord Bearing of S12°09'16"E 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of 2°51'05" and a Chord Bearing of S27°56'46"E 46.54 feet to the Point of Beginning; Thence Southerly 31.45 feet along a curve to the left with a radius of 935.37 feet, a Delta Angle of 1°55'36" and a Chord Bearing of S30°20'07"E 31.45 feet; Thence Southerly 51.71 feet along a curve to the left with a radius of 1500.64 feet, a Delta Angle of 1°58'27" and a Chord Bearing of S21°52'37"E 51.71 feet; Thence Southerly 7.07 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 1°03'05" and a Chord Bearing of S23°23'24"E 7.07 feet; Thence S65°48'28"W 29.23 feet; Thence Northerly 94.88 feet along a curve to the right with a Radius of 975.37

feet a Delta Angle of $5^{\circ}34'25''$ and a Chord Bearing of $N31^{\circ}41'46''W$ 94.86 feet; Thence $N71^{\circ}29'55''E$ 40.64 feet to the Point of Beginning.

11. That the following described parcel lying easterly of and adjacent to the vacated portion of the Driveway will vest in Plaintiffs Art and Dorothy Stenman pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan. Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence $N00^{\circ}05'48''E$ 929.80 feet along the East Section Line; Thence $N89^{\circ}54'12''W$ 1268.71 feet; Thence $S75^{\circ}12'35''W$ 33.32 feet; Thence $N65^{\circ}48'53''W$ 40.43 feet; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of $3^{\circ}16'41''$ and a Long Chord Bearing of $S12^{\circ}58'43''E$ 85.84 feet; Thence continuing Southerly 18.47 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of $0^{\circ}42'19''$ and a Long Chord Bearing $S14^{\circ}58'13''E$ 18.47 feet; Thence continuing Southerly 115.00 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of $4^{\circ}23'27''$ and a Long Chord Bearing $S17^{\circ}31'07''E$ 114.98 feet to the Point of Beginning; Thence continuing Southerly 30.80 feet along a curve to the left with a Radius of 1500.64 feet, a Delta Angle of $1^{\circ}10'33''$ and a Long Chord Bearing $S20^{\circ}18'07''E$ 30.80 feet; Thence Northerly 31.45 feet along a curve to the right with a Radius of 935.37 feet, a Delta Angle of $1^{\circ}55'36''$ and a Long Chord Bearing $N30^{\circ}20'07''W$ 31.45 feet; Thence $N71^{\circ}29'55''E$ 5.48 feet to the Point of Beginning.

12. That the following described parcel lying westerly of and adjacent to the vacated portion of the Driveway will vest in Plaintiffs Art and Dorothy Stenman pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A parcel commencing 50 feet SE'LY from the SE corner of Lot 39; thence Westerly 41 feet more or less to Lake Mitchell; thence South $19^{\circ}45'$ East 343.8 feet; thence North $65^{\circ}30'$ East to Highway; thence Northerly to beginning, except the North 115 feet and except the South 132 feet thereof, Plat of White Birch Park, Section 1, T21N, R10W, Cherry Grove Township, Wexford County, Michigan.

Now described as: A part of Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S06°22'28"W 20.32 feet; Thence Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 28°43'57" and a Chord Bearing of S12°09'16"E 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of 2°51'05" and a Chord Bearing of S27°56'46"E 46.54 feet; Thence Southerly 31.45 feet along a curve to the left with a radius of 935.37 feet, a Delta Angle of 1°55'36" and a Chord Bearing of S30°20'07"E 31.45 feet; Thence Southerly 51.71 feet along a curve to the left with a radius of 1500.64 feet, a Delta Angle of 1°58'27" and a Chord Bearing of S21°52'37"E 51.71 feet; Thence Southerly 7.07 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 1°03'05" and a Chord Bearing of S23°23'24"E 7.07 feet; Thence S65°48'28"W 29.23 feet to the Point of Beginning; Thence S65°48'28"W 84.23 feet to a traverse line on the shore of Lake Mitchell; Thence N11°39'32"W 101.42 feet along said traverse line; Thence N71°29'55"E 50.08 feet; Thence Southerly 94.88 feet along a curve to the left with a Radius of 975.37 feet a Delta Angle of 5°34'25" and a Chord Bearing of S31°41'46"E 94.86 feet to the Point of Beginning.

13. That the parcels, as described in Paragraphs 10, 11, and 12 above, shall be consolidated into one Lot to be identified as Lot 77 in White Birch Park on the amended plat.

