

Map of New Buffalo

one each of 16 rods to an inch

The Village of New Buffalo is situated in Section 9 & 10 in Town 8 South Range 21 West of the Mount of Galien River.

It is divided into sections 16 by 24 rods except that part lying between Water Street & the Lake. Each section is divided into 12 lots 4 by 8 rods. The street are 4 rods wide except Whitaker Avenue which is 6 rods wide. The course of the streets running in a parallel direction with the shore is N. 59° E. Whitaker Avenue and the street parallel with it is N. 31° W. Along Cement Runway

| | | | | | |
|----|----------------|----------------|----------------|----------------|----------------|
| 35 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 34 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 33 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 32 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 31 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 29 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 28 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 27 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 26 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 25 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 24 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 23 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 22 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 21 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 20 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 19 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 18 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 17 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 16 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 15 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 14 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 13 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 12 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 11 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 10 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 9 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 8 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 5 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 4 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 3 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |
| 2 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 | 1 2 3 4 5 6 |
| 1 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 | 12 11 10 9 8 7 |

Territory of Michigan }
County of Berrien }
Commet agent for Mason Whitaker }
wrest 17 abstr. lots numbered 4, 5, 9, 10, 14, 15, 19 which are only two rods wide the streets are as decided written by the surveyor
Record for April 28, A.D. 1835
at 5 o'clock P.M.

undersigned a justice of the peace in & for said County Along
decomposed Village plat laid off into 16
lots they are 4 rods front & extend to the Water
only two rods wide the streets are as decided written by the surveyor
April 1835
C. K. Green
Justice of the Peace

I hereby certify that this plat is a correct copy of the plat now on record
in register of Berrien Co. being made under the supervision of the Auditor
General by tracing the plat on record and affording thereto a carefully compared
copy of the delineation and certificates
Dated this 1st day of March 1910
Geo. W. Bennett
Clerk Aud. Genl. Dept.

11265
105-57

KE.
B.
DAC.

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan

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

Recorded
August 18, 2005 09:58:27 AM
Liber 2638 Page 241-253
Receipt # 17981 DO #2005029171



Liber 2638 Page 241

STATE OF MICHIGAN

BERRIEN COUNTY TRIAL COURT - CIVIL DIVISION

GIERCZYK, INC.
Plaintiff

* JUDGMENT
* (Plat Modification)

vs

NATIONAL PASSENGER
RAILROAD CORPORATION,
CITY OF NEW BUFFALO,
INDIANA MICHIGAN POWER
COMPANY d/b/a AMERICAN
ELECTRIC POWER, an Indiana
Corporation doing business in Michigan;
GLORIA J. JEFF, Director of Michigan
Dept. of Transportation; K. L. COOL,
Director of Michigan Dept. of
Natural Resources; JAY B. RISING,
Treasurer for State of Michigan;
IZZY DiMAGGIO, Drain
Commissioner for Berrien County
Drain Commission; and Property Owners
within three hundred (300') feet as shown
on Exhibit A
Defendants

* File No. 04-3267-CH-T

* Honorable LYNDA A. TOLEN

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

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

Desenberg & Colip
A Professional Corporation

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

Part of 11-62-0340 - Blocks 3 & 4 Thompson St -
Part of 11-62-0340 - 0037-00-6
ALL - 11-62-0340 - 0038-00-2
ALL - 11-62-0340 - 0038-01-1
ALL - 11-62-0340 - 0037-01-1
(also Combo Request)

RECEIVED AUG 11 2005

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(269) 469-4439

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Landing Condominium Assoc.
P.O. Box 816
St. Joseph, MI 49085
(269) 983-0223

**JUDGMENT
(Plat Vacation)**

AT A SESSION of said Court held in the Berrien County Courthouse in the City of St. Joseph, County of Berrien County, State of Michigan, on the 27 day of July, A.D. 2004.

