

06-338-016-00

06-339-005-01

06-339-003-01

06-339-001-02  
LOTS 1 & 2, BLK 9  
WOLF LAKE SU

N'LY 1/2 BEING ADDED TO  
06-339-001-02  
OAK AVE (VAC - L 194 PG 854)  
S'LY 1/2 BEING ADDED TO  
06-337-020-00

06-337-020-00  
LOT 20, BLK 7  
WOLF LAKE SUB

WOLF LAKE DR

06-0

194 0854

0170539

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LAKE

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FRANCIS M. ROCKWELL AND VERNICE B. ROCKWELL,  
husband and wife, and ANNETTE HACK,  
Plaintiffs

vs.

File No. 87-2688-CR

*Debra A. Ryan*  
REGISTER OF DEEDS

FEB 16 10 55 AM '90

RECORDED  
LAKE COUNTY, MI.

TOWNSHIP OF PEACOCK, Lake County, Michigan,  
MICHIGAN BELL TELEPHONE COMPANY,  
O & A ELECTRIC,  
MICHIGAN DEPARTMENT OF TRANSPORTATION,  
ROBERT A. BOWMAN, STATE TREASURER  
FOR THE STATE OF MICHIGAN,  
LOUIS GHENT, CHAIRMAN, LAKE  
COUNTY BOARD OF ROAD COMMISSIONERS,  
LAKE COUNTY ROAD COMMISSION (acting for and on behalf  
of the Lake County Drain Commissioner)  
VIRGINIA MILLER, MONROE MILLER AND GERTRUDE WESTRA,  
JAMES SHEEHAN,  
DANIEL BOZEK AND JOANNE BOZEK,  
JOHN BRUSSEE AND THOMAS BRUSSEE,  
ARTHUR S. DAROVIC,  
HAROLD TOLBERT AND CHRISTINE TOLBERT,  
NEAL ROGERS AND SUSAN K. ROGERS,  
MYRNA HOUSEHOLDER,  
JAMES HOUSEHOLDER,  
FRANK NUNEMAKER AND ELIZABETH NUNEMAKER,  
husband and wife, their unknown heirs, legatees,  
devisees and successors in title,

Defendants

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JUDGMENT OF VACATION  
(pursuant to MCL 560.221 et seq)

This matter having come before the Court upon the  
petition of the Plaintiffs requesting vacation of a deadend and  
unopened street situated within Peacock Township, Lake County,  
Michigan and described as "Oak Avenue" within the plat of Wolf  
Lake Subdivision, Section 26, Township 19 North, Range 13 West;

BY *D. A. Miller*

FEB 16 10 07

FILED  
81ST CIRCUIT COURT

the Court having received the proof of publication and proof of service as required under the Michigan Subdivision Control Act and having considered the testimony of witnesses offered on behalf of the objecting Township and also having received and considered the Briefs of the respective counsel, including a Brief offered for and on behalf of the State Treasurer and Department of Transportation. Based upon the evidence and Briefs, the Court makes the following findings of fact and declaration:

1. That the street in question has not been opened or used as a public street and there has been no expenditure of public funds by any governmental agency either for the opening or the maintenance of the said Oak Avenue.

2. That the Plaintiff-petitioners have encroached upon Oak Avenue and have used a portion of the said street (approximately the north 30 feet thereof) for lawn and private driveway in connection with their adjoining dwelling house for a period of time in excess of 40 years (since 1946).

3. That the subject Wolf Lake Subdivision was dedicated in 1911 and that the objecting Township had not, since the time of dedication over the past 67 years, accepted the dedication of the subject street and that this delay and inaction exceeds the period established under the 40-Year Marketable Title Act and is well beyond the 15-year limitation regarding adverse possession.

4. That no objection was made by any of the private lot owners within the plat of Wolf Lake Subdivision and there was no evidence that the subject street is of use either for ingress or egress, but that it deadends at private unplatted property also belonging to the Plaintiff-petitioners.

WHEREFORE, upon motion of Attorney Ronald C. Wilson and as set forth in the Opinion of this Court, IT IS ORDERED AND ADJUDGED that Oak Avenue within the plat of Wolf Lake Subdivision, being the said street lying between Blocks 7 and 9 of the said plat be and hereby is vacated and title to the said street shall be vested in the titleholders of record as to the lots abutting Oak Avenue on each side, and a copy of this Judgment shall be recorded with the Register of Deeds Office for Lake County affirming the vacation of the said street and annexing one half of the street to each of the abutting lots (to this extent, the north half of Oak Avenue shall be attached to and included with the title to Lot 1 of Block 9 and the south half of Oak Avenue shall be annexed to and included with the description of Lot 20 of Block 7 of the plat of Wolf Lake Subdivision.

IT IS FURTHER ORDERED that the Plaintiffs shall prepare a new plat of that portion of the subdivision affected by this Judgment, pursuant to Section 229 of the Subdivision Control Act [MCL 56J.299; MSA 26.430(229)]. A copy of the proposed plat revision is attached hereto, and following the entry of this Judgment, five copies of the new plat together with a copy of

this Judgment is to be filed with the Department of Commerce, and when the said plat is approved, it shall then be filed with the Register of Deeds Office for Lake County.

IT IS FINALLY ORDERED AND ADJUDGED that this Judgment shall not affect the existence of any easement for public utilities which may touch or affect Oak Avenue and that the Plaintiffs shall record a copy of this Judgment within the office of the Register of Deeds within 30 days after the entry hereof and file copies of the same with the governmental agencies as defined in Section 229 of the said Subdivision Control Act.

Dated: December \_\_, 1989

*Richard T. Cooper*  
 RICHARD T. COOPER  
 CIRCUIT JUDGE

*2/17/1992 Date Presented*

*Gary L. Hicks*

Gary L. Hicks (P31645)  
 Assistant Attorney General

*Mark S. Wickens*

Mark S. Wickens (P30845)  
 Attorney for Peacock Township

*Ronald C. Wilson*

Ronald C. Wilson (P22419)  
 Attorney for Petitioners