

LINDEN & ARGENTINE ROAD

N 1/4 Post Sec. 30

Examined and Approved

Aug 25-1920

J. L. Haines
Deputy Auditor General

PLAT

of

RESTWOOD PARK

FENTON TOWNSHIP, GENESEE COUNTY, MICHIGAN.

Dedication

Know All Men By These Presents, That we, C.A. Polley, as proprietor, and Sarah E. Polley, his wife, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Restwood Park, Fenton Township, Genesee County, Michigan, and that the parks, streets and drives as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in presence of:

James L. Haines
Sarah E. Polley

C.A. Polley (U.S.)
Sarah E. Polley (U.S.)

STATE OF MICHIGAN }
County of GENESEE } S.S.

On this 28th day of July 1920, before me, a Notary Public in and for said County, came the above named C.A. Polley and Sarah E. Polley, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

My Commission expires January 23, 1921. *James L. Haines*
Notary Public Genesee Co Mich.

Description of Land Platted

Beginning at the center of section 30 T5N R6E Mich, thence 89°W on 1/4 line 630ft, thence N6°48'E 247.1 ft; S 87°E 629.6 ft to N & S 1/4 line, thence S 1°23'W 237.2 ft; west 96.5 ft; S51°10'W 93.6 ft; S 0°48'W 95 ft; S75°10'W 257.1 ft; west 150 ft; S 8°W 639 ft; S 24°E 109.2 ft; S 7°50'W 370 ft; N 88°30' E 393.9 ft; N 28°53' E 78 ft; N 70°35' E 40 ft; S 76°E 24.1 ft; S 8°W 265.5 ft; S 18°14'W 421.1 ft; S 10°16' E 203.2 ft; S 62°36' E 146.7 ft; S 22°26' E 413.9 ft; S 48°29' E 124.4 ft; to E & W 1/4 line, thence N 89°W 431.4 ft to place of beginning. All on the E 1/2 of NW 1/4 W 1/2 part of NE 1/4 of said section 30.

Surveyed July 1920, by G.H. Dunning, Howell, Mich.

Office of County Treasurer Genesee Co Mich July 29 1920.
I hereby certify that there are no tax liens or titles held by the state on the lands described above and that there are no tax liens or titles held by individuals on said lands for the five years preceding the 29th day of July 1920, and that the taxes for said period of five years are paid, as shown by the records of this office.

Trent Boules
County Treasurer.

Surveyor's Certificate

I hereby certify that the plat hereon delineated is a correct one, and that permanent monuments consisting of 1/2 gas pipe 18" long have been planted at points marked thus \odot as thereon shown at all angles in the boundaries of the land platted, and at all intersections of streets, and at all angles in the same.

Grant H. Dunning Registered Civil Engineer.

This plat was approved by the Fenton Township Board at a meeting held July 28 1920.

Murray Chase
Twp. Clerk.

This plat was approved on the 29 day of July 1920

John C. Grans Judge of Probate.
Jesse C. Good County Clerk.
Trent Boules County Treasurer.

