

**DELTA COUNTY ROAD COMMISSION
ROAD ABANDONMENT POLICY**

Policy # 14

The following policy shall become effective immediately:

- A.** The requesting party or parties are required to cover all expenses, Costs.
- B.** Summary of Fees:
 - 1 \$500.00 application fee must be submitted with the proper application form to the road commission to initialize any abandonment process.
 - 2. The party and/or parties requesting the abandonment will be responsible for all filing and/or recording fees.
 - 3. The party and/or parties requesting the abandonment will be responsible for all advertising fees.
 - 4. Any and/or all properties owned and/or deeded to the road commission will be sold at the appraised value.
 - 5. The party or parties requesting the abandonment will be responsible for surveys and/or recording and/or legal fees.
 - 6. All appraisals will be performed by a Michigan Licensed –Certified appraiser.
 - 7. In the event the road commission is not aware if the property in question is deeded or not the requesting party and/or parties will be responsible for a title search and/or legal fees.
 - 8. The party and/or parties requesting abandonment will be required to pay fifty (50) % of the procedure cost in advance.
 - a). The fifty (50) % procedure cost will be based on an estimate and final cost will be the actual cost of the completed procedure.
 - 9. All survey work will be completed by the Delta County Road Commission’s registered surveyor.
 - 10. All legal work will be performed by the Delta County Road Commission’s legal council.

ESTIMATE OF COSTS

Administration Fee	\$ 500.00
Filing & Recording Fees	\$ 50.00
Advertisements	\$ 175.00
Public Hearing	\$ 20.00
Appraisals	\$ 425.00
Title Work	\$ 250.00 ea. parcel
Legal Fees	\$1000.00
Survey Work	\$1300.00 per mile
Sign Removal	\$ <u>250.00</u>
Total Estimate	\$4000.00
50% Required at application	\$2000.00

If the abandonment request is not successful due to failure by any one party or procedure, any unexpended amounts of the initial 50% advance will be refunded to the requesting party or parties

ADOPTED 8/25/98
Revised 09/24/01
Revised 7/23/07

**Delta County Road Commission
Road Abandonment Guidelines**

(Based on Act No. 342 of Public Acts of 2000 House Bill No. 5940)

- A.** The Board of County Road Commissioners may at any time relinquish jurisdiction or absolutely abandon and discontinue any county road, or part of a county road by a resolution adopted by a majority vote.
- The vote shall be taken and entered, and notice given, in the same manner as required in cases in which roads are adopted.
 - The road or part of a road shall revert to the township or municipality within which the road is situated, and the county shall be relieved of the responsibility for the road.
 - After proceedings the road or part of the road shall cease to exist as a public highway unless the unit of government that acquires the property or control of the property permits use as a public highway.
 - The board shall cause a true copy of the resolution or other proceedings (if the abandonment is determined to be in the best interest of the public) containing an accurate description of the road or part of a road to be recorded in the office of the register of deeds for the county where the lands are situated.
- Act No. 342 Public Acts of 2000 Sec. 18 (3)**

- B.** Written petition of 7 or more freeholders of the township in which the road is sought to be absolutely abandoned and discontinued.
- The petition shall describe the road in general terms and by county road name, and if the abandonment of only a portion is requested, that portion must be specified.
 - The petition must be accompanied by a true and correct list of all names and addresses of the occupants of each parcel of land abutting the road, which list shall be certified to under oath by 1 of the persons making or presenting the petition.
- Act No. 342 Public Acts of 2000 Sec. 18 (4)**

C. If a petition contains the signatures of all the owners, The board of county road commissioners shall within 20 days after receiving the petition, subject to item 8 determine the advisability of the abandonment and either grant or deny the petition without further proceedings.

- 1). In all other cases, the board shall within 20 days after receiving the petition issue written notice stating the object of the petition and appoint a time and place of hearing, which notice shall be served on the township in which the road is situated and on the owners of record and occupants of lands through or adjoining which it is proposed by first class mailing at least 30 days before the hearing.
 - If the owner does not reside upon the land or the owner of record or occupant cannot be found within the county in which the land is situated, the notice to the owner of record or occupant of the land shall be served by posting in 3 public places in the township and published in a newspaper circulated within the county 30 days before the time of hearing
 - Notice shall be served upon all railroad companies
 - The township board of the township shall have first priority to retain the property or a portion of the property.
- 2). The board shall also notify the township of municipality, the state transportation department, and the department of natural resources if the action concerns any county road or portion of a county road that borders on, crosses, is adjacent to, or ends at a lake or the general course of a stream and the proposed action would result in loss of public access.
 - The department of natural resources and the township or municipality shall review the petition and determine within 30 days whether the property should be retained as an ingress and egress point.
 - If the road is situated in a township, the township shall have first propriety and the department of natural resources shall have second priority to retain the property as and ingress and egress point. If the road is not situated in a township, the department of natural resources shall have the first priority to retain the property as an ingress and egress point.

Act No. 342 Public Acts of 2000 Sec. 18 (5)

Adopted 09/24/01

D. Upon service of notice required in item C, and before any further proceedings are held, the person by whom service was made shall make and annex to the notice an affidavit stating the time and manner of service, which shall be by first class mail and by posting and advertising. If service is upon a railroad the affidavit shall so state and specify the agent upon whom service was made. The affidavit together with an affidavit of publication shall be attached to the petition and the whole shall be present at the time of the hearing. The board of county road commissioners may designate as hearing examiner, an employee to hold the hearing. The examiner shall report all findings of fact to the board.

Act No. 342 Public Acts of 2000 Sec. 18 (6)

E. The board, its Manager and/or its designee shall view the road in question and ascertain the necessity or advisability of abandonment.