14. That title to the following described portion of the vacated Driveway will vest in Plaintiffs Frank, Jr. and Rosemary Stenger pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of the public road (Driveway) right-of-way in the plat of "White Birch Park" Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the

East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S06°22'28"W 20.32 feet; Thence continuing Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 28°43'57" and a Chord Bearing of S12°09'16"E 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of 2°51'05" and a Chord Bearing of S27°56'46"E 46.54 feet; Thence Southerly 31.45 feet along a curve to the left with a radius of 935.37 feet, a Delta Angle of 1°55'36" and a Chord Bearing of S30°20'07"E 31.45 feet; Thence Southerly 51.71 feet along a curve to the left with a radius of 1500.64 feet, a Delta Angle of 1°58'27" and a Chord Bearing of S21°52'37"E 51.71 feet; Thence Southerly 7.07 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 1°03'05" and a Chord Bearing of S23°23'24"E 7.07 feet to the Point of Beginning; Thence Southerly 42.28 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 6°17'16" and a Chord Bearing of S27°03'34"E 42.26 feet; Thence S65°48'05"W 22.34 feet; Thence Northerly 14.39 feet along a curve to the right with a Radius of 220.00 feet a Delta Angle of 3°44'56" and a Chord Bearing of N38°02'53"W 14.39 feet; Thence Northerly 28.78 feet along a curve to the right with a Radius of 975.37 feet, a Delta Angle of 1°41'26" and a Chord Bearing of N35°19'42"W 28.78 feet; Thence N65°48'28"E 29.23 feet to the Point of Beginning.

15. That the following described parcel lying westerly of and adjacent to the vacated portion of the Driveway will vest in Plaintiffs Frank, Jr. and Rosemary Stenger pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

Commencing on the Shore of Lake Mitchell 303.8 feet Southerly from the Southwest corner of Lot 39; thence North 67°10.5' East 114.55 feet to Highway; thence North 42°09' West 42.00 feet; thence South 68°10' West 91.79 feet to Lake; thence Southeasterly to beginning. Plat of White Birch Park, Section 1, T21N, R10W, Cherry Grove Township, Wexford County, Michigan.

Now described as: A part of Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S06°22'28"W 20.32 feet; Thence continuing Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 28°43'57" and a Chord Bearing of S12°09'16"E 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of 2°51'05" and a Chord Bearing of S27°56'46"E 46.54 feet; Thence Southerly 31.45 feet along a curve to the left with a radius of 935.37 feet, a Delta Angle of 1°55'36" and a Chord Bearing of S30°20'07"E 31.45 feet; Thence Southerly 51.71 feet along a curve to the left with a radius of 1500.64 feet, a Delta Angle of 1°58'27" and a Chord Bearing of S21°52'37"E 51.71 feet; Thence Southerly 7.07 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 1°03'05" and a Chord Bearing of S23°23'24"E 7.07 feet; Thence Southerly 42.28 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 6°17'16" and a Chord Bearing of S27°03'34"E 42.26 feet; Thence S65°48'05"W 22.34 feet to the Point of Beginning; Thence S65°48'05"W 102.62 feet to traverse line along the shore of Lake Mitchell; Thence N11°39'32"W 43.25 feet along said traverse line; Thence N65°48'28"E 84.23 feet; Thence Southerly 28.78 feet along a curve to the left with a Radius of 975.37 feet, a Delta Angle of 1°41'26" and a Chord Bearing of S35°19'42"E 28.78 feet; Thence Southerly 14.39 feet along a curve to the left with a Radius of 220.00 feet a Delta Angle of 3°44'56" and a Chord Bearing of S38°02'53"E 14.39 feet to the Point of Beginning.

16. That the vacated portion of the Driveway and the parcel, as described in Paragraph 14 and 15 above, shall be consolidated into one Lot to be identified as Lot 78 in White Birch Park on the amended plat.

17. That title to the following described portion of the vacated Driveway will vest in Plaintiff Thomas J. Oliver, Trustee of the Thomas J. Oliver Revocable Trust under

Agreement dated May 2, 1989, as amended, pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