Register's Office
Genesee County

Plat of Restwood Park

was recorded this 6 day of Aug A.D. 1920 at 6 o'clock

in Liber 10 of Plats

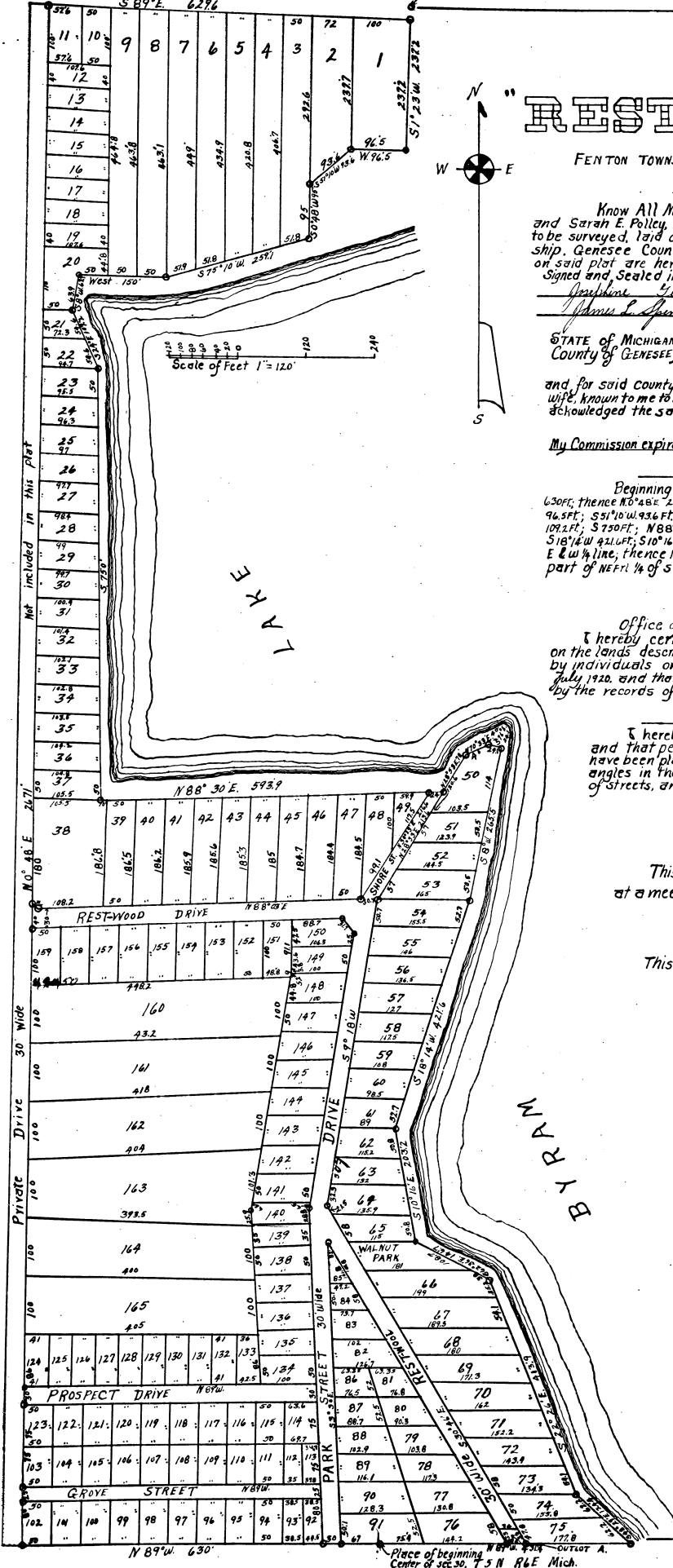
on Page 13

Moses Hurdston
Register of Deeds.

I HEREBY CERTIFY THAT THIS COPY IS A TRUE COPY OF THE MAP OR PLAT FORWARDED TO THE REGISTER OF DEEDS FOR RECORDING
Aug 25-1920
J. L. Haines
DEPUTY AUDITOR GENERAL

FILED IN AUDITOR GENERAL'S DEPT.

Aug 28 1920
J. L. Haines
DEPUTY AUDITOR GENERAL



Place of beginning Center of sec. 30, T5N R6E Mich.

NOTICE OF RESOLUTION

EX-10779-403

At a meeting of The Board of County Road Commissioners of the County of Genesee, Michigan, held at 211 West Oakley Street, Flint, Michigan, on the eleventh day of September, 1973, A.D., at which time a quorum of the members was present, the following resolution was unanimously adopted by vote taken by yeas and nays and entered at large upon the records of said Board.

RESOLUTION

Genesee 10924

WHEREAS, we, as said Board, are in receipt of a written petition signed by certain freeholders in the Township of Fenton, Genesee County, Michigan, praying for the absolute abandonment and discontinuance of a street; and,

WHEREAS, the portion of street is described as follows: Grove Street extending E'ly 526 ft., more or less, from west plat line of the plat of Restwood Park (Liber 10, page 13) to Park Street, Section 30, Fenton Township, Genesee County, Michigan. Said segment of street is abutted on the north by lots 103 thru 113 inclusive and on the south by lots 92 thru 102 inclusive as shown in the aforementioned plat; and,

WHEREAS, a public hearing was held at 11:15 a.m., September 6, 1973, at 211 West Oakley Street, Flint, Michigan, to hear objections to this proposed abandonment and discontinuance; and,

WHEREAS, no objections to aforesaid proposed abandonment were made at this hearing; and,

WHEREAS, it is the belief of this Board that the best interests of the public will be served by the absolute abandonment and discontinuance of this segment of street and at this time a more valuable use for the property is possible.

