

Chapter 64 - HISTORIC PRESERVATION DISTRICTS

Sec. 64-1. - Title.

This chapter shall be known as the historic preservation district ordinance for the city.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-2. - Statement of purpose.

Historic preservation is hereby declared to be a public purpose and the legislative body of a local unit of government may regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. The purpose of this chapter is to:

- (1) Safeguard the heritage of the city by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.
- (2) Stabilize and improve property values in each district and surrounding areas.
- (3) Foster civic beauty.
- (4) Strengthen the local economy.
- (5) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the city and of the state.

The city may by ordinance establish one or more historic districts. The historic district(s) shall be administered by the historic district commission and pursuant to this chapter.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-3. - Definitions.

Whenever used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section:

Alteration means work that changes the detail of a resource but does not change its basic size or shape.

Certificate of appropriateness means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.

Commission means the historic district commission of the city.

Demolition means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

Demolition by neglect means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

Denial means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

Fire alarm system means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.

Historic district means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.

Historic preservation means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.

Historic resource means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the city, the state, or the United States.

Notice to proceed means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under section 399.205(6) of Public Act 169 of 1970, as amended.

Open space means undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or buffer between other resources.

Ordinary maintenance means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purpose of this chapter.

Proposed historic district means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

Repair means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this chapter.

Resource means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

Smoke alarm means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means two or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.

Work means construction, addition, alteration, repair, moving, excavation, or demolition.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-4. - Historic district study committee and report.

(a) Before establishing a historic district, the city commission shall appoint a historic district study committee. The committee shall contain a majority of persons who have clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do all of the following:

- (1) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the state historical center.
- (2) Conduct basic research of each proposed historic district and the historic resources located within that district.
- (3) Determine the total number of historic and non-historic district resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R., part 60, and criteria established or approved by the state historic preservation office of the state historical center.

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

- a. The charge of the committee.
- b. The composition of the committee membership.
- c. The historic district or districts studied.
- d. The boundaries for each proposed district in writing and on maps.
- e. The history of each proposed historic district.
- f. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(5) Transmit copies of the preliminary report for review and recommendation to the planning commission, the state historic preservation office, the state historical commission, and the state historic preservation review board.

(6) Make copies of the preliminary report available to the public pursuant to section 399.203(4) of P.A. 169 of 1970 as amended.

(b) Not less than 60 calendar days after the transmittal of the preliminary report, the historic district study committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than 14 calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.

(c) After the date of the public hearing, the historic district study committee and the city commission shall have not more than one year, unless otherwise authorized by the city commission, to take the following actions:

(1) The historic district study committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the planning commission to the city commission as to the establishment of a historic district or districts. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(2) After receiving a final report that recommends the establishment of a historic district or districts, the city commission, at its discretion, may introduce and pass or reject an ordinance or ordinances.

a. If the city commission passes an ordinance or ordinances establishing one or more historic districts, the city shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the county register of deeds.

b. The city commission may not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the city's tax rolls, have approved the establishment of the historic district pursuant to a written petition.

(d) The written study report prepared, owned, used, in the possession of or retained by the committee in performance of an official function shall be made available to the public in compliance with P.A. 442 of 1976, as amended.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-5. - Establishing additional, modifying, or eliminating historic districts.

(a) The city commission may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the city commission shall follow the procedures as stated in section 399.203(1-3) of Public Act 169 of 1970, as amended. To conduct these activities, the city commission may retain the initial historic district study committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.

(b) In considering elimination of a historic district, a committee shall follow the procedures set forth in section 399.203(1-3) of Public Act 169 of 1970, as amended, for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

(1) The historic district has lost those physical characteristics that enabled the establishment of the district.

(2) The historic district was not significant in the way previously defined.

(3) The historic district was established pursuant to defective procedures.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-6. - Historic district commission.

(a) The city commission may establish a commission to be called a historic district commission under the following guidelines:

(1) The historic district commission may be established at any time, but not later than the time the first historic district is established.

(2) Each member of the historic district commission shall reside within the city limits.

(3) The historic district commission shall consist of seven members.

(4) Members shall be appointed by the city commission.

(5) A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.

(6) Members shall be appointed for a term of three years, except the initial appointment of three members for a term of two years and two members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment.

(7) In the event of a vacancy on the historic district commission, interim appointments shall be made by the city commission within 60 calendar days to complete the unexpired term of such position.

(8) Two members shall be appointed from a list submitted by duly organized local historic preservation organizations.

(9) If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the state.

(b) The city commission may prescribe powers and duties of the historic district commission, in addition to those prescribed in this ordinance, that foster historic preservation activities, projects, and programs in the city.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-7. - Historic district commission meetings, recordkeeping, and rules of procedure.

(a) The historic district commission shall meet at least quarterly or more frequently at the call of the commission.

(b) The business that the historic district commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the historic district commission.

(c) The historic district commission shall keep a record of its resolution, proceedings and actions. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.

(d) The historic district commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-8. - Delegation of minor classes of work.

The historic district commission may delegate the issuance of certificate of appropriateness for specified minor classes of work to its staff, or to another delegated authority.

(1) The commission shall provide to its delegated authority specific written standards for issuing certificates of appropriateness under this subsection.

(2) The commission shall review the certificates of appropriateness issued by the delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-9. - Ordinary maintenance.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource

under a permit issued by a building code official or other duly delegated authority before the chapter was enacted.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-10. - Review by the commission.

The historic district commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the city commission or unless interior work will cause visible change to the exterior of the resource. The historic district commission shall not disapprove an application due to considerations not prescribed in subsection 399.205(3) of Public Act 169 of 1970, as amended.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-11. - Design review standards and guidelines.

(a) In reviewing plans, the historic district commission shall follow the U.S. Secretary of Interior's Standards for Rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67.

(b) Design review standards and guidelines that address special design characteristics of historic districts administered by the historic district commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the state historic preservation office of the state historical center.

(c) In reviewing plans, the historic district commission shall also consider all of the following:

(1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

(2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.

(3) The general compatibility of the design, arrangement, texture, and materials proposed to be used.

(4) Other factors, such as aesthetic value, that the commission finds relevant.

(5) Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying

with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-12. - Permit applications.