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

This matter having been brought on for hearing, a Stipulation having been filed with the Court by Plaintiff and Defendant, City of New Buffalo, consenting and approving said proposed vacation of a portion of Thompson Street; the Attorney for Plaintiff having applied for the default of the Defendants who have not answered or taken

other action; it appearing that the defaulted Defendants are not infants nor incompetent persons and are not in the military service of the United States of America or the State of Michigan; and Plaintiff having represented to this Court that all parties required by MCL 560.224a(1) to be joined have been so joined; the Plaintiff having provided notice to all parties, the Court having conducted a hearing to determine whether reasonable objections exist, MCL 560.226, granting authority to this Court to vacate, correct or revise a recorded Plat; attached to this Judgment is a Resolution, as required by MCL 560.226(1)(c), of the Village Council approving the vacation of a portion of Thompson Street; the Court finding that the City of New Buffalo has approved the vacation and that no reasonable objections have been raised; and the Court being fully advised in the premises;

NOW, THEREFORE, IT IS ORDERED That the Village Plat of New Buffalo, recorded April 28, 1835, in Volume C of Deeds, page 105, Berrien County Records, County of Berrien, and State of Michigan, is partially altered by the vacation of the following described portion of Thompson Street, to-wit:

That portion of Thompson Street lying between the southeasterly right-of-way line for Water Street and a line drawn from the most easterly corner of Lot 4, Block 4 to the most southerly corner of Lot 9, Block 3.

IT IS FURTHER ORDERED AND ADJUDGED That this Court determines that the portion of Thompson Street that is proposed to be vacated is not adjacent to or located within five (5) rods or borders on, nor crosses a lake or the general course of any stream; and

IT IS FURTHER ORDERED AND ADJUDGED That the following described portion of Lot 4, Block, 4 is hereby established as a public right-of-way for the Michigan Central Railroad (Amtrak). This railroad right-of-way shall remain to be under the jurisdiction and ownership of the National Railroad Passenger Corporation.

THAT PART OF LOT 4, BLOCK 4, "VILLAGE PLAT OF NEW BUFFALO," BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 4 AND THE NORTHERLY RIGHT OF WAY LINE OF THE MICHIGAN CENTRAL RAILROAD (AMTRAK), SAID POINT BEING 49.22 FEET SOUTH 30° 00' 00" EAST OF THE MOST NORTHERLY CORNER SAID LOT 4; THENCE SOUTH 30° 00' 00" EAST ON SAID EASTERLY LOT LINE 16.78 FEET TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE SOUTH 59° 53' 10" WEST ON SAID

SOUTHERLY LOT LINE 132.00 FEET TO THE WESTERLY LINE OF SAID LOT 4; THENCE NORTH 30° 00' 00" WEST ON SAID WESTERLY LOT LINE 23.36 FEET TO SAID NORTHERLY RAILROAD RIGHT OF WAY LINE; THENCE NORTHEASTERLY ON SAID NORTHERLY RAILROAD RIGHT OF WAY LINE 132.16 FEET ON THE ARC OF A 4613.19 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 62° 44' 34" EAST 132.15 (DELTA=01° 38' 29") FEET TO THE POINT OF BEGINNING.

IT IS FURTHER ORDERED AND ADJUDGED That the following described portion of Lot 9, Block, 4 is hereby established as a public right-of-way for the Michigan Central Railroad (Amtrak). This railroad right-of-way shall remain to be under the jurisdiction and ownership of the National Railroad Passenger Corporation.

THAT PART OF LOT 9, BLOCK 4, "VILLAGE PLAT OF NEW BUFFALO," BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHERLY MOST CORNER OF SAID LOT 9; THENCE NORTH 30° 00' 00" WEST ON THE WESTERLY LINE OF SAID LOT 9 A DISTANCE OF 26.17 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE MICHIGAN CENTRAL RAILROAD (AMTRAK); THENCE NORTHEASTERLY ON SAID NORTHERLY RAILROAD RIGHT OF WAY LINE 132.02 FEET ON THE ARC OF A 4613.19 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 61° 06' 08" EAST 132.02 FEET (DELTA=01° 38' 23") TO THE EASTERLY LINE OF SAID LOT 9; THENCE SOUTH 30° 00' 00" EAST ON SAID EASTERLY LOT LINE 23.36 FEET TO THE SOUTHERLY LINE OF SAID LOT 9; THENCE SOUTH 59° 53' 10" WEST ON SAID SOUTHERLY LOT LINE 132.00 FEET TO THE POINT OF BEGINNING.