NOW, THEREFORE, BE IT RESOLVED, That in the best interests of the public welfare, the segment of street hereinbefore described be and the same is hereby absolutely abandoned and discontinued as a public street, subject to the reservation of an easement for public utility purposes within the right-of-way of said street as provided under Section 257 of Act No. 288 of Michigan Public Acts of 1967 and the same be placed on the assessment rolls for the purpose of taxation.

BE IT FURTHER RESOLVED, That a notice of this determination be published in The Flint-Genesee County Legal News, a newspaper of general circulation in Genesee County, once each week for three consecutive weeks; that certified copies of this resolution be served on the State Highway Commission, the Auditor General of the State of Michigan, and the Clerk of Fenton Township; that Consumers Power Company, General Telephone Company and the Flint General Post Office be notified of this abandonment by letter; and that a copy of this resolution be recorded in the office of the Register of Deeds for the County of Genesee, Michigan.

x x x x x x x x x x

Return to
GENESEE COUNTY CLERK
211 W. Oakley St., Flint, Michigan 48804

MR 1672 int 433

10974

I hereby certify that the above is a true copy of a part of the minutes of a meeting held on the eleventh day of September, 1973, A.D., by The Board of County Road Commissioners of the County of Genesee, Michigan.

Signed *Marlyn Beebe*
Marlyn Beebe, Clerk of The Board

Prepared by:
Genesee County Road Commission
211 West Oakley Street
Flint, Michigan 48503

SEP 11 1973
GENESEE COUNTY
FLINT, MICHIGAN

43235

4000

Return to
GENESEE COUNTY ROAD COMMISSION
211 W. Oakley St. Flint, Mich. 48503

253.71, West 150 ft, 58 W 63.0 ft, 50
 N 28° 53' E 70 ft, N 70° 33' E 40 ft, S 24° E 2
 203.2 ft, S 63° 36' E 146.7 ft, S 22° 2
 thence N 85° W 431.4 ft to beginning
 said section 30. Surv