(a) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district.

(1) The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the building department.

(2) Upon receipt of a complete application, the building department shall immediately refer the application, along with all required supporting materials that make the application complete to the planning department. The planning department shall forward the application to the historic district commission.

(3) A permit shall not be issued and proposed work shall not proceed until the historic district commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this chapter.

(4) The historic district commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(b) The historic district commission shall file the certificate of appropriateness, notices to proceed, and denials of applications for permits with the building code official. A permit shall not be issued until the commission has acted as prescribed by this article.

(c) If an application is for work that will adversely affect the exterior of a resource the historic district commission considers valuable to the city, the state, or the nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.

(d) The failure of the historic district commission to act on an application within 60 calendar days after the date a complete application is filed with the

commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

(e) The historic district commission may charge a reasonable fee to process a permit application. The fees shall be those fees on file with the city clerk, which have been approved and filed by the city manager, and of which the city commission has been notified for at least 30 days in compliance with section 2-1 of the city code.

(f) Validity

(1) Certificates of Appropriateness are only valid for the work specifically approved by the historic district commission. Failure to follow approved plans may result in citation violations of this chapter. It is the applicant's sole responsibility to obtain all necessary building permits.

(2) No order of the commission shall be valid for a period longer than (12) twelve months, unless a building permit for such work is obtained within such period and is started and proceeds to completion in accordance with the terms of such permit. Any changes to a project, such as unanticipated circumstances during construction, must be brought back to staff to determine if the commission's approval is needed prior to commencing or continuing any work. In some instances, Certificates of Appropriateness may be extended upon written request prior to the expiration of a valid certificate.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-13. - Denials.

If a permit application is denied, the decision shall be binding on the building code official or other authority.

(1) The denial shall be accompanied by a written explanation by the historic district commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for commission review when the suggested changes have been made.

(2) The denial shall also include the notification of the applicant's right to appeal to the state historic preservation review board and to the circuit court.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-14. - Notice to proceed.

- (a) Work within a historic district shall be permitted through the issuance of a notice to proceed by the historic district commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:
- (1) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 - (2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
 - (3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
 - (4) Retaining the resource is not in the interest of the majority of the community.
- (b) Evidence of undue financial hardship.
- (1) Evidence supporting undue financial hardship shall be submitted by the applicant in conjunction with an application for work as set forth in section 64-12.
 - (2) The commission may at its sole discretion solicit expert testimony and/or require that the applicant make submissions concerning any or all of the information set forth below:
 - (a) Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a notice to proceed;
 - (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

- (c) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- (d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or reuse of the existing structure on the property;
- (e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- (f) If the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- (g) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous 2 years;
- (h) All appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- (i) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous 2 years;
- (j) Assessed value of the property according to the 2 most recent assessments;
- (k) Real estate taxes for the previous 2 years;
- (l) Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other;
- (m) Any other information the owner chooses to provide.

(3) In the event that any of the information is not reasonably available to the owner, cannot be obtained by the owner, or may not be disclosed without a substantial adverse impact upon the owner, the owner may file with the commission a description of the information which cannot be obtained and describe the reasons why such information cannot be obtained or provided.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-15. - Appeal of a historic district commission decision.

(a) An applicant aggrieved by a decision of the historic district commission concerning a permit application may file an appeal with the state historic preservation review board. The appeal shall be filed within 60 calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The state historic preservation review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court having jurisdiction over the commission whose decision was appealed to the state historic preservation review board.

(b) Any citizen or duly organized historic preservation organization in the city as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this chapter may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-16. - Work without a permit.

When work has been done upon a resource without a permit, and the historic district commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualified for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the circuit court's order. The costs of the work done shall be charged to the owner, and may be levied by the city as a special assessment against the property. When acting pursuant to an order of the circuit court, the commission or its agents may enter a property for purposes of this section.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-17. - Demolition by neglect.

- (a) The Commission may find that a resource is being demolished by neglect if any of the following criteria are met:
- (1) Parts of the resource which are so attached that they may fall and injure members of the public or property.
 - (2) Deteriorated or inadequate foundation.
 - (3) Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety.
 - (4) Members of walls, partitions or other vertical supports that split lean or buckle due to defective material or deterioration.
 - (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; or that are insufficient size to carry imposed loads with safety.
 - (7) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration; or are of insufficient size or strength to carry imposed loads with safety.
 - (8) Deteriorated, crumbling or loose exterior plaster or stucco.
 - (9) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
 - (10) Defective or lack of weather or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
 - (11) Any fault or defect in the resource which renders the same structurally unsafe or not properly watertight.
 - (12) The deterioration of any significant architectural feature of the resource as determined by the Commission.
 - (13) The deterioration or overgrowth of landscape elements that are of historic significance to a resource, or that are endangering the structural stability or weatherproofing of a resource.
 - (14) The Commission shall first consult with the Code Official for any violation to be found in the Bay City Code of Ordinances, Chapter 26, Articles VII. Property Maintenance Code prior to taking action as provided in Sec. 64-17.
- (b) Upon a finding by the historic district commission that a historic resource within a historic district or a proposed historic district subject to its review

and approval is threatened with demolition by neglect, the commission may do either of the following:

(1) Require the owner of the resource to repair all conditions contributing to demolition by neglect.

(2) If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-18. - Review of work in proposed districts.

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the city commission may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the historic district commission as prescribed in this chapter. The historic district commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the city commission approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-19. - Emergency moratorium.

If the city commission determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the city commission may by resolution declare an emergency moratorium on all such work for a period not to exceed six months. The city commission may extend the emergency moratorium for an additional period not to exceed six months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-20. - Penalties for violations.

(a) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this chapter is responsible for a municipal civil violation and may be fined not more than \$5,000.00.

(b) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-21. - Acceptance of gifts or grants.

The city commission may accept state or federal grants for historic preservation purposes; may participate in state and federal programs that benefit historic preservation; and may accept public or private gifts for historic preservation purposes. The city commission may appoint the historic district commission to accept and administer grants, gifts, and program responsibilities.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-22. - Acquisition of historic resources.

If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the city commission that public ownership is most suitable, the city commission, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the historic district commission. The historic district commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the city commission. Upon recommendation of the historic district commission, the city may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-23. - Boundaries of historic districts.