IT IS FURTHER ORDERED AND ADJUDGED That the following described portion of Lot 9, Block, 3 is hereby established as a public right-of-way for the Michigan Central Railroad (Amtrak). This railroad right-of-way shall remain to be under the jurisdiction and ownership of the National Railroad Passenger Corporation.

THAT PART OF LOT 9, BLOCK 3, "VILLAGE PLAT OF NEW BUFFALO," BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID LOT 9 AND THE NORTHERLY RIGHT OF WAY LINE OF

THE MICHIGAN CENTRAL RAILROAD (AMTRAK), SAID POINT BEING 53.70 FEET SOUTH 30° 00' 00" EAST OF THE NORTHWESTERLY CORNER OF SAID LOT 9; THENCE NORTHEASTERLY ON SAID NORTHERLY RAILROAD RIGHT OF WAY LINE 132.55 FEET ON THE ARC OF A 4613.19 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 65° 12' 25" EAST 132.55 FEET (DELTA=01° 38' 47") TO THE EASTERLY MOST CORNER SAID LOT 9; THENCE SOUTH 59° 52' 40" WEST ON THE SOUTHERLY LINE OF SAID LOT 9 A DISTANCE OF 131.90 FEET TO THE WESTERLY LINE OF SAID LOT 9; THENCE NORTH 30° 00' 00" WEST ON SAID WESTERLY LOT LINE 12.30 FEET TO THE POINT OF BEGINNING.

IT IS FURTHER ORDERED AND ADJUDGED That the following described portion of vacated Thompson Street is hereby established as a public right-of-way for the Michigan Central Railroad (Amtrak). This railroad right-of-way shall remain to be under the jurisdiction and ownership of the National Railroad Passenger Corporation.

THAT PART OF VACATED THOMPSON STREET LYING BETWEEN BLOCKS 3 AND 4, "VILLAGE PLAT OF NEW BUFFALO," BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 4, BLOCK 4; THENCE NORTH 30° 00' 00" WEST ON THE WESTERLY RIGHT OF WAY LINE OF SAID THOMPSON STREET 16.78 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE MICHIGAN CENTRAL RAILROAD (AMTRAK); THENCE NORTHEASTERLY ON SAID NORTHERLY RAILROAD RIGHT OF WAY LINE 66.06 FEET ON THE ARC OF A 4613.19 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 63° 58' 25" EAST 66.06 FEET (DELTA=00° 49' 14") TO THE EASTERLY RIGHT OF WAY LINE OF SAID THOMPSON STREET; THENCE SOUTH 30° 00' 00" EAST ON SAID EASTERLY RIGHT OF WAY LINE 12.30 FEET TO THE SOUTHWESTERLY CORNER OF LOT 9, BLOCK 3; THENCE SOUTH 60° 05' 13" WEST 65.91 FEET TO THE POINT OF BEGINNING.

IT IS FURTHER ORDERED AND ADJUDGED That Lots 2, 3, 10, and 11, Block 4; the remnant portions of Lots 4 and 9, Block 4 lying northwesterly of the northwesterly right-of-way line for the Michigan Central Railroad (Amtrak); and the

southwesterly ½ of vacated Thompson Street coincident with the northeasterly lines of Lots 2, 3, and the remnant portion of Lot 4, Block 4 shall be consolidated into one lot to be identified by the first available consecutive lot number in Block 4 in the Village of New Buffalo on an amended plat. This consolidated lot shall remain to be vested in Plaintiff, GIERCZYK, INC.