A part of the public road (Driveway) right-of-way in the plat of "White Birch Park" Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet; Thence S75°12'35"W 33.32 feet; Thence N65°48'53"W 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of 3°16'41" and Chord Bearing of S12°58'43"E 85.84 feet; Thence Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 8°19'31" and a Chord Bearing of S06°22'28"W 20.32 feet; Thence continuing Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of 28°43'57" and a Chord Bearing of S12°09'16"E 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of 2°51'05" and a Chord Bearing of S27°56'46"E 46.54 feet; Thence continuing Southerly 31.45 feet along a curve to the left with a radius of 935.37 feet, a Delta Angle of 1°55'36" and a Chord Bearing of S30°20'07"E 31.45 feet; Thence Southerly 51.71 feet along a curve to the left with a radius of 1500.64 feet, a Delta Angle of 1°58'27" and a Chord Bearing of S21°52'37"E 51.71 feet; Thence Southerly 7.07 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 1°03'05" and a Chord Bearing of S23°23'24"E 7.07 feet; Thence continuing Southerly 42.28 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 6°17'16" and a Chord Bearing of S27°03'34"E 42.26 feet to the Point of Beginning; Thence continuing Southerly 45.69 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of 6°47'42" and a Chord Bearing of S33°36'03"E 45.66 feet; Thence S65°48'05"W 11.54 feet; Thence Northerly 48.71 feet along a curve to the right with a Radius of 220.00 feet, a Delta Angle of 12°41'08" and a Chord Bearing of N46°15'55"W 48.61 feet; Thence N65°48'05"E 22.34 feet to the Point of Beginning.

18. That the following described parcel lying westerly of and adjacent to the vacated portion of the Driveway will vest in Plaintiff Thomas J. Oliver, Trustee of the Thomas J. Oliver Revocable Trust under Agreement dated May 2, 1989, as amended,

pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.

The North 45 feet of the South 90 feet of the following: Commencing 50 feet Southeasterly from the Southeast corner of Lot 39, Plat of White Birch Park; thence Westerly 41 feet more or less to Lake Mitchell; thence South $19^{\circ}45'$ East 343.8 feet; thence North $65^{\circ}30'$ East to Highway; thence Northerly to Beginning. Plat of White Birch Park, Section 1, T21N, R10W, Cherry Grove Township, Wexford County, Michigan.

Now described as: A part of Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan: Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence $N00^{\circ}05'48''E$ 929.80 feet along the East Section Line; Thence $N89^{\circ}54'12''W$ 1268.71 feet; Thence $S75^{\circ}12'35''W$ 33.32 feet; Thence $N65^{\circ}48'53''W$ 40.43 feet to the West Line of the "Driveway" (East Lake Mitchell Dr), as per the Plat; Thence Southerly 85.85 feet along a curve to the left with a Radius of 1,500.64 feet, a Delta Angle of $3^{\circ}16'41''$ and Chord Bearing of $S12^{\circ}58'43''E$ 85.84 feet; Thence Southerly 20.34 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of $8^{\circ}19'31''$ and a Chord Bearing of $S06^{\circ}22'28''W$ 20.32 feet; Thence continuing Southerly 70.21 feet along a curve to the left with a radius of 140.00 feet, a Delta Angle of $28^{\circ}43'57''$ and a Chord Bearing of $S12^{\circ}09'16''E$ 69.47 feet; Thence Southerly 46.55 feet along a curve to the left with a Radius of 935.37 feet, a Delta Angle of $2^{\circ}51'05''$ and a Chord Bearing of $S27^{\circ}56'46''E$ 46.54 feet; Thence continuing Southerly 31.45 feet along a curve to the left with a radius of 935.37 feet, a Delta Angle of $1^{\circ}55'36''$ and a Chord Bearing of $S30^{\circ}20'07''E$ 31.45 feet; Thence Southerly 51.71 feet along a curve to the left with a radius of 1500.64 feet, a Delta Angle of $1^{\circ}58'27''$ and a Chord Bearing of $S21^{\circ}52'37''E$ 51.71 feet; Thence Southerly 7.07 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of $1^{\circ}03'05''$ and a Chord Bearing of $S23^{\circ}23'24''E$ 7.07 feet; Thence continuing Southerly 42.28 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of $6^{\circ}17'16''$ and a Chord Bearing of $S27^{\circ}03'34''E$ 42.26 feet; Thence continuing Southerly 45.69 feet along a curve to the left with a radius of 385.26 feet, a Delta Angle of $6^{\circ}47'42''$ and a Chord Bearing of $S33^{\circ}36'03''E$ 45.66 feet; Thence $S65^{\circ}48'05''W$ 11.54 feet to the Point of Beginning; Thence $S65^{\circ}48'05''W$ 130.09 feet to a traverse line on the shore of Lake Mitchell; Thence $N11^{\circ}39'32''W$ 46.15 feet along said traverse line; Thence $N65^{\circ}48'05''E$ 102.62 feet; Thence Southerly 48.71 feet along a curve to the left with a Radius of 220.00 feet, a Delta Angle of $12^{\circ}41'08''$ and a Chord Bearing of $S46^{\circ}15'55''E$ 48.61 feet to the Point of Beginning.