(a) Pere Marquette Depot.

BEGINNING AT THE MIDPOINT OF THE FORMER (VACATED) JEFFERSON STREET, THEN EAST ALONG THE NORTH PARCEL LINE OF LOT 8, BLOCK 36 OF LOWER SAGINAW TO THE MIDPOINT

OF BOUTELL PLACE, THEN SOUTH ALONG THE MIDLINE OF BOUTELL PLACE TO THE SOUTH PARCEL LINE OF LOT 11, BLOCK 45, THEN WEST ALONG THE SOUTH PARCEL LINE OF LOT 11 TO THE MIDPOINT OF THE FORMER (VACATED) JEFFERSON STREET, THEN NORTH ALONG THE MIDLINE OF JEFFERSON STREET TO THE PLACE OF BEGINNING.

(b) City Hall and Armory.

LOTS 1-12 AND THE VACATED ALLEY IN BLOCK 108 OF LOWER SAGINAW.

(c) Odd Fellows Valley Lodge No. 189 Historic District.

LOT 12, BLOCK 103, DAGLISH'S DIVISION OF PORTSMOUTH, AS PER RECORDED PLAT THEREOF RECORDED IN LIBER 1, PAGE 40 OF BAY COUNTY RECORDS.

(d) Wolverine Knitting Mills Building.

LOTS 10-11-12 & N 20 FT OF LOT 9 BLK 139 ADD OF LOWER SAGINAW & W 1/2 OF VAC ALLEY ADJ THRT CORR DESC FOR 89

(e) Lind Brother's Dry Goods and Groceries Building.

E 32 1/2 FT OF LOT 5 BLK 18 MRS E P BIRNEYS ADD TO WENONA TO W BC

(f) Midland Street

THE SPECIFIC BOUNDARY BEGINS AT THE INTERSECTION OF N. WENONA AVENUE AND E. VERMONT STREET, THENCE; TRAVERSES EAST ALONG THE CENTERLINE OF E. VERMONT STREET, FOLLOWING THE CURVATURE AND TRANSITION OF THE STREET TO ITS INTERSECTION WITH N. DEAN STREET, THENCE; NORTH ALONG THE CENTERLINE OF N. DEAN STREET TO AN EXTENSION OF THE NORTH LINE OF LOT 5 BLOCK 7 OF SAGE & MCGRAW'S ADDITION TO WEST BAY CITY, THENCE; EAST ALONG SAID EXTENDED AND PLATED NORTH LINE OF LOT 5 TO THE NORTHEAST CORNER OF SAID LOT, THENCE; SOUTH ALONG THE EAST LINE OF LOT 5 TO ITS SOUTHEAST CORNER, A.K.A. SOUTHWEST CORNER OF LOT 8 BLOCK 7 OF SAGE & MCGRAW'S ADDITION TO WEST BAY CITY, THENCE; EAST ALONG THE SOUTH LINE OF SAID LOT 8 AND TOO ITS EXTENSION WITH THE CENTERLINE OF N. CATHERINE STREET, THENCE; SOUTH ALONG THE CENTERLINE OF N. CATHERINE STREET TO THE

INTERSECTION OF E. VERMONT STREET, THENCE; EAST ALONG THE CENTERLINE OF E. VERMONT STREET FOLLOWING THE CURVATURE AND TRANSITION OF THE STREET TOWARDS LIBERTY BRIDGE TO ITS INTERSECTION WITH N. LITCHFIELD STREET, THENCE; SOUTH ALONG THE CENTERLINE OF N. LITCHFIELD STREET TO THE INTERSECTION OF E. MIDLAND STREET, THENCE; EAST ALONG THE CENTERLINE OF E. MIDLAND STREET TO THE WEST LINE OF THE HURON CENTRAL RAIL ROAD, THENCE; SOUTHWESTERLY ALONG THE WEST LINE OF THE HURON CENTRAL RAIL ROAD TO THE CENTERLINE OF E. JOHN STREET, THENCE; WEST ALONG THE CENTERLINE OF E. JOHN STREET TO A POINT LYING 53 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF LINN STREET, THENCE; SOUTH PARALLEL WITH THE EAST LINE OF LINN STREET 133 FEET TO A POINT LYING ALONG THE SOUTH LINE OF LOT 2 BLOCK 15 OF LAKE CITY PLAT, THENCE; WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND TO ITS EXTENSION WITH THE CENTERLINE OF N. LINN STREET, THENCE; NORTH ALONG THE CENTERLINE OF N. LINN STREET TO THE INTERSECTION OF E. JOHN STREET, THENCE; WEST ALONG THE CENTERLINE OF E. JOHN STREET TO THE INTERSECTION OF S. WENONA AVENUE, THENCE; NORTH ALONG THE CENTERLINE OF WENONA AVENUE TO THE POINT OF ORIGIN.

(g) Center Avenue

THE SPECIFIC BOUNDARY BEGINS AT A POINT ON THE CENTERLINE OF MADISON AVENUE AT ITS JUNCTION WITH AN EXTENSION WEST OF THE NORTH LINE OF LOT 10 BLOCK 57 IN THE PLAT OF LOWER SAGINAW, THENCE; EAST 290 FEET ALONG SAID EXTENDED AND PLATTED NORTH LINE OF LOT 10 PLUS NORTH LINE OF LOT 3 BLOCK 57 AND ITS LINE EXTENSION EAST TO THE CENTERLINE OF N. MONROE STREET, THENCE; NORTH ALONG THE CENTERLINE OF N. MONROE STREET TO THE INTERSECTION OF FIFTH STREET, THENCE; EAST ALONG THE CENTERLINE OF FIFTH STREET TO ITS JUNCTION WITH AN EXTENSION OF A DISSECTING LINE RUNNING NORTH AND SOUTH THROUGH THE CENTER OF BLOCK 43 TO THE PLAT OF LOWER SAGINAW, THENCE; NORTH 130 FEET ALONG SAID MIDLINE THROUGH BLOCK 43, THENCE; EAST 140 FEET TO THE CENTERLINE OF JACKSON STREET AS TRAVERSED ALONG AN EXTENSION EASTERLY AND WESTERLY PLUS OVER THE LENGTH OF THE ENTIRE NORTH LINE OF LOT 5 BLOCK 43, THENCE; NORTH ALONG THE CENTERLINE OF JACKSON STREET TO THE INTERSECTION OF FOURTH STREET, THENCE; EAST ALONG THE CENTERLINE OF FOURTH STREET OUT OVER AND ACROSS THE