IT IS FURTHER ORDERED AND ADJUDGED That Lots 3, 4, 10, 11, Block 3; the remnant portion of Lot 9, Block 3 lying northwesterly of the northwesterly right-of-way line for the Michigan Central Railroad (Amtrak); and the northeasterly ½ of vacated Thompson Street coincident with the southwesterly lines of Lots 10, 11, and the remnant portion of Lot 9, Block 3 shall be consolidated into one lot to be identified by the first available consecutive lot number in Block 3 in the Village of New Buffalo on an amended plat. This consolidated lot shall remain to be vested in Plaintiff, GIERCZYK, INC.

IT IS FURTHER ORDERED AND ADJUDGED That the resulting consolidated lots, as set forth above, meet all applicable local governmental agency requirements for a residential building site.

IT IS FURTHER ORDERED AND ADJUDGED That a public utility easement shall be reserved for the benefit of Defendant, City of New Buffalo, its franchisees, successors and assigns over, through, under and across the following described real estate, to-wit:

INCLUDING INDIANA AND MICHIGAN POWER COMPANY MMS
That portion of Thompson Street lying between a line drawn from the most easterly corner of Lot 4, Block 4 to the most southerly corner of Lot 9, Block 3 and the southeasterly right-of-way line for Water Street.

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

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IT IS FURTHER ORDERED AND ADJUDGED That Plaintiff must record this Judgment in the Office of the Register of Deeds for the County of Berrien, State of Michigan, within 30 days of entry of this Judgment, as required by MCL 560.228.

IT IS FURTHER ORDERED AND ADJUDGED That Plaintiff must prepare and file, within 90 days of the entry of this Judgment by this Court, an amended plat for the vacated portion of Thompson Street; Lots 3-4 and 9-12, inclusive, Block 3; and Lots 1-4 and 9-11, inclusive, Block 4; Village Plat of New Buffalo, in a recordable form as required by the Land Division Act for a final plat, for the review and approval of the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation, in accordance with MCL 560.229 and this Judgment.

IT IS FURTHER ORDERED AND ADJUDGED That this Judgment will be declared null and void *nunc pro tunc* should the amended plat not be prepared and filed as required by this Judgment and by the requirements of MCL 560.229 within 90 days from the entry of this Judgment.

IT IS FURTHER ORDERED AND ADJUDGED That this Judgment incorporates the Stipulation for Partial Settlement between Gierczyk, Inc., The City of New Buffalo, DFV Properties, L.L.C. Harbor View Condominium Homeowners Association, Inc., and Harbor Landing Condominium Association.

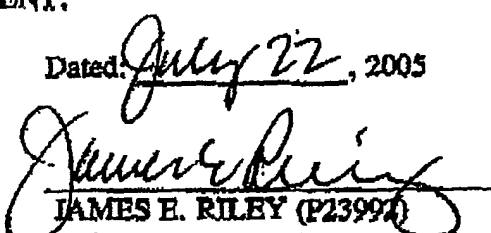
IT IS FURTHER ORDERED AND ADJUDGED That this Judgment resolves the last pending claim and closes the case.

APPROVED AS TO FORM AND CONTENT:

Dated: _____, 2005

Dated: July 22, 2005

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


JAMES E. RILEY (P23994)
Assistant Attorney General
Attorney for State Defendants

7766

IT IS FURTHER ORDERED AND ADJUDGED That Plaintiff must record this Judgment in the Office of the Register of Deeds for the County of Berrien, State of Michigan, within 30 days of entry of this Judgment, as required by MCL 560.228.

IT IS FURTHER ORDERED AND ADJUDGED That Plaintiff must prepare and file, within 90 days of the entry of this Judgment by this Court, an amended plat for the vacated portion of Thompson Street; Lots 3-4 and 9-12, inclusive, Block 3; and Lots 1-4 and 9-11, inclusive, Block 4; Village Plat of New Buffalo, in substantial conformance with attached Exhibit B and in a recordable form as required by the Land Division Act for a final plat, for the review and approval of the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation, in accordance with MCL 560.229 and this Judgment.