19. That the vacated portion of the Driveway and the parcel, as described in Paragraph 17 and 18 above, shall be consolidated into one Lot to be identified as Lot 79 in White Birch Park on an amended plat.

20. That the following described parcel is hereby established as public right-of-way for the Driveway (currently known as East Lake Mitchell Dr.) and shall remain under the jurisdiction of the Wexford County Road Commission:

A part of Government Lot 2, Section 1, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan. Described as Commencing at the East 1/4 Corner of Section 1, T21N, R10W, Thence N00°05'48"E 929.80 feet along the East Section Line; Thence N89°54'12"W 1268.71 feet to the Point of Beginning; Thence Southeasterly 267.08 feet along a curve to the left with a Radius of 1,434.64 feet, Delta angle of 10°39'59", and a Long Chord of S17°31'52"E 266.69 feet; Thence Southeasterly 106.15 feet along a curve to the left with a Radius of 319.26 feet a Delta angle of 19°02'59" and a Long Chord of S32°23'20"E 105.66 feet; Thence S33°58'32"W 24.86 feet; Thence N55°56'14"W 41.05 feet; Thence Northwesterly along a curve to the right 62.05 feet with a Radius of 180.00 feet, a Delta Angle of 19°45'00" and a Long Chord of N46°03'44"W 61.94 feet; Thence Northwesterly 79.81 feet along a curve to the right with a Radius of 935.37 feet, a Delta Angle of 04°53'20" and a Long Chord of N33°44'34"W 79.79 feet; Thence Northwesterly 30.80 feet along a curve to the right with a Radius of 1500.64 feet, a Delta Angle of 01°10'33" and a Long Chord of N20°18'07"W 30.80 feet; Thence Northwesterly 115.00 feet along a curve to the right with a Radius of 1500.64 feet a Delta Angle of 04°23'27" and a Long Chord of N17°31'07"W 114.98 feet; Thence Northwesterly 18.47 feet along a curve to the right with a Radius of 1500.64 feet, a Delta Angle of 00°42'19" and a Long Chord of N14°58'13"W 18.47 feet; Thence Northeasterly 11.06 feet along a curve to the right with a Radius of 140.00 feet, a Delta Angle of 04°31'59" and a Long Chord of N12°47'59"E 11.06 feet; Thence N15°03'46"E 58.31 feet; Thence N75°12'35"E 33.32 feet to the Point of Beginning. Containing 0.5 acres more or less.

IT IS FURTHER ORDERED, that all existing easements located within the boundary of the proposed Amended Plat of White Birch Park are hereby preserved and the Amended Plat 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 easements shown, has contacted all utility companies providing services to this subdivision and has reviewed any existing title search and/or policy of title insurance and has 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 Amended Plat and shall provide a copy of those records to the Michigan Department of Consumer and Industry Services upon submission of the Amended Plat.

IT IS FURTHER ORDERED, that Plaintiffs shall prepare and file, at their sole cost and expense as required by MCL 560.229, an Amended Plat of White Birch Park affected by this Order and shall submit the Amended Plat for approval to the Michigan Department of Consumer and Industry Services, Manufactured Housing and Subdivision Control Division, within 90 days of the entry of this Order.

IT IS FURTHER ORDERED, that the portion of Lot Seventy-five (75) described in paragraph 4 above and as shown on Exhibits "A" and "B", and Lots Seventy-six (76), Seventy-seven (77), Seventy-eight (78) and Seventy-nine (79) of the Amended Plat extend to the water's edge of Lake Mitchell and a note to this effect shall be placed on the Amended Plat.

IT IS FURTHER ORDERED, that Cherry Grove Township, by its consent to the entry of this Order, recognizes that the lots being created by this Amended Plat are existing, non-conforming lots, and they are not being established for the purposes of establishing new residential building sites as each proposed lot has an existing residential structure located on it.

IT IS FURTHER ORDERED, that upon notice and hearing this Order shall be declared null and void, *nun pro tunc*, should the Amended Plat not be prepared and submitted as required by this Order and by MCL 560.229.

IT IS FURTHER ORDERED, that a certified copy of this Order shall be recorded with the Wexford County Register of Deeds in accordance with MCL 560.228.

IT IS FURTHER ORDERED, that this Court shall retain jurisdiction of this matter until the Amended Plat has been filed and approved as aforesaid.