Act No. 342 Public Acts of 2000 Sec. 18 (7)

F. Subject to Item C, If the board of county road commissioners abandons a road or part of a road that borders on, crosses, is adjacent to, or ends at a lake or the general course of a stream and the township or the department of natural resources decides to maintain the road as public access, it shall convey by quitclaim deed or relinquish jurisdiction over the property if the interest is nontransferable to the township or the state. If the township obtains the property or jurisdiction over the property as an ingress and egress point and later proposes to transfer the property or jurisdiction over the property, it shall give the department of natural resources first priority to obtain the property or jurisdiction over the property. If the state obtains the property or jurisdiction over the property the property shall be under the jurisdiction of the department of natural resources. The state may retain title, transfer title to local government or deed the property to adjacent property owners. The local unit of government shall either maintain the property as a site of public access or allow it to revert to the adjoining landowners.

Act No. 342 Public Acts of 2000 Sec. 18 (8)

G. Within 30 days the board of county road commissioners shall file with the state transportation commission a full record and return of its proceedings.

Act No. 342 Public Acts of 2000 Sec. 18 (10)

H. The board of county road commissioners may reserve an easement for public utility purposes, and may by resolution extinguish any easement so reserved whenever the easement ceases to be used for public utilities.

Act No. 342 Public Acts of 2000 Sec. 18 (11)

I. If the property is conveyed or control over the property is relinquished to a local unit or this state under item 6, the local unit or this state as applicable shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue noise, and congestion as necessary.

Act No. 342 Public Acts of 2000 Sec. 18 (12)

Based on Act No. 342 Public Acts of 2000 House Bill No. 5940

EXHIBIT A

APPLICATION FOR ROAD ABANDONMENT

ROAD NAME: _____

ROAD ALSO KNOWN AS: _____

TOWNSHIP/CITY/VILLAGE: _____

TOWN _____ **RANGE** _____ **SECTION(S)** _____

REQUESTING PARTY OF PARTIES:

1. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

2. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

3. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

4. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

- A. Does this road border on, cross, lie adjacent to, or end at a lake or the general course of a stream and, the proposed action will result in loss of public access. Yes ___ No ___

- B. Should any party hereafter request this road be placed back into the County Road System, it shall be improved to the current standard for roadway development for the County of Delta at the owner's expense before said road shall be re-established within the County System.

- C. The petitioner or petitioners understands that should said road or portion of a road be absolutely abandon and discontinued, the Delta County Road Commission will no longer certify, maintain, or provide any upgrade to said road and all signing will be removed.

Adopted 09/24/01

EXHIBIT B

PETITION FOR ROAD ABANDONMENT

The undersigned petitioners hereby certify that they are freeholders of real estate in the Township/City/Village of _____ and said persons hereby request that the Delta County Board of Road Commissioners absolutely abandon and discontinue a road in said Township described as: **CR#** _____ **From:** _____ **To:** _____

1. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

2. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

3. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

4. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

5. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

6. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

7. Name _____ Date: _____ Signature _____

Address _____ Phone # (____) _____

Does the Township/City/ Village of which the requested road abandonment lies agree to allow said road to revert to the adjacent property owners, and hereby waves its right to ownership of said roadway? Yes _____ No ____ If yes, attach a copy of the Township Resolution stating such agreement

Adopted 09/24/01

EXHIBIT C

**Delta County Road Commission
Road Abandonment
List of Owners and/or Occupants**

ROAD NAME: _____

TOWNSHIP: _____

A true and correct list of the owners and/or Occupants (names should be listed as they appear on the deeds) of each parcel of land abutting the road or portion sought to be absolutely abandoned and discontinued is as follows:

1. _____ NAME	2. _____ NAME	3. _____ NAME
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_____ ADDRESS	_____ ADDRESS	_____ ADDRESS
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_____ CITY, STATE, ZIP CODE	_____ CITY, STATE, ZIP CODE	_____ CITY, STATE, ZIP CODE
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_____ AREA CODE AND PHONE	_____ AREA CODE AND PHONE	_____ AREA CODE AND PHONE
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_____ E-MAIL ADDRESS	_____ E-MAIL ADDRESS	_____ E-MAIL ADDRESS
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4. _____ NAME	5. _____ NAME	6. _____ NAME
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_____ ADDRESS	_____ ADDRESS	_____ ADDRESS
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_____ CITY, STATE, ZIP CODE	_____ CITY, STATE, ZIP CODE	_____ CITY, STATE, ZIP CODE
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_____ AREA CODE AND PHONE	_____ AREA CODE AND PHONE	_____ AREA CODE AND PHONE
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_____ E-MAIL ADDRESS	_____ E-MAIL ADDRESS	_____ E-MAIL ADDRESS
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Will any landowner be land locked as a result of this abandonment Yes ___ No ___ If yes, the abandonment process must include an easement of 66' wide to allow for free access to all land owners.

The undersigned certifies, under oath, that he/she is one of the persons making the accompanying petition and that the above is a true and correct list of owners and/or occupants of the highway sought to be absolutely abandoned and discontinued.

RESOLUTION

Whereas, the Delta County Road Commission has received petition for the absolute abandonment of, or partial abandonment of County Road _____ from _____ to _____ Said road or portion there of being _____ feet long

And Whereas, upon abandonment, the jurisdiction and control of said road shall revert to the governing township of _____

Now therefore be it resolved, that the said township hereby relinquishes jurisdiction and control of County Road _____ or portion thereof, and said road or portion there of shall revert to the adjacent property owners.

Ayes- Nays-
Resolution Declared Adopted

Date:

typed name, Township Supervisor