IT IS FURTHER ORDERED AND ADJUDGED That this Judgment will be declared null and void nunc pro tunc should the amended plat not be prepared and filed as required by this Judgment and by the requirements of MCL 560.229 within 90 days from the entry of this Judgment.

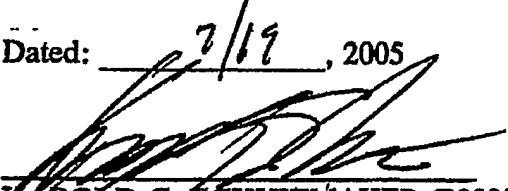
IT IS FURTHER ORDERED AND ADJUDGED That this Judgment incorporates the Stipulation for Partial Settlement between Gierczyk, Inc., The City of New Buffalo, DFV Properties, L.L.C. Harbor View Condominium Homeowners Association, Inc., and Harbor Landing Condominium Association.

IT IS FURTHER ORDERED AND ADJUDGED That this Judgment resolves the last pending claim and closes the case.

APPROVED AS TO FORM AND CONTENT:

Dated: 2/19, 2005

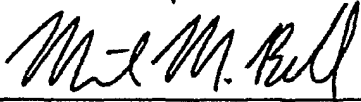
Dated: _____, 2005



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

JAMES E. RILEY (P23992)
Assistant Attorney General
Attorney for State Defendants

Dated: 7/27, 2005



MICHAEL M. BELL (P65999)
Desenberg & Colip, P.C.
Attorney for Plaintiff

Dated: _____, 2005

JERRY G. JOHNSON (P22805)
Attorney for Defendant, Harbor
Landing Condominium Assoc.

Dated: _____, 2005

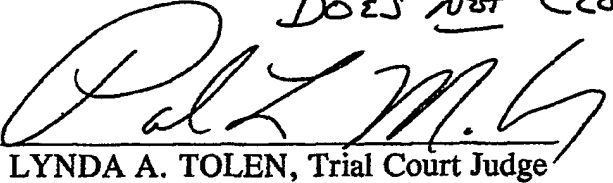
Dated: _____, 2005

LAWRENCE I. FRANKLE (P35990)
Frankle & Associates, P.L.L.C.
Attorneys for Defendants, Harbor View
Condominium Homeowners Assoc. Inc.
and DFV Properties, L.L.C.

JOHN E. DEWANE (P12735)
Dewane, Peterson, McMahon
& Cullitan, P.C.
Attorney for Defendant IMPC

7/27/05


HONORABLE


LYNDA A. TOLEN, Trial Court Judge

DOES NOT CLOSE CASE
(PLM)

I, _____, Deputy Clerk, certify that I have compared
this copy with the original on file in this Court and that it is a correct copy of the whole
of such original.

Deputy Clerk

| |
|---|
| <p>STATE OF MICHIGAN CIRCUIT COURT FOR COUNTY OF BERRIEN</p> <p>I certify that I have compared this copy with the original on file in this court & that it is a correct copy of the whole of such original</p> <p>JUL 27 2005</p> <p>M. LOUISE STINE By  Deputy Clerk</p> |
|---|

7766

Dated: _____, 2005

Dated: JULY 13, 2005

MICHAEL M. BELL (P65999)
Desenberg & Colip, P.C.
Attorney for Plaintiff

Jerry G. Johnson
JERRY G. JOHNSON (P22805)
Attorney for Defendant, Harbor
Landing Condominium Assoc.

Dated: _____, 2005

Dated: _____, 2005

LAWRENCE I. FRANKLE (P35990)
Frankle & Associates, P.L.L.C.
Attorneys for Defendants, Harbor View
Condominium Homeowners Assoc. Inc.
and DFV Properties, L.L.C.

JOHN E. DEWANE (P12735)
Dewane, Peterson, McMahon
& Cullitan, P.C.
Attorney for Defendant IMPC

HONORABLE _____
LYNDA A. TOLEN, Trial Court Judge

I, _____, Deputy Clerk, certify that I have compared
this copy with the original on file in this Court and that it is a correct copy of the whole
of such original.

