MUSKEGON COUNTY ROAD COMMISSION

COUNTY ROAD ABANDONMENT POLICY

WHEREAS, the Muskegon County Road Commission has the responsibility for public streets, roads and rights-of-way in Muskegon County, and

WHERAS, from time to time requests are made to the Road Commission to abandon portions of streets, roads and rights-of-way for various reasons, and

WHEREAS, various statutes and public acts of the State of Michigan set forth procedures for the abandonment of streets, roads and rights-of-way under Road Commission jurisdiction, and

WHEREAS, such abandonment constitutes a discontinuance of actual or implied interest of the general public, property owners and/or governmental units and agencies, and

WHEREAS, the Road Commission shall consider and act to approve or deny such abandonment requests in accordance with the Public Acts of the State of Michigan including other considerations that will give the general public, property owners and/or governmental units or agencies an opportunity to provide input to the Road Commission regarding their consideration of abandonment requests.

NOW THEREFORE, BE IT RESOLVED, by the Muskegon County Road Commission that the "General Procedures for County Road Abandonment", "Staff Instructions for County Road Abandonment" and "Muskegon County Road Commission Forms" numbered one through eight, shall herewith constitute the policy of the Muskegon County Road Commission for matters concerning the abandonment of streets, roads and rights-of-way under the jurisdiction of the Commission.

ADOPTED: AUGUST 13, 1982
AMENDED: APRIL 22, 2004

GENERAL PROCEDURES FOR COUNTY ROAD ABANDONMENT

1. Receive Petition on authorized form (M.C.R.C. Form R.A.-1), with $150.00 Petition Fee. Additional costs may be charged if actual costs exceed $150.00 (additional costs may result from title information, publishing costs or field survey expenses).

2. Road Commission staff, within twenty (20) days of receipt of the Petition, establishes a date for the public hearing.

3. Send M.C.R.C. Form R.A.-2 to Township Supervisor.

4. Order a title search of affected record property owners; see "Staff Instructions", Page 2, Item 7.

5. Road Commission "Engineer" makes inspection of the road and environs and completes M.C.R.C. Form R.A.-5. Field survey completed if necessary.

6. Mail certified "Notice of Hearing" M.C.R.C. Form R.A.-3 to all adjacent landowners of record and occupants. Notice must be mailed to owners and occupants thirty (30) days prior to hearing date, unless they have signed Petition. Should use title search information, plus inspection report, which should identify occupants plus listed tax roll owners. These three sources should be cross checked to develop complete mailing list.

7. If the county road petitioned for abandonment terminates at a public body of water, i.e., any lake or a navigable stream, mail (certified) a letter of "Notice of Public Hearing" to the Township, Department of Natural Resources and the Michigan Department of Transportation (M.C.R.C. Form R.A.-6).

8. If name of owner cannot be found in the public records, or the occupant cannot be found (i.e., the certified mail came back, receipt unsigned), a Notice of Public Hearing must be posted in three (3) public places in the Township in which the land is located (where it is likely to be seen, and capable of being read) AND a Notice of Public hearing must be published in a newspaper of general circulation, thirty (30) days prior to the hearing.

9. The person serving notices by mail, posting or publication shall fill out an Affidavit of Service for each landowner, (Form No. MCRC R.A.-4).

10. Hold the public hearing.

11. Pass a resolution to either:

    a) Deny the request to abandon the road (Form No. M.C.R.C. R.A.-8);

    b) Absolutely abandon and discontinue the public road (Form No. M.C.R.C. R.A.-7).

12. A) Record copy of Resolution with Register of Deeds.

    B) Serve copy of Resolution on Township Clerk (via mail).

    C) Publish resolution of abandonment once each week for three (3) successive weeks in newspaper circulated within county.

    D) Prepare and file affidavit of service and publication in commission records.

13. If a Resolution to abandon is adopted (Form No. M.C.R.C. R.A.-7) send to the Michigan Department of Transportation a copy of the following:

    a) Form No. R.A.-3;

    b) Form No. R.A.-4;

    c) Form No. R.A. 5;

    d) Copy of Publication (if applicable);

    e) Form No. R.A.-6;

    f) Form No. R.A.-7;

    with a cover letter, survey of centerline, or road, or utility easement, if any, within thirty (30) days of adoption of Resolution to Abandon (Form No. M.C.R.C. R.A.-7).