

LAPEER COUNTY ROAD COMMISSION  
PERSONNEL AND OPERATIONS POLICY MANUAL

Policy Subject: <b>ABANDONMENT OF COUNTY ROAD RIGHT-OF-WAY</b>
Authorized by Board of Road Commissioners      Date: 10/22/08
Amended      Date:

**STATEMENT OF POLICY**

The Lapeer County Road Commission has authority pursuant to MCL S224.18, MSA S9.118 to absolutely abandon all or part of a county road right-of-way. The following procedure shall be followed in order to abandon all or part of a county road right-of-way:

1. A petition of abandonment shall be submitted to the Road Commission.
  - a. The petition shall describe the county road right-of-way in general terms or by any name by which it is known and shall specifically describe that portion which the petitioners seek to have abandoned.
  - b. The petition shall either be signed by:
    - i. All abutting property owners (and occupants if there are structures).
    - ii. Seven or more freeholders of the Township in which the road or portion is located.
  - c. The petition shall be accompanied by a true and correct list of the names and mailing addresses of the occupants and owners of each parcel abutting the road or portion to be abandoned. The list must state descriptions of the parcels. The list shall be certified to (under oath) by one of the petitioners.
  - d. The petition shall be accompanied by a fee to cover the incurred expenses by the Road Commission. Refer to the Permit Fee Schedule for the fee amount.
2. If the petition for abandonment contains the signatures of all abutting property owners, the Board of Lapeer County Road Commissioners shall, within twenty (20) days after receiving same, either grant or deny the petition without further proceedings thereon.
3. If the petition for abandonment does not contain the names of all of the abutting property owners, the Road Commission shall:
  - a. Issue a written notice stating the object of the petition and appointing a time and place for a public hearing.
  - b. Serve notice, by first class mail, upon the owners of the land, occupants of the land and Township at least ten (10) days prior to the hearing. If the owner does not reside upon the land or cannot be found within the county, the notice to the owner of record shall be served by posting up the same in three (3) public places in the Township in which the said road or portion is situated, and by publishing the same in a newspaper circulated within the county ten (10) days before the time of the public hearing.
4. Prior to abandoning the road or portion, the Board of County Road Commissioners or their representative shall view the road or portion described in the petition and shall report all findings of fact to the Board.
5. The Road Commission shall determine, at the time of the passage of any resolution abandoning the road, if the abandonment is in the best interest of the public.

6. The vote of the Board of County Road Commissioners in respect to such a determination shall be taken by a roll call vote. The vote shall be entered at large on the Road Commission's records.
7. The Road Commission shall cause a true copy of the resolution, which shall contain an accurate description of the lands so abandoned, to be recorded in the office of the Registrar of Deeds.
8. Notice of the Road Commission's determination shall be given to each Township in which the road or portion is situated.
9. Notice of the Road Commission's determination shall be published in a newspaper printed and circulated in the county once in each week for three (3) successive weeks. An affidavit of publication shall be filed with the Road Commission's Secretary.
10. Within thirty (30) days after final determination upon the petition, the Road Commission shall file a full record and return of their doings with the State Department of Transportation.

**NOTES:**

- The Board may reserve an easement for public utility purposes within the right-of-way of any road abandoned and may extinguish any easement so reserved whenever it ceases to be used for public utility purposes.
- If the abandonment results in a road becoming a dead end, the County Road Commission, as a condition to granting the abandonment, may request that enough land to construct a turn-around area be granted to the Road Commission.
- If the right-of-way in a platted area falls within 82.5 feet of a body of water, the request to abandon must go through Circuit Court – the Road Commission and/or Township cannot abandon platted right-of-way within 82.5 feet of a body of water
- The Road Commission has no jurisdiction over private roads in plats.
- In a platted area, the Road Commission cannot abandon the right-of-way. However, it can relinquish jurisdiction of the right-of-way to the Township. The Township can then determine whether or not the right-of-way should be abandoned.
- When a road in an unplatted area is abandoned, the right-of-way is automatically returned to the abutting property owners, because in an unplatted area property owners already own and pay taxes to the center of the right-of-way.

