

A M E N D E D

POLICY NO. 42

BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE  
COUNTY OF ST. CLAIR

SUBJECT: Abandonment of County Roads

AMENDED: May 19, 1998

PURPOSE:

To establish the procedures of the Commission within the provisions of Act 283 of 1909 (MCL 224.18) and as amended from time to time for the abandonment of county roads under its jurisdiction.

POLICY:

It shall be the policy of the Commission to act as provided by statute as follows:

1. If there are not any buildings along the highway or part of highway to be abandoned, the Board may, by resolution adopted by majority vote, abandon any road or part thereof.
2. If the road to be abandoned or relinquished borders or ends at a lake or stream, the township is to be given first priority to retain the property as an ingress and egress point. The Department of Environmental Quality has second priority.
3. Where there are buildings along the highway or part of the highway to be abandoned:
  - (a) A petition signed by 7 or more freeholders of the township in which the road is sought to be abandoned shall be filed with the Board of County Road Commissioners;
  - (b) This petition shall describe said road in general terms or by name and shall specify the portion to be abandoned;
  - (c) Petition shall be accompanied by a true and correct list of the names and mailing addresses of the occupants of each parcel of land abutting the roadway or portion to be abandoned which shall be certified to under oath by one of the persons presenting the petition.
4. If the petition is signed by all of the owners of record and their occupants of land abutting that portion of the road to be abandoned, the Road Commission shall within 20 days determine the advisability of such abandonment and either grant or deny said petition without further proceedings.
5. In all other cases, the Board shall within 20 days after receiving said petition:
  - (a) Issue written notice of the object of such petition and appointing a time and place of hearing which shall be served

on the owners of record and occupants of land adjoining the portion of road to be abandoned by first class mail at least thirty (30) days before the hearing. If the owners or occupants cannot be found within the county, then by posting in three (3) public places within the township and by publishing in a newspaper circulated within the county thirty (30) days before the hearing;

(b) A copy of the affidavit of service shall be annexed to such notice and a copy thereof shall be attached to the petition and shall be present at the time the Board holds the hearing upon the petition;

(c) The Board of County Road Commissioners shall proceed to view the premises and ascertain the necessity of abandoning the section of highway.

6. Under 1,2,3 or 4 above the notice of determination of the Board of County Road Commissioners shall be given by the Clerk to the highway commissioner of each township and published in a newspaper circulated in the county once each week for three (3) successive weeks.

7. Within thirty (30) days after final determination upon the petition for absolute abandonment, the Board of County Road Commissioners shall file with the State Highway Commissioner a full record of return of their proceedings.

All utilities franchised to provide services within the township within which the road proposed for abandonment lies, shall be requested to define, in writing, any interest they may have in reserving an easement for their purpose under, over or along the roadway being considered.

FEE:

1. Request received from citizen(s) wishing to abandon a public road.
2. Staff shall prepare the proper petition.
3. Petition shall be sent to person requesting abandonment with outline for proper execution of petition, including request for \$750.00 Abandonment Fee.
4. Petitioner will return petition with the fee of \$750.00.
5. The fee of \$750.00 is not refundable.



Leonard Hool, Chairman



Janet C. Kitamura, Acting Managing Director