VAN BUREN STREET RIGHT-OF-WAY TO ITS JUNCTION WITH A SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 3 BLOCK 19 WITHIN THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY, THENCE; NORTH ALONG SAID EXTENDED AND PLATTED WEST LINE OF LOT 3 TO THE NORTHWEST CORNER OF SAID LOT WHICH LAYS ALONG THE NORTH PLAT LINE OF SAID MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY, THENCE; NORTHEASTERLY ALONG AFORE MENTIONED LOT AND PLAT LINE TO THE NORTHEAST CORNER OF LOT 3, THENCE; SOUTH ALONG THE EAST LINE OF LOT 3 57.28 FEET, THENCE; NORTHEASTERLY 130.50 FEET MORE OR LESS ALONG A LINE PARALLEL WITH THE NORTH PLATTED LINE TO THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY AND ITS JUNCTION WITH THE CENTERLINE OF GRANT STREET, THENCE; NORTH ALONG THE CENTERLINE OF GRANT STREET 32.93 FEET MORE OR LESS TO AN EXTENSION WEST OF THE NORTH LINE OF LOT 5 BLOCK 20 WITHIN THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY, THENCE; EAST 320 FEET MORE OR LESS ON SAID EXTENSION WEST AND ALONG THE NORTH LINE OF LOT 5 INCLUDING NORTH LINE OF LOTS 4 THRU 2 BLOCK 20 PLUS OUT OVER AND ACROSS THE FARRAGUT STREET RIGHT-OF-WAY ON WORD ALONG THE PLATTED NORTH LINE OF LOTS 7 THRU 4 BLOCK 21 WITHIN SAME MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY AS EXTENDED EAST TO THE CENTERLINE OF SHERMAN STREET, THENCE; SOUTH ALONG THE CENTERLINE OF SHERMAN STREET TO THE INTERSECTION OF FOURTH STREET, THENCE; EAST ALONG THE CENTERLINE OF FOURTH STREET TO THE INTERSECTION OF SHERIDAN STREET, THENCE; NORTH ALONG THE CENTERLINE OF SHERIDAN STREET 130 FEET TO AN EXTENSION WEST OF THE NORTH LINE OF LOT 7 BLOCK 23 OF JAMES FRASERS 1ST ADDITION TO BAY CITY, THENCE; EAST 770 FEET ALONG SAID EXTENSION WEST AND ALONG THE NORTH LINE OF LOT 7 INCLUDING NORTH LINE OF LOTS,6,5, AND 4 BLOCK 23 PLUS OUT OVER AND ACROSS THE LINCOLN AVENUE RIGHT-OF-WAY ON WORD ALONG THE PLATTED NORTH LINE OF LOTS 9 THRU 4 BLOCK 24 PLUS OUT OVER AND ACROSS THE BIRNEY STREET RIGHT-OF-WAY ON WORD ALONG THE PLATTED NORTH LINE OF LOTS 8 AND 7 BLOCK 25 OF JAMES FRASERS 1ST ADDITION TO BAY CITY, TO A POINT DESCRIBED AS BEING THE NORTHEAST CORNER OF AFORE MENTIONED LOT 7 BLOCK 25 A.K.A. THE SOUTHWEST CORNER OF LOT 4 BLOCK 25 OF JAMES FRASERS 1ST ADDITION TO BAY CITY, THENCE; NORTH 50 FEET ALONG THE WEST LINE OF LOT 4 TO THE NORTHWEST CORNER OF SAID LOT, THENCE; EAST 100 FEET TO THE NORTHEAST CORNER OF LOT 4, THENCE; SOUTH 50 FEET TO THE SOUTHEAST CORNER OF SAID LOT, THENCE; EAST 420 FEET OUT OVER AND ACROSS THE MCLELLAN STREET RIGHT-OF-WAY ON