IT IS FURTHER ORDERED, that this Order resolves the last pending claim in this matter and closes this case.



Hon. Charles D. Corwin, Circuit Judge

RESOLUTION NO. 2001-7

**RESOLUTION OF THE TOWNSHIP BOARD OF CHERRY GROVE
TOWNSHIP, WEXFORD COUNTY, CONSENTING TO THE VACATION OF A
PORTION OF PLATTED EAST LAKE MITCHELL DRIVE IN THE PLAT OF
THE WHITE BIRCH PARK SUBDIVISION**

WHEREAS, the Wexford County Road Commission has in the past relocated a portion of East Lake Mitchell Drive in the Plat of the White Birch Park Subdivision, according to the recorded plat thereof; and

WHEREAS, a result of the relocation of a portion of East Lake Mitchell Drive, a portion of East Lake Mitchell Drive, as platted, is no longer used or useful for public road purposes or any other public purpose.

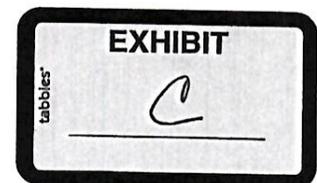
NOW, THEREFORE, on the motion of **Margo Stratton**, supported by **Cecil D. Fauble**.

BE IT RESOLVED that the Cherry Grove Township Board of Trustees hereby consents to the vacation of the following platted street, to-wit:

That portion of platted East Lake Mitchell Drive depicted as "Driveway" on the original plat of the White Birch Park Subdivision, according to the recorded plat thereof, located westerly of the West right-of-way line of East Lake Mitchell Drive as presently laid out and opened for public travel and southerly of Lot 38 of the Plat of White Birch Park Subdivision and as more fully depicted on the attached drawing dated 18 December, 1997, and constituting Wade Trim, Inc. Job Number CSU-3587-01C.

BE IT FURTHER RESOLVED that the Township Board of Cherry Grove Township further consents to such amendments or revisions to the Plat of White Birch Park Subdivision as may be necessary as the result of the vacation of that portion of platted East Lake Mitchell Drive described above.

BE IT FURTHER RESOLVED that the foregoing consents are granted on the condition that one or more of the property owners adjoining the portion of platted East Lake Mitchell Drive described above takes appropriate steps under the Michigan Lake Division Act to vacate the street and amend or revise the Plat of White Birch Park Subdivision at no cost to Cherry Grove Township.



The following voted "AYE."

**Ron Vaughan, Jerry Richards,
Margo Stratton, Robert J.
Meyer and Cecil D. Fauble.**

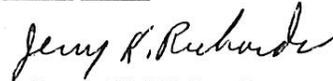
The following voted "NAY."

None.

The supervisor declared the motion carried and the resolution was duly adopted.

STATE OF MICHIGAN)
) SS
COUNTY OF WEXFORD)

I, JERRY K. RICHARDS, Clerk of the Township of CHERRY GROVE do hereby certify that the foregoing resolution was duly adopted by the Board of said municipality, at the meeting held therein on the 14 th. day of February, 2001.



Jerry K. Richards

Cherry Grove Township Clerk

Dated:

February 14, 2001

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF COUNTY ROAD COMMISSIONERS
FOR WEXFORD COUNTY, MICHIGAN,
CONSENTING TO THE VACATION OF A PORTION OF
PLATTED EAST LAKE MITCHELL DRIVE
IN THE PLAT OF LAKE BIRCH SUBDIVISION**

WHEREAS, the Wexford County Road Commission has in the past relocated a portion of East Lake Mitchell Drive in the Plat of the White Birch Park Subdivision, according to the recorded plat thereof; and

WHEREAS, a result of the relocation of a portion of East Lake Mitchell Drive, a portion of East Lake Mitchell Drive, as platted, is no longer used or useful for public road purposes or any other public purpose.

NOW, THEREFORE, on the motion of Rogers, supported by Okoren.

BE IT RESOLVED that the Board of County Road Commissioners for Wexford County hereby consents to the vacation of the following platted street, to-wit:

That portion of platted East Lake Mitchell Drive depicted as "Driveway" on the original plat of the White Birch Park Subdivision, according to the recorded plat thereof, located westerly of the West right-of-way line of East Lake Mitchell Drive as presently laid out and opened for public travel and southerly of Lot 38 of the Plat of White Birch Park Subdivision and as more fully depicted on the attached drawing dated 18 December, 1997, and constituting Wade Trim, Inc. Job Number CSU-3587-01C.

