INFORMATION FOR APPLICANTS
REQUESTING PUBLIC ROAD RIGHT-OF-WAY ABANDONMENT

The Muskegon County Road Commission has certain ownership responsibilities and obligations for public street and road rights-of-way in Muskegon County. From time to time, the Road Commission receives requests to abandon portions of street and road rights-of-way under their jurisdiction. In this regard, the Road Commission has established and adopted a Road Abandonment Policy governing the procedures and guidelines that will be followed by the Road Commission and its staff in considering and reviewing such abandonment requests.

The Road Abandonment Policy, as adopted under the various applicable statutes and public acts of the State of Michigan, sets forth procedures for the abandonment process and has been designed to assure that all legal requirements are met and that the interests of the applicant, the Road Commission and the general public are protected.

The Road Abandonment process is a coordinated effort principally involving the applicant and the Road Commission and its staff. Therefore, this information booklet has been prepared to provide general information for the applicant about the abandonment process and the requirements of the applicant requesting road abandonment.

Notice:
Abandonment by the Muskegon County Road Commission of all or any portion of a county road within an existing plat only extinguishes the right of the public to use and maintain the road. If the plat in which the road is located grants rights of user to other lot owners in the plat, abandonment does not extinguish such private rights. Those rights, if they exist, can only be extinguished by an action in Circuit Court to amend the plat.

GENERAL INFORMATION

1. The Road Commission has the sole authority to grant or deny the abandonment of public road right-of-way under its jurisdiction in Muskegon County.

2. The abandonment, vacation or modification of an adopted plat requires action of the Circuit Court. However, the Road Commission retains and has sole jurisdiction of the abandonment of roads and rights-of-way within the plat.

3. The Road Commission has established a Petition fee, payable in advance, to cover a portion of the expenses of the Commission. These costs include required legal notices and publications, title information, postage, staff time, etc. In cases, where the incurred expense will be substantially higher than the Petition fee, the applicant(s) will be required to pay for actual expenses incurred to process the abandonment petition as requested.

4. The Road Commission, upon receipt of an applicant's completed Petition on authorized forms and payment of Petition Fee will:

    (a) Establish a date and time for a public hearing (if necessary).

    (b) Inform, in writing, appropriate Township Officials of the requested abandonment and/or other governmental agencies such as the Department of Natural Resources, Department of Interior, etc.

    (c) Obtain title information of record of adjacent property for the area of the abandonment request and affected lands.

    (d) Complete office investigation and field inspections and prepare staff recommendations.

    (e) Send notices to affected landowners and occupants and publish legal notices of the abandonment request.

General Information Continued:

(f) Hold public hearing if necessary and/or act to grant or deny requested abandonment.

(g) If abandonment request is approved in (f) above, record Resolution to Abandon with the Register of Deeds and send appropriate notices to the Michigan Department of Transportation and appropriate Township Officials.

APPLICANT INFORMATION

1. The first step for an applicant(s) requesting a public road right-of-way abandonment is to informally review the requested abandonment with Road Commission staff in order to determine:

(a) If the road or right-of-way is the type of right-of-way that should be processed through abandonment procedures.

(b) To informally determine if the Road Commission would consider the abandonment as requested.

2. The applicant obtains from the Road Commission the abandonment petition form entitled "PETITION TO ABANDON ROAD RIGHT-OF-WAY". The form is completed and necessary signatures obtained as follows:

(a) The applicant(s) must (as a minimum) have the signature of seven free holders, (owners of property in the Township), or

(b) The applicant(s) obtains the signatures of all property owners and occupants of the lands adjacent to the abandonment request including affected areas. If all signatures of owners and occupants of record are obtained, no public hearing is necessary and the Board of County Road Commissioners simply acts to grant or deny the abandonment request.

Applicant Information Continued:

3. The applicant(s) shall obtain from the Township Supervisor/Assessor or the County Treasurer's Office, a copy(s) of the tax roll description (including name and address of the owner of record) of all parcels adjacent to the proposed abandonment request including affected area(s). Copies of the tax roll information as furnished to the Road Commission shall be accompanied by a signed written statement of the Official providing said information to the applicant(s) stating that the tax roll information is the complete list of owners of record for the lands adjacent to the proposed abandonment and affected lands relative to the "PETITION TO ABANDON ROAD RIGHT-OF-WAY".

4. The applicant(s) returns the completed, signed and attested "PETITION TO ABANDON ROAD RIGHT-OF-WAY" to the Road Commission Office including a check (payable to the Muskegon County Road Commission) in the amount of the current "Road Abandonment Fee". Additional costs may be charged the applicant(s) if Road Commission actual costs significantly exceed the regular petition fee. Example of such costs would be where field surveys would be required or unusually large numbers of parcels existed requiring title information.

5. Once the "PETITION" is accepted by the Road Commission, the Road Commission process (outlined under GENERAL INFORMATION) is followed. The end result of the process is that the Road Commission formally acts to pass a resolution to grant or deny the abandonment request. When abandonment is granted, the Road Commission shall send copies of the abandonment resolution to the Register of Deeds Office of Muskegon County for recordation, the appropriate Township and the Michigan Department of Transportation when applicable.

6. If the abandonment would result in a loss of public access to a lake or stream an option is granted the Township or the DNR to take over and control the abandoned area. Both the Township and the DNR must decline the option before any private rights can vest in the abandoned area. Accordingly, both the Township and the DNR must be notified of all such abandonment proceedings. Each of them should exercise their options within 30 days following service upon them of the Petition.