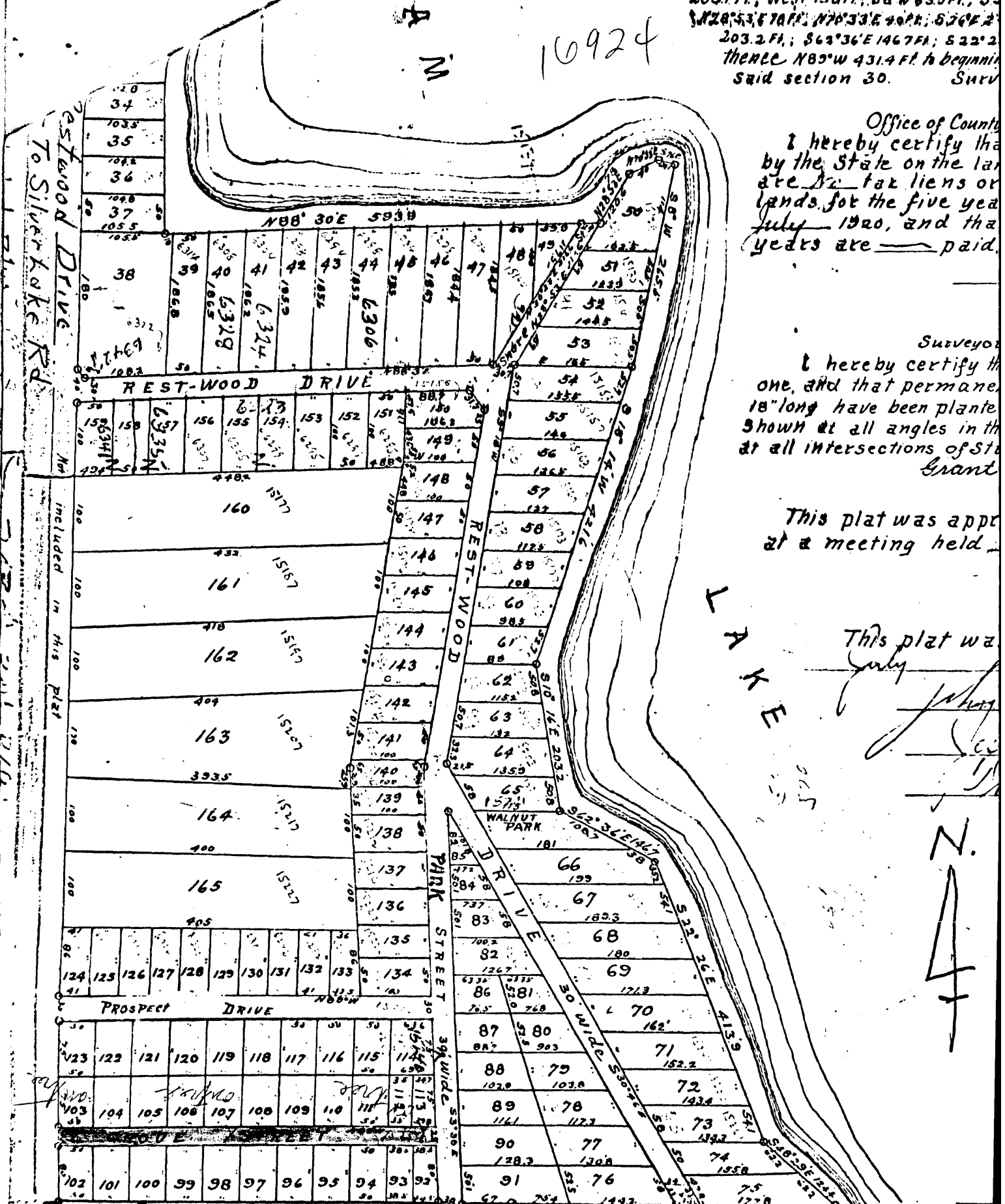
Office of County
 I hereby certify that
 by the State on the lands
 are no tax liens or
 lands for the five years
 July 1920, and that
 years are — paid.

Surveyor
 I hereby certify that
 one, and that permanent
 18" long have been planted
 shown at all angles in the
 at all intersections of State
 Grant

This plat was approved
 at a meeting held

This plat was
 July

N.
 4



PLAT of N 85° W 630
 Restwood Park

Place of beginning
 Center of Sec 30 Twp 5 N R 6 E Mich.

A TRUE COPY
Michael J. Carr, Clerk

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

BRIAN D. ALEXANDER, et al
Plaintiffs,

Dept. of Attorney General
RECEIVED

v

File No: 99-64845-CH

NOV 27 2001

FENTON TOWNSHIP, et al
Defendants

JUDGMENT

RESOURCES
DIVISION

CAREY & JASKOWSKI, P.L.L.C.
By: William L. Carey (P31602)
Attorney for Plaintiffs
2373 S. I-75 Business Loop
P.O. Drawer 665
Grayling, MI 49738
517-348-5232

THE HEIKKINEN LAW FIRM, P.C.
By: Richard A. Heikkinen (P14835)
Attorneys for Objecting Defendants
110 North Michigan Avenue, 1st Floor
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517-546-1434

Douglas J. Callahan (P25350)
Attorney for Defendants Jamison and Steffy
242 West Caroline Street
Fenton, MI 48430
810-629-6976

LAW OFFICES OF GREGORY DRAIS
By: Gregory O. Drais (P44458)
Attorney for Objecting Defendants
110 North Michigan Avenue, 2nd Floor
Howell, MI 48843-2202
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DEAN & FULKERSON, P.C.
By: Jeffrey L. Hudson (P31808)
Attorney for
801 W. Big Beaver Road 5th Floor
Troy, MI 48084
248-362-1300

STATE OF MICHIGAN
By: James E. Riley (P23992)
Assistant Attorney General
300 S. Washington, Suite 315
Lansing, MI 48913
517-373-7540

BELLAIRS, DEAN, COOLEY, SILER,
MOULTON AND SMITH
By: Richard E. Cooley (P12190)
Attorney for Fenton Township
412 S. Saginaw Street, Suite 300
Flint, MI 48502
810-767-1520

At a session of said Court, held in the City of Flint,
County of Genesee, State of Michigan this 5th day
of ~~November~~ 2001.