LAPEER COUNTY ROAD COMMISSION  
820 Davis Lake Road  
Lapeer, Michigan 48446

PETITION TO ABANDON ROAD

We, the undersigned, being property owners, and/or occupants of \_\_\_\_\_  
Township, Lapeer County, Michigan, DO HEREBY PETITION the Lapeer County Road  
Commission to absolutely abandon and discontinue the Road described below:

\_\_\_\_\_ Road, between \_\_\_\_\_  
Road and \_\_\_\_\_ Road, or between \_\_\_\_\_  
and \_\_\_\_\_, for a distance of \_\_\_\_\_ feet,  
located in Section(s) \_\_\_\_\_ of the above Township.

We pay herewith a filing fee of \$\_\_\_\_\_ to cover fees, costs and expenses in this  
matter.

DATE: \_\_\_\_\_

NAME/SIGNATURE: \_\_\_\_\_

COMPLETE ADDRESS: \_\_\_\_\_  
(Street, Post Office Box)

\_\_\_\_\_  
(City, State and Zip Code) (Telephone No.)

Check One of the following as to your status:

1. \_\_\_\_\_ Property Owners (Title owner by deed or land contract).

If a Property Owner, check ONE below:

2. \_\_\_\_\_ I am an Owner, and my residence is on the parcel which abuts the road to be  
abandoned.
3. \_\_\_\_\_ I am an Owner, but my residence house does not abut the road to be abandoned.
4. \_\_\_\_\_ Occupant (not owner), residing on property abutting the area of abandonment  
request.

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF LAPEER )

I HEREBY AFFIRM THAT all of the persons signing the Petition to Abandon signed the Petition.

I FURTHER AFFIRM that attached hereto and made a part of this Petition is a list of all owners of record and a list of land descriptions of the parcels of lands abutting the requested abandonment. The list of owners of record and descriptions were taken from the township tax rolls given to me by and certified by the township assessor, the county treasurer, or from title policies, title search certificates, or recorded instruments in the Register of Deeds Office.

I ALSO ATTACHED a list of family head occupants who occupy abutting parcels, but who are NOT property owners.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF CIRCULATOR

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF LAPEER )

Subscribed and sworn to before me, a Notary Public, in and for the said County and State, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_, Notary Public  
Lapeer County, Michigan  
My commission expires: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

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LAPEER COUNTY ROAD COMMISSION  
OFFICE USE ONLY

1. NAME/ADDRESS OF TOWNSHIP SUPERVISOR: \_\_\_\_\_
2. ROAD \_\_\_(DOES)\_\_\_(DOES NOT) TERMINATE AT A PUBLIC BODY OF WATER.
3. STRUCTURES \_\_\_(DO)\_\_\_(DO NOT) LIE ALONG ANY PORTION OF THE ROAD TO BE ABANDONED.
4. TOWNSHIP SUPERVISOR'S RECOMMENDATION: \_\_\_\_\_IN FAVOR \_\_\_AGAINST
5. DATE OF PUBLIC HEARING: \_\_\_\_\_
6. TOWNSHIP BOARD RESOLUTION: \_\_\_\_\_ON FILE
7. FEE OF \$\_\_\_\_\_ PAID: \_\_\_\_\_YES \_\_\_\_\_NO

DATE: \_\_\_\_\_

NAME/SIGNATURE: \_\_\_\_\_

COMPLETE ADDRESS: \_\_\_\_\_  
(Street, Post Office Box)

\_\_\_\_\_  
(City, State and Zip Code) (Telephone No.)

Check ONE of the following as to the status of signatory:

1. \_\_\_\_\_ Property Owner (Title owner by deed or land contract).

If a Property Owner, check ONE below:

A. \_\_\_\_\_ Owner - residence abutting the abandonment request.

B. \_\_\_\_\_ Owner - residence not abutting the abandonment request.

2. \_\_\_\_\_ Occupant (not owner), residing on property abutting the area of abandonment request.

\_\_\_\_\_  
DATE: \_\_\_\_\_

NAME/SIGNATURE: \_\_\_\_\_

COMPLETE ADDRESS: \_\_\_\_\_  
(Street, Post Office Box)

\_\_\_\_\_  
(City, State and Zip Code) (Telephone No.)

Check ONE of the following as to the status of signatory:

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