WORD ALONG THE PLATTED NORTH LINE OF LOTS 8,7,6,AND 5 OF BLOCK 26 OUT OVER AND ACROSS THE HAMPTON STREET RIGHT-OF-WAY AND ON WORD ALONG THE PLATTED NORTH LINE OF LOTS 7 AND 6 BLOCK 27 OF JAMES FRASERS 1ST ADDITION TO BAY CITY TO THE NORTHEAST CORNER OF LOT 6 BLOCK 27, THENCE; SOUTH 46.21 FEET ALONG THE EAST LINE OF LOT 6, THENCE; EAST 100.16 FEET MORE OR LESS TO THE CENTERLINE OF JOHNSON STREET, THENCE; SOUTH ALONG THE CENTERLINE OF JOHNSON STREET TO THE INTERSECTION OF FIFTH STREET, THENCE; EAST ALONG THE CENTERLINE OF FIFTH STREET APPROXIMATELY 93.27 FEET TO ITS JUNCTION WITH A NORTH SOUTH LINE PARALLEL TO AND 72.27 FEET WEST OF THE EAST PLATTED LOT LINES OF LOTS 5 THRU 7 BLOCK 4 OF J.H. SHUTJE'S SUBDIVISION, THENCE; NORTH ALONG SAID PARALLEL LINE 140 FEET, THENCE; EAST 25.25 FEET, THENCE; NORTH 40 FEET, THENCE; EAST 407 FEET MORE OR LESS ON AN EXTENSION WEST OF AND ALONG THE NORTH LINE OF LOTS 8 AND 9 BLOCK 4 PLUS OUT OVER AND ACROSS THE CHASE STREET RIGHT-OF-WAY AND ON WORD ALONG THE PLATTED NORTH LINE OF LOTS 7 THRU 10 BLOCK 5 OF J.H. SHUTJE'S SUBDIVISION, TO A POINT BEING DESCRIBED AS THE NORTHEAST CORNER OF SAID LOT 10, THENCE; SOUTH 50 FEET ALONG THE EAST LINE OF LOT 10 BLOCK 5, THENCE; EAST 130 FEET MORE OR LESS TO THE CENTERLINE OF PENDLETON STREET, THENCE; NORTH 50 FEET ALONG THE CENTERLINE OF PENDLETON STREET, THENCE; EAST 442.5 FEET MORE OR LESS ON AN EXTENSION WEST OF AND ALONG THE NORTH LINE OF LOTS 8 THRU 15 BLOCK 6 OF J.H. SHUTJE'S SUBDIVISION AS EXTENDED EAST TO THE CENTERLINE OF TRUMBULL AVENUE, THENCE; SOUTH ALONG THE CENTERLINE OF TRUMBULL AVENUE 40.21 FEET, THENCE; EAST 150 FEET MORE OR LESS TO THE EAST LINE OF LOT 9 BLOCK 6 WITHIN THE MAP OF W.D. FITZHUGH'S ADDITION, THENCE; NORTH 40 FEET ALONG THE EAST LINE OF LOT 9, THENCE; EAST 688.64 FEET TO A POINT LYING 60 FEET EAST AND 140.42 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 4 BLOCK 6 OF W.D. FITZHUGH'S ADDITION, THENCE; NORTH 42 FEET, THENCE; NORTHEASTERLY 23 FEET, THENCE; NORTH 77.3 FEET TO A POINT LYING 110 FEET EAST OF THE NORTHWEST CORNER OF LOT 4 BLOCK 6 AND ON SAID LOTS NORTH LINE, A.K.A. SOUTH LINE OF FOURTH STREET, THENCE; CONTINUING NORTH 40 FEET TO THE CENTERLINE OF FOURTH STREET, THENCE; EAST ALONG THE CENTERLINE OF FOURTH STREET 188 FEET MORE OR LESS TO ITS JUNCTION WITH A NORTH SOUTH LINE PARALLEL TO AND 70 FEET EAST OF THE EAST PLATTED LOT LINE TO LOT 1 BLOCK 5 OF W.D. FITZHUGH'S ADDITION, THENCE; NORTH ALONG SAID PARALLEL LINE 157 FEET, THENCE; WEST 35 FEET, THENCE; NORTH 65 FEET, THENCE; EAST

15 FEET, THENCE; NORTH 117 FEET TO THE SOUTH LINE OF THIRD STREET, THENCE; NORTHWESTERLY TO A POINT LYING ALONG THE NORTH LINE OF THIRD STREET 111.49 FEET WEST OF THE WEST LINE OF PARK AVENUE, THENCE; NORTH 75 FEET, THENCE; WEST 54 FEET, THENCE; NORTH 225 FEET TO THE SOUTH LINE OF SECOND STREET, THENCE; NORTH WESTERLY TO A POINT LYING ALONG THE NORTH LINE OF SECOND STREET 162.22 FEET WEST OF THE WEST LINE OF PARK AVENUE, THENCE; NORTH 310 FEET MORE OR LESS TO THE SOUTH LINE OF THE FORMER MICHIGAN CENTRAL RAIL ROAD, THENCE; EAST OUT OVER AND ACROSS THE PARK AVENUE RIGHT-OF-WAY ON WORD SOUTHEASTERLY ALONG THE SOUTH LINE OF THE FORMER MICHIGAN CENTRAL RAIL ROAD TO ITS JUNCTION WITH THE NORTH LINE OF FOURTH STREET A.K.A. GROVELAND ROAD, THENCE; SOUTHWESTERLY 150 FEET MORE OR LESS OUT OVER AND ACROSS GROVELAND ROAD TO ITS SOUTH RIGHT-OF-WAY LINE AT A POINT LYING 115 FEET EAST OF THE NORTHWEST CORNER OF LOT 1 BLOCK 11 IN CARROLL PARK PLAT OF BAY CITY, THENCE; SOUTH EASTERLY 135 FEET ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 1 A.K.A. WEST LINE OF LEE DRIVE, THENCE; SOUTHWESTERLY 120.75 FEET TO A POINT LYING 96 FEET EAST OF AND 110 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 1 BLOCK 11, THENCE; SOUTH 60 FEET, THENCE; WEST 31 FEET, THENCE; SOUTH 115.9 FEET, THENCE; EAST 114.84 FEET, THENCE; SOUTH 40.1 FEET, THENCE; EAST 315 FEET MORE OR LESS OUT TO THE SOUTH LINE OF THE FORMER MICHIGAN CENTRAL RAIL ROAD, THENCE; SOUTHEASTERLY ALONG SAID SOUTH LINE OF THE FORMER MICHIGAN CENTRAL RAIL ROAD TO ITS JUNCTION WITH AN EXTENSION OF THE NORTH SOUTH LINE OF THE EAST LIMITS TO THE PLATTED CENTER COURT SUBDIVISION, THENCE; SOUTH 18 FEET MORE OR LESS ALONG SAID EXTENDED NORTH SOUTH PLAT LINE TO THE NORTH EAST CORNER OF LOT 10 WITHIN SAID PLAT, THENCE; NORTHWESTERLY 138.28 FEET TO THE NORTHWEST CORNER OF LOT 10, THENCE; SOUTH 25.21 FEET TO THE NORTH LINE OF CENTER COURT, THENCE; NORTHWESTERLY 105.77 FEET ALONG THE NORTH LINE OF CENTER COURT TO THE SOUTHEAST CORNER OF LOT 2 OF CENTER COURT SUBDIVISION, THENCE; NORTH 97.58 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, THENCE; WEST 124.03 FEET TO THE NORTHWEST CORNER OF LOT 2, THENCE; NORTHWESTERLY OUT OVER AND ACROSS CENTER COURT 50.31 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 3 WITHIN THE PLAT OF CENTER COURT SUBDIVISION, THENCE; WEST 123.40 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 A.K.A. NORTHWEST CORNER OF LOT 4 TO THE PLAT OF CENTER COURT SUBDIVISION, THENCE; SOUTH 90 FEET TO THE SOUTHWEST CORNER OF LOT 4, THENCE;