BE IT FURTHER RESOLVED that the Board of County Road Commissioners for Wexford County further consents to such amendments or revisions to the Plat of White Birch Park Subdivision as may be necessary as the result of the vacation of that portion of platted East Lake Mitchell Drive described above.

BE IT FURTHER RESOLVED that the foregoing consents are granted on the condition that one or more of the property owners adjoining the portion of platted East Lake Mitchell Drive described above takes appropriate steps under the Michigan Lake Division Act to vacate the street and amend or revise the Plat of White Birch Park Subdivision at no cost to the Wexford County Road Commission.



Those voting in favor:

Those voting against:

Those absent or abstaining:

RESOLUTION DECLARED PASSED.


Secretary

CERTIFICATION

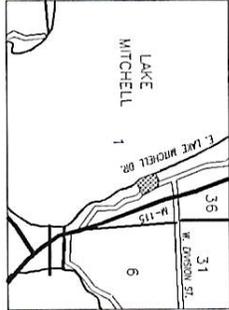
I, Ronald C. Welch, Secretary of the Board of County Road Commissioners for Wexford County, Michigan, do hereby CERTIFY that the foregoing is a true and correct copy of the Resolution adopted by the Board of County Road Commissioners for Wexford County, Michigan, at a regular meeting held on the 7th day of February, 2001.


Secretary

EXHIBIT "A"

PROPOSED AMENDED PLAT OF PART OF "WHITE BIRCH PARK" INCLUDING LOT 39 AND PART OF THE PUBLIC ROAD, BEING A PART OF GOVERNMENT LOT 2, SECTION 1, TOWNSHIP 21 NORTH, RANGE 10 WEST, CHERRY GROVE TOWNSHIP, WEXFORD COUNTY, MICHIGAN.

NE CORNER SECTION 1,
12TH, R10W, L.C.R.C. LIBER 4,
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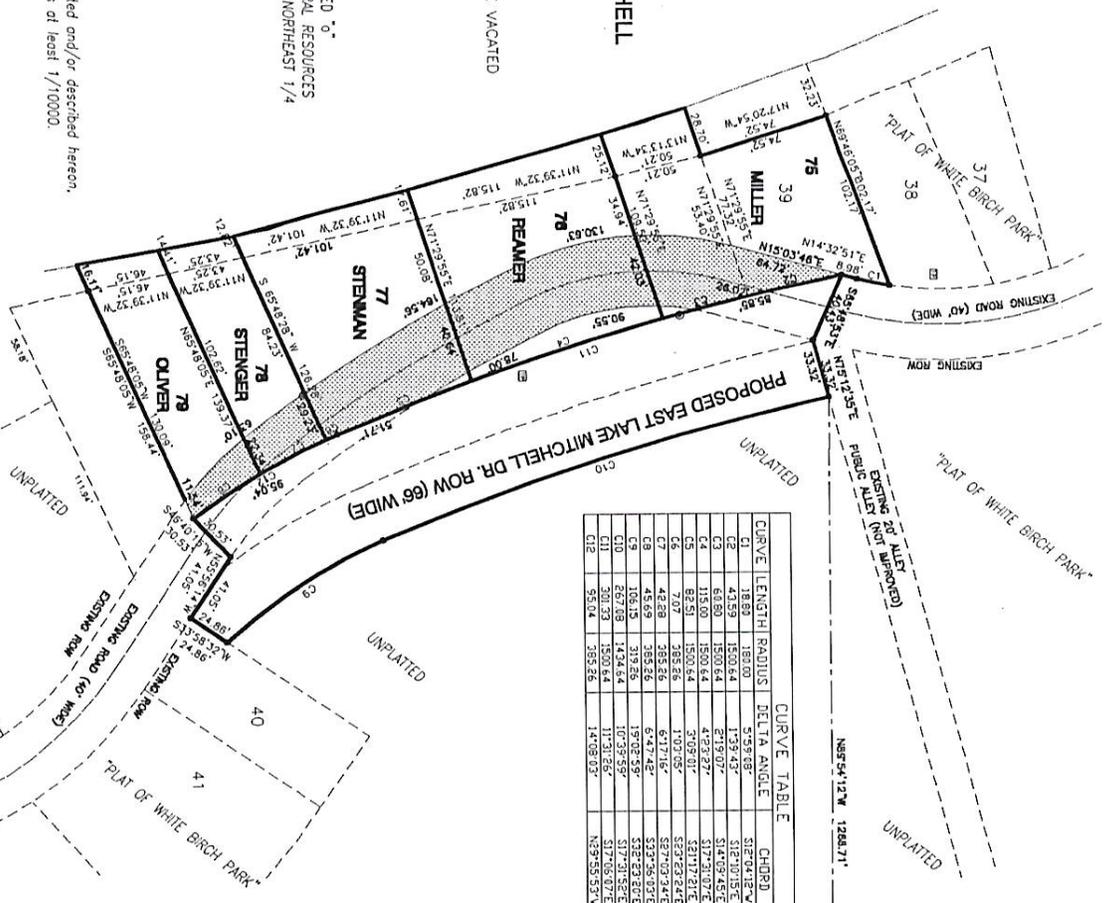
LOCATION MAP
(NO SCALE)