Deputy Clerk

7766

Page -8-

Dated: _____, 2005

Dated: _____, 2005

MICHAEL M. BELL (P65999)
Desenberg & Colip, P.C.
Attorney for Plaintiff

JERRY G. JOHNSON (P22805)
Attorney for Defendant, Harbor
Landing Condominium Assoc.

Dated: _____, 2005

Dated: _____, 2005

LAWRENCE I. FRANKLE (P15990)
Frankle & Associates, P.L.L.C.
Attorneys for Defendants, Harbor View
Condominium Homeowners Assoc. Inc.
and DFV Properties, L.L.C.

JOHN E. DEWANE (P12735)
Dewane, Peterson, McMahon
& Cullitan, P.C.
Attorney for Defendant IMPC

HONORABLE

LYNDA A. TOLEN, Trial Court Judge

I, _____, Deputy Clerk, certify that I have compared
this copy with the original on file in this Court and that it is a correct copy of the whole
of such original.

Deputy Clerk

7766

Dated: _____, 2005

Dated: _____, 2005

MICHAEL M. BELL (P65999)
Desenberg & Colip, P.C.
Attorney for Plaintiff

JERRY G. JOHNSON (P22805)
Attorney for Defendant, Harbor
Landing Condominium Assoc.

Dated: _____, 2005

Dated: 7-25, 2005

LAWRENCE I. FRANKLE (P35990)
Frankle & Associates, P.L.L.C.
Attorneys for Defendants, Harbor View
Condominium Homeowners Assoc. Inc.
and DFV Properties, L.L.C.

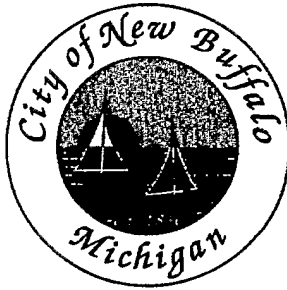
JOHN E. DEWANE (P12735)
Dewane, Peterson, McMahon
& Cullitan, P.C.
Attorney for Defendant IMPC

HONORABLE _____
LYNDA A. TOLEN, Trial Court Judge

I, _____, Deputy Clerk, certify that I have compared
this copy with the original on file in this Court and that it is a correct copy of the whole
of such original.

Deputy Clerk

7766



Resolution by Council Member Geisler, seconded by Council Member Garrison, to vacate all of N. Thompson Street from the Amtrak Railroad North to Water Street contingent on the following:

1. Planning Commission approval of the site plan.
2. All necessary utility easements to be provided.
3. All necessary storm drainage is installed by the developer's expense.
4. A drainage plan must be approved by the City.
5. Engineering & legal fees to be reimbursed to the City.
6. Assistance in obtaining the necessary DEQ permits.
7. A written agreement on these items.
8. Developer to provide a \$400,000.00 performance bond.

Roll call vote:

Geisler: Yes Allie: No
 Borglin: Yes Kennedy: No
 Garrison: Yes

Yeas: 3 Nays: 2 Absent: 0 resolution carried.

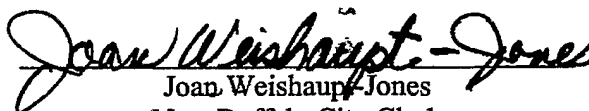
Resolution by Council Member Geisler, seconded by Council Member Garrison, to amend the above resolution to vacate all of N. Thompson Street from the Amtrak Railroad North to Water Street to remove the last contingency regarding providing a \$400,000.00 performance bond and replace it with:
 Contingent upon satisfactory approval of the City Attorney and the Developer's Attorney and entering into an agreement that storm sewers will be built.

Roll call vote:

Geisler: Yes Allie: No
 Borglin: Yes Kennedy: Yes
 Garrison: Yes

Yeas: 4 Nays: 1 Absent: 0 resolution carried.

I, Joan Weishaupt-Jones, hereby certify that the above resolutions are true copies of resolutions adopted by the New Buffalo City Council at a regular meeting of the Council held April 19, 2005.


 Joan Weishaupt-Jones
 New Buffalo City Clerk

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