Present: Hon. Geoffrey L. Neithercut, Circuit Court Judge

UPON A REVIEW of the pleadings in the instant matter, the Court having considered the arguments and proofs as presented, and the Court having issued a written opinion under date of January 30, 2001;

NOW, THEREFORE IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. For the reasons set forth in this Court's opinion of January 30, 2001, the offer of a public dedication of Walnut Park in the Plat of Restwood Park has failed. Plaintiffs shall have the dedication language of the plat of Restwood Park modified within 90 days to reflect that Walnut Park is reserved for the exclusive use of the lot owners.
2. For the reasons set forth in this Court's opinion of January 30, 2001, the offer of dedication of Walnut Park in the Plat of Restwood Park creates an easement benefitting all property owners within Restwood Park, in a manner consistent with this instant order and this Court's opinion of January 30, 2001. This instant judgment shall be recorded with the Register of Deeds office of Genesee County within 90 days of entry.
3. Property owners of Restwood Park shall not use Walnut Park in a loud, obnoxious, or inconvenient manner.
4. The hours of usage of Walnut Park shall be limited from sunrise until sunset.
5. Campfires, bonfires, and alcohol consumption are all activities outside the scope of the private dedication of Walnut Park and are permanently enjoined. Further, no permanent structures may be erected upon Walnut Park.
6. Individuals may not park automobiles or other vehicles within the boundaries of Walnut Park. Access to the park shall be restricted by chain and padlock or some other similar device. All lawful users of Walnut Park are entitled to access to an access key.

16924

7. The lots within Walnut Park labeled Lot 60, the North half of Lot 61, Lots 65, 66, 69, and 70 are determined by this Court to be exclusively riparian. No individual or entity may trespass upon the upland or riparian extension of said lots.
8. Permanent boat mooring or raft mooring within the riparian extension of Walnut Park is permanently enjoined. Permanent anchorage devices, including boat hoists, are also permanently enjoined by this order. The dock located at the water's edge of Walnut Park and identified as the "old dock" shall be removed. The removal of the "old dock" may be accomplished by any lot holder within the plat of Restwood Park. Should any lot holder within Restwood Park wish to erect and maintain a replacement dock, it shall be centered within the boundaries of the park, its length shall be no longer than 15 feet from the water's edge and the installer of the dock shall be liable for its maintenance and repair.
9. A true copy of the Opinion Regarding the Status of Walnut Park is attached hereto and incorporated herein by reference. To the extent the language of this order is inconsistent with this Court's opinion of January 30, 2001, the opinion is controlling.
10. Within six (6) weeks of the entry of Judgment, the following shall occur: A true copy of this Judgment Modifying the Plat of Restwood Park shall be posted by Defendants Ronald L. Steffey, Sandra J. Steffey, Gordon Jamison or Jean T. Jamison at the entrance to Walnut Park and to this end a suitable method of preserving the true copy of this Judgment shall be implemented by any or all of them. A proof of service of the posting of this Judgment shall be filed with the Genesee County clerk by Douglas J. Callahan, Attorney for Defendants Ronald L. Steffey, Sandra J. Steffey, Gordon Jamison and Jean T. Jamison. Further, a summary of this Judgment shall be published in the Genesee County Legal news by

Plaintiffs for three consecutive weeks and a Proof of Publication shall be filed by Plaintiffs with the Genesee County Circuit Court. In addition, a copy of this Judgment shall be delivered to each of the lots in Restwood Park and taped to the front door of any house or cottage or posted in an appropriate manner on any vacant land. Any plat holder within the Plat of Restwood Park shall have thirty (30) days from the posting and publication of this Judgment, which ever is the later to occur, to file a Motion to Reconsider the Judgment.

- 11. The Court retains jurisdiction to enforce this Judgment.

IT IS SO ORDERED.

Dated: November 5, 2001

Geoffrey L. Neithercut
Hon. Geoffrey L. Neithercut
Circuit Court Judge