0' 25' 50'

PART TO BE VACATED

LAKE MITCHELL



CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD	DISTANCE
C1	18.80	180.00	5:53:08"	S12:04:18"W	18.80
C2	43.59	150.64	1:59:43"	S12:10:15"E	43.59
C3	63.80	150.64	2:19:07"	S14:09:45"E	60.79
C4	115.00	150.64	4:23:27"	S17:31:07"E	114.98
C5	82.51	150.64	3:09:01"	S21:17:07"E	82.50
C6	7.07	285.56	1:07:05"	S5:27:22"E	4.82
C7	42.88	285.56	6:17:18"	S37:56:07"E	45.66
C8	152.69	310.56	19:02:59"	S32:29:20"E	105.66
C9	267.08	1434.64	10:35:59"	S17:31:59"E	266.59
C10	300.29	150.64	11:31:26"	S17:06:07"E	300.33
C12	95.04	385.56	1:47:08:03"	N59:55:53"W	94.80

- NOTES
1. ALL DIMENSIONS ARE IN FEET
 2. CONCRETE MONUMENTS HAVE BEEN PLACED AT ALL POINTS MARKED "o"
 3. BEARINGS ARE BASED ON A MICHIGAN DEPARTMENT OF NATURAL RESOURCES SURVEY #FM-15-94 WHICH SHOWS THE EAST LINE OF THE NORTHEAST 1/4 AS N00°05'48"E
 4. LOT LINES EXTEND TO THE WATERS EDGE.

I hereby certify that I have surveyed and mapped the land plotted and/or described hereon, that the ratio of measure on the adjusted field observations is at least 1/10000.

James A. Roy, PS #239893

DATE: JULY 2, 2002

ORDERED BY:
MARY ANN REAMER

AXIN LAND SURVEYS, INC.
900 E. 48 Road • Cadillac, MI 49601
231-642-8487 FAX: 231-676-1193

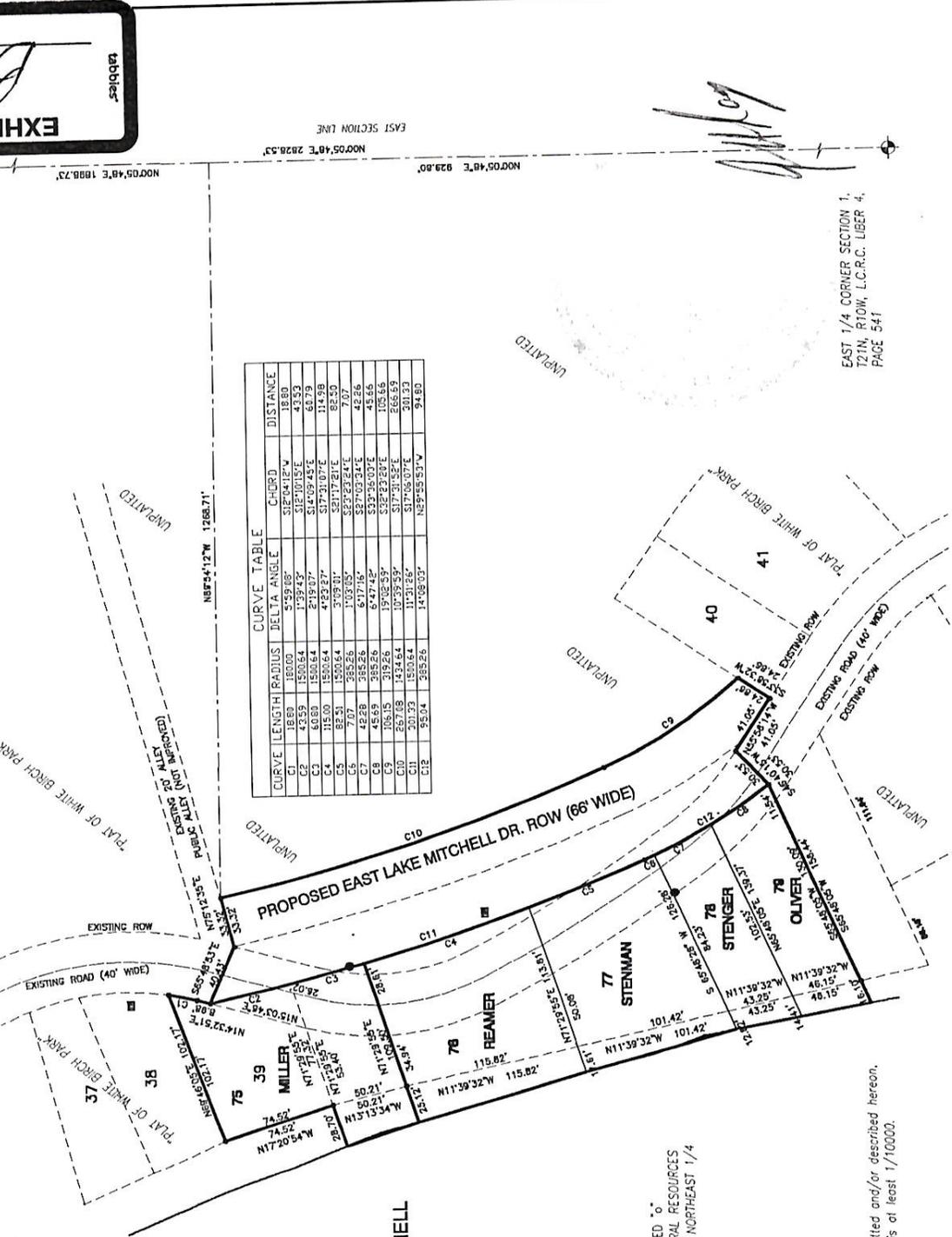
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SHEET 1 OF 1
JOB NO. 011105