NORTHWESTERLY 90 FEET TO A POINT LYING 173.56 FEET NORTH OF THE SOUTH LINE OF GOVERNMENT LOT 10 WITHIN SECTION 23 T14N R5E, THENCE; NORTH 1.64 FEET, THENCE; NORTHWESTERLY 105.77 FEET TO A POINT LYING 210 FEET SOUTH OF THE SOUTH LINE OF CENTER AVENUE, THENCE; SOUTH 91 FEET, THENCE; NORTHWESTERLY 106.07 FEET MORE OR LESS TO THE WEST LINE OF GOVERNMENT LOT 10, AT A POINT LYING 300 FEET SOUTH OF THE SOUTH LINE OF CENTER AVENUE, THENCE; CONTINUING NORTHWESTERLY 112.5 FEET PARALLEL TO THE SOUTH LINE OF CENTER AVENUE, THENCE; NORTH 10 FEET, THENCE; WEST 30 FEET, THENCE; SOUTH 10 FEET, THENCE; WEST 26.8 FEET, THENCE; SOUTH 52 FEET, THENCE; EAST 4 FEET, THENCE, SOUTH 176 FEET MORE OR LESS TO THE NORTH LINE OF SEVENTH STREET, THENCE; SOUTHWESTERLY OUT OVER AND ACROSS THE SEVENTH STREET RIGHT-OF-WAY TO A POINT LYING ON THE CENTERLINE OF THE VACATED ALLEY RUNNING SOUTHERLY THROUGH THE MIDDLE OF BLOCK 16 WITHIN THE GREEN AVENUE ADDITION TO BAY CITY AT ITS ORIGIN WITH THE SOUTH LINE OF SEVENTH STREET, THENCE; SOUTH 200 FEET ALONG THE CENTERLINE OF SAID VACATED ALLEY TO ITS JUNCTION WITH AN EXTENSION WEST OF THE NORTH LINE OF LOT 5 BLOCK 16 WITHIN THE GREEN AVENUE ADDITION TO BAY CITY, THENCE; EAST 110 FEET ALONG SAID EXTENDED AND PLATTED NORTH LINE OF LOT 5 TO ITS NORTHEAST CORNER LYING ALONG THE WEST LINE OF CORNELL STREET, THENCE; SOUTH 200 FEET ALONG THE WESTERLY LINE OF CORNELL STREET TO THE NORTHEAST CORNER OF LOT 9 BLOCK 16 IN GREEN AVENUE ADDITION TO BAY CITY, THENCE; WEST 110 FEET ALONG THE NORTH LINE OF LOT 9 AND ITS EXTENSION WEST TO ITS JUNCTION WITH THE CENTERLINE OF THE VACATED ALLEY RUNNING SOUTHERLY THROUGH THE MIDDLE OF BLOCK 16, THENCE; SOUTH 250 FEET ALONG THE CENTERLINE OF SAID VACATED ALLEY IN BLOCK 16, OUT OVER AND ACROSS NINTH STREET, AND DOWN THE VACATED ALLEY RUNNING SOUTHERLY THROUGH THE MIDDLE OF BLOCK 17 TO ITS JUNCTION WITH AN EXTENSION WEST OF THE SOUTH LINE OF LOT 1 BLOCK 17 WITHIN THE GREEN AVENUE ADDITION TO BAY CITY, THENCE; EAST 110 FEET ALONG THE EXTENDED AND PLATTED SOUTH LINE OF LOT 1 TO ITS SOUTHEAST CORNER LYING ALONG THE WEST LINE OF CORNELL STREET, THENCE; SOUTH 50 FEET ALONG THE WESTERLY LINE OF CORNELL STREET TO THE NORTHEAST CORNER OF LOT 3 BLOCK 17, THENCE; WEST 110 FEET ALONG THE NORTH LINE OF LOT 3 AND ITS EXTENSION WEST TO ITS JUNCTION WITH THE CENTERLINE OF THE VACATED ALLEY RUNNING SOUTHERLY THROUGH THE MIDDLE OF BLOCK 17, THENCE; SOUTH 350 FEET MORE OR LESS ALONG THE CENTERLINE OF SAID VACATED ALLEY

IN BLOCK 17 TO ITS JUNCTION WITH THE SOUTH LINE IN THE PLAT OF THE GREEN AVENUE ADDITION TO BAY CITY, THENCE; EAST 283 FEET MORE OR LESS ALONG THE SOUTH LINE OF SAID PLAT TO ITS JUNCTION WITH THE NORTH SOUTH CITY OF BAY CITY CORPORATE LIMIT LINE, THENCE; SOUTH ALONG CORPORATE LIMIT LINE 133 FEET MORE OR LESS TO THE CENTERLINE OF RIDGE ROAD, THENCE; SOUTHWESTERLY ALONG THE CENTERLINE OF RIDGE ROAD TO THE INTERSECTION OF GREEN AVENUE, THENCE; CONTINUING SOUTHWESTERLY ALONG THE CENTERLINE OF RIDGE ROAD TO THE JUNCTION OF A NORTH SOUTH LINE PARALLEL TO THE CENTERLINE OF GREEN AVENUE LYING 305 FEET WEST THEREOF, THENCE; NORTH 131.37 FEET, THENCE; EAST 80 FEET, THENCE; NORTH 209.53 FEET, THENCE; EAST 2 FEET, THENCE; NORTH 75 FEET, THENCE; WEST 8 FEET, THENCE; NORTH 75 FEET, THENCE; EAST 8 FEET, THENCE; NORTH 91.66 FEET, THENCE; WEST 55.38 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 15 TO ZUEHLSDORFF'S ADDITION, THENCE; NORTH 310.86 FEET ALONG THE EAST PLAT LINE OF ZUEHLSDORFF'S ADDITION TO THE NORTHEAST CORNER OF LOT 1 OF SAID SUBDIVISION, THENCE; WEST 566.42 FEET ALONG THE NORTH LINE OF ZUEHLSDORFF'S ADDITION EXTENDED WEST TO THE CENTERLINE OF PARK AVENUE, THENCE; NORTH ALONG THE CENTERLINE OF PARK AVENUE TO A POINT LYING 87.88 FEET SOUTH AND 33 FEET EAST OF THE NORTHEAST CORNER OF LOT 16 OF WILLIAM D. FITZHUGH'S SUBDIVISION, THENCE; WEST 198.82 FEET, THENCE; SOUTH 50 FEET, THENCE; NORTHWESTERLY 739.14 FEET TO A POINT LYING 103.11 FEET NORTH OF THE NORTH LINE OF SEVENTH STREET, THENCE; NORTH 7 FEET, THENCE; NORTHWESTERLY 56 FEET TO A POINT LYING 106.42 FEET NORTH OF THE NORTH LINE OF SEVENTH STREET, THENCE; NORTH 13.58 FEET, THENCE; NORTHWESTERLY 190 FEET TO A POINT LYING 182 FEET SOUTH OF THE SOUTH LINE OF SIXTH STREET, THENCE; NORTHEASTERLY 52 FEET TO A POINT LYING 136.75 FEET EAST OF THE EAST LINE OF TRUMBULL AVENUE, THENCE; NORTHWESTERLY 23 FEET TO A POINT LYING 130 FEET SOUTH OF THE SOUTH LINE OF SIXTH STREET, THENCE; NORTHWESTERLY 118.71 FEET MORE OR LESS PARALLEL TO THE SOUTH LINE OF SIXTH STREET TO A POINT LYING ALONG THE EAST LINE OF TRUMBULL AVENUE, THENCE; NORTHWESTERLY OUT OVER AND ACROSS THE TRUMBULL AVENUE RIGHT-OF-WAY TO A POINT LYING ALONG THE WEST LINE OF TRUMBULL AVENUE 100 FEET SOUTH OF THE SOUTH LINE OF SIXTH STREET, THENCE; WEST 139.97 FEET MORE OR LESS PARALLEL TO THE SOUTH LINE OF SIXTH STREET TO THE WEST LINE OF LOT 2 BLOCK 2 TO THE MAP OF H.J.H. SCHUTJE'S ADDITION TO HIS SUBDIVISION, THENCE; SOUTH 70 FEET ALONG THE WEST LINE OF LOT 2 BLOCK