EAST 1/4 CORNER SECTION 1,
12TH, R10W, L.C.R.C. LIBER 4,
PAGE 541

PROPOSED AMENDED PLAT OF PART OF "WHITE BIRCH PARK"
 INCLUDING LOT 39 AND PART OF THE PUBLIC ROAD, BEING A PART OF GOVERNMENT LOT 2, SECTION 1,
 TOWNSHIP 21 NORTH, RANGE 10 WEST, CHERRY GROVE TOWNSHIP, WEXFORD COUNTY, MICHIGAN.

NE CORNER SECTION 1,
 T21N, R10W, L.C.R.C. LIBER 4,
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EXHIBIT



CURVE LENGTH	RADIUS	DELTA ANGLE	CHORD	DISTANCE
C1	18.00	5°59'48"	312°04'12"W	18.00
C2	43.59	1°39'43"	312°10'15"E	43.59
C3	60.83	2°19'07"	314°09'45"E	60.83
C4	95.00	4°28'27"	320°17'21"E	95.00
C5	95.31	4°28'27"	320°17'21"E	95.31
C6	42.28	1°39'43"	323°23'24"E	42.28
C7	42.28	1°39'43"	323°23'24"E	42.28
C8	45.69	3°58'26"	6°47'42"	45.69
C9	106.15	19°02'53"	332°22'20"E	106.15
C10	267.68	14°34'54"	337°31'52"E	267.68
C11	201.93	15°03'04"	337°06'07"E	201.93
C12	95.04	3°58'26"	14°08'03"	95.04



LAKE MITCHELL

ALL POINTS MARKED ON THIS PLAT ARE IN FEET AND DECIMALS THEREOF. POINTS HAVE BEEN PLACED AT ALL POINTS MARKED ON THIS PLAT BASED ON A MICHIGAN DEPARTMENT OF NATURAL RESOURCES SURVEY OF 1985 WHICH SHOWS THE EAST LINE OF THE NORTHEAST 1/4 SECTION TO BE ON THE WATER'S EDGE.

I have surveyed and mapped the land plotted and/or described hereon, and the same is shown as unadjusted field observations is at least 1/10000.

[Signature]
 S. #25669

DATE: JULY 2, 2002

SEC. 1 - T21N - R10W
 DRAWN BY JAR | SHEET 1 OF 1
 JOB NO. 011105

AXIN LAND SURVEYS, INC.
 600 E. 46 Road • Cadillac, MI 49601
 231-645-6467 FAX: 231-618-1190

EAST 1/4 CORNER SECTION 1,
 T21N, R10W, L.C.R.C. LIBER 4,
 PAGE 541

[Signature]