2 TO SAID LOTS PLATTED SOUTHWEST CORNER, THENCE; WEST 548.23 FEET ALONG THE PLATTED SOUTH LINE OF THE MAP OF H.J.H. SCHUTJE'S ADDITION TO HIS SUBDIVISION TO A POINT DESCRIBED AS BEING THE SOUTHEAST CORNER OF LOT 12 BLOCK 2, THENCE; NORTHWESTERLY 102.16 FEET ALONG THE PLATTED SOUTHERLY LINE OF THE MAP OF H.J.H. SCHUTJE'S ADDITION TO HIS SUBDIVISION TO A POINT DESCRIBED AS BEING THE SOUTHEAST CORNER OF LOT 13 BLOCK 2, THENCE; FURTHER CONTINUING WEST ALONG THE PLATTED SOUTH LINE OF THE MAP OF H.J.H. SCHUTJE'S ADDITION TO HIS SUBDIVISION 227.45 FEET, THENCE; NORTH 42.7 FEET, THENCE; WEST 100.5 FEET MORE OR LESS TO THE EAST LINE OF JOHNSON STREET, THENCE; SOUTHWESTERLY OUT OVER AND ACROSS THE JOHNSON STREET RIGHT-OF-WAY TO THE SOUTHEAST CORNER OF LOT 1 BLOCK 10 IN THE MAP OF JAMES FRASER'S FIRST ADDITION TO BAY CITY, THENCE; SOUTHWESTERLY 218 FEET MORE OR LESS ALONG THE SOUTHERLY LINE OF THE MAP OF JAMES FRASER'S FIRST ADDITION TO BAY CITY TO THE SOUTH WEST CORNER OF LOT 4 BLOCK 10 WITHIN SAID MAP OF JAMES FRASER'S FIRST ADDITION TO BAY CITY, THENCE; NORTH 45.85 FEET, THENCE; WEST 100 FEET MORE OR LESS TO THE EAST LINE OF HAMPTON STREET, THENCE; CONTINUING WEST 420 FEET OUT OVER AND ACROSS THE HAMPTON STREET RIGHT-OF-WAY AND ALONG THE PLATTED SOUTH LINE OF LOT 2 PLUS SOUTH LINE OF LOT 5 BLOCK 11 IN THE MAP OF JAMES FRASER'S FIRST ADDITION TO BAY CITY PLUS OUT OVER AND ACROSS THE MCLELLAN STREET RIGHT-OF-WAY ON WORD ALONG THE PLATTED SOUTH LINE OF LOT 2 BLOCK 12 WITHIN SAME MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY TO AFORE MENTIONED LOTS SOUTHWEST CORNER, THENCE; NORTH 50 FEET ALONG THE WEST LINE OF SAID LOT 2 TO THE LOTS NORTHWEST CORNER, THENCE; WEST 100 FEET ALONG THE SOUTH LINE OF LOT 8 BLOCK 12 IN THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY TO SAID LOTS SOUTHWEST CORNER LYING ALONG THE EAST SIDE OF BIRNEY STREET, THENCE; NORTHWESTERLY OUT OVER AND ACROSS BIRNEY STREET TO A POINT LYING ALONG ITS WEST RIGHT-OF-WAY LINE 39 FEET SOUTH OF THE SOUTH LINE OF SIXTH STREET, THENCE; WEST 54 FEET, THENCE; SOUTH 31 FEET, THENCE; WEST 46 FEET TO A POINT LYING ALONG THE WEST LINE OF LOT 2 BLOCK 13 IN THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY, THENCE; SOUTH 80 FEET ALONG THE WEST LINE OF LOT 2 AND PASSING THRU LOT 3 BLOCK 13 WITHIN THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY TO A POINT LYING ALONG THE SOUTH LINE OF SAID LOT 3 100 FEET WEST OF THE WEST LINE OF BIRNEY STREET, THENCE; WEST 50 FEET ALONG THE SOUTH LINE OF LOT 3 TO THE LOTS SOUTHWEST CORNER,

THENCE; SOUTH 79.27 FEET MORE OR LESS ALONG THE WEST LINE OF LOT 4 BLOCK 13 WITHIN THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY TO THE LOTS SOUTHWEST CORNER, THENCE; WEST 8 FEET ALONG THE SOUTH LINE OF LOT 5 BLOCK 13 WITHIN THE MAP OF JAMES FRASERS FIRST ADDITION TO BAY CITY A.K.A. THE SOUTH LINE OF AFORE MENTIONED PLAT AND FURTHER BEING DESCRIBED AS THE NORTH PLAT LINE TO THE MAP OF WALKER'S SUBDIVISION OF NUMBER 10 IN FRASER, FITZHUGH AND WALKER AND BIRNEY ADDITION TO LOWER SAGINAW, THENCE; SOUTHEASTERLY 325 FEET MORE OR LESS TO A POINT LYING ON THE SOUTH LINE OF WALKER'S SUBDIVISION OF NUMBER 10, THENCE; NORTHEASTERLY 166.40 FEET MORE OR LESS ALONG THE SOUTH LINE OF WALKER'S SUBDIVISION OF NUMBER 10 TO ITS JUNCTION WITH THE CENTERLINE OF BIRNEY STREET, THENCE; SOUTH ALONG THE CENTERLINE OF BIRNEY STREET TO THE INTERSECTION OF MCKINLEY STREET, THENCE; WEST ALONG THE CENTERLINE OF MCKINLEY STREET TO ITS JUNCTION WITH AN EXTENSION OF A DISSECTING LINE RUNNING NORTH AND SOUTH THROUGH THE CENTER OF BLOCK 12 WITHIN THE PLAT OF BIRNEY'S ADDITION TO BAY CITY, THENCE; SOUTH 230 FEET ALONG SAID MIDLINE THROUGH BLOCK 12 TO A POINT LYING 150 FEET EAST OF THE EAST LINE OF LINCOLN AVENUE, THENCE; WEST 50 FEET TO A POINT BEING DESCRIBED AS THE NORTHEAST CORNER OF LOT 10 BLOCK 12 TO THE PLAT OF BIRNEY'S ADDITION TO BAY CITY, THENCE; SOUTH 210 FEET ALONG THE EAST LINE OF LOTS 10 AND 9 BLOCK 12 WITHIN THE PLAT OF BIRNEY'S ADDITION TO BAY CITY PLUS OUT OVER AND ACROSS THE MCKINLEY STREET RIGHT-OF-WAY ON WORD ALONG THE PLATTED EAST LINE OF LOT 14 BLOCK 5 IN THE PLAT OF BIRNEY'S ADDITION TO BAY CITY AT A POINT BEING DESCRIBED AS THE SOUTHEAST CORNER OF AFORE MENTIONED LOT 14, THENCE; WEST 292.5 FEET ALONG THE SOUTH LINE OF LOT 14 BLOCK 5 PLUS OUT OVER AND ACROSS THE LINCOLN AVENUE RIGHT-OF-WAY ON WORD ALONG THE PLATTED SOUTH LINE OF LOT 1 AND PARTIAL SOUTH LINE OF LOT 12 BLOCK 4 WITHIN THE PLAT OF BIRNEY'S ADDITION TO BAY CITY TO A POINT LYING 88 FEET EAST OF THE EAST LINE OF SHERIDAN STREET, THENCE; NORTH 110 FEET TO THE CENTERLINE OF NINTH STREET, THENCE; WEST 118 FEET ALONG THE CENTERLINE OF NINTH STREET TO THE INTERSECTION OF SHERIDAN STREET, THENCE; SOUTH 110 FEET ALONG THE CENTERLINE OF SHERIDAN STREET TO ITS JUNCTION WITH AN EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 BLOCK 3 IN THE PLAT OF BIRNEY'S ADDITION TO BAY CITY, THENCE; WEST 260 FEET ALONG SAID EXTENDED AND PLATTED SOUTH LINE OF LOT 1 BLOCK 3 INCLUDING SOUTH LINE OF LOT 12 BLOCK 3 AS EXTENDED WEST

TO THE CENTERLINE OF SHERMAN STREET, THENCE; SOUTH 50 FEET ALONG THE CENTERLINE OF SHERMAN STREET TO ITS JUNCTION WITH AN EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 2 BLOCK 2 IN THE PLAT OF BIRNEY'S ADDITION TO BAY CITY, THENCE; WEST 130 FEET ALONG SAID EXTENDED AND PLATTED SOUTH LINE OF LOT 2 BLOCK 2 TO SAID LOTS SOUTHWEST CORNER, THENCE; SOUTH 230 FEET ALONG THE WEST LINE OF LOTS 3 AND 4 PLUS WEST LINE OF LOT 6 BLOCK 2 IN THE PLAT OF BIRNEY'S ADDITION TO BAY CITY AS EXTENDED SOUTH TO ITS JUNCTION WITH THE CENTERLINE OF TENTH STREET, THENCE; WEST ALONG THE CENTERLINE OF TENTH STREET OUT OVER AND ACROSS THE FARRAGUT, GRANT, AND VAN BUREN STREET RIGHT-OF-WAYS ON WORD TO ITS JUNCTION WITH AN EXTENSION OF A DISSECTING LINE RUNNING NORTH AND SOUTH DOWN THE CENTER OF A PLATTED ALLEY THROUGH BLOCK 119 WITHIN THE PLAT OF LOWER SAGINAW, THENCE; SOUTH 130 FEET ALONG SAID MIDLINE OF PLATTED ALLEY, THENCE; WEST 140 FEET TO THE CENTERLINE OF JACKSON STREET AS TRAVERSED ALONG AN EXTENSION EASTERLY AND WESTERLY PLUS OVER THE LENGTH OF THE ENTIRE SOUTH LINE OF LOT 15 BLOCK 119, THENCE; NORTH 130 FEET ALONG THE CENTERLINE OF JACKSON STREET TO THE INTERSECTION OF TENTH STREET, THENCE; WEST ALONG THE CENTERLINE OF TENTH STREET OUT OVER AND ACROSS THE MONROE STREET RIGHT-OF-WAY ON WORD TO THE INTERSECTION OF MADISON AVENUE, THENCE; NORTH ALONG THE CENTERLINE OF MADISON AVENUE OUT OVER AND ACROSS THE NINTH, MCKINLEY, SIXTH AND CENTER AVENUE AND STREET RIGHT-OF-WAYS BACK TO THE POINT OF ORIGIN.