



## BOARD OF COUNTY ROAD COMMISSIONERS

NEWAYGO COUNTY  
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### **ABANDONMENT GUIDELINES**, adopted 03-25-09 \$750 abandonment fee

The Newaygo County Road Commission (NCRC) has authority, pursuant to MCL §224.18, MSA §9.118 to abandon all or part of a county road. The following procedures must be followed in order to abandon a road or a portion of a road:

1. Seven or more freeholders of the township in which the road, or that portion of the road which is to be abandoned, is located must petition the Road Commission to abandon the road. (MCL §224.18 (4))
2. The petition must describe the road in general terms or by any name by which it is known and must specifically describe that portion of the road which the petitioner seeks to have abandoned. (MCL §224.18 (4))
3. The petition must be accompanied by a true and correct list of the names and mailing address of the occupants of each parcel of land abutting the portion of the road to be abandoned and must be certified (under oath) by one of the persons making the petition. (MCL §224.18 (4))
4. If the petition for abandonment contains the signatures of all of the owners of record and occupants of land abutting the road, as ascertained from the record in the office of the Register of Deeds and the certified list of occupants provided by the petitioners (see paragraph 3 above), the Board of County Road Commissioners **shall**, within 20 days after receiving the petition, determine the advisability of the abandonment and discontinuance and either grant or deny the petition without further proceedings. (MCL §224.18 (5))
5. If the petition for abandonment does **not** contain the names of **all** of the owners of record and occupants of land abutting the road, the County Road Commission must:
  - A. Within 20 days after receiving the petition, issue a written notice stating the object of the petition and appointing a time and place of hearing;

- B. Serve the notice by first-class mail on the township board of 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 to abandon the road. The notice must be mailed to the residence of each owner of record or occupant at his or her last known address at least 30 days before the time of 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 land shall be served by posting in three public places in the township in which the road is situated, and by publication in a newspaper circulated within the county, 30 days before the time of hearing.<sup>1</sup>

- C. If any of the abutting land owners of record or occupants of abutting land are railroad companies, the railroad company is served by leaving a copy of the notice with the agent in charge of any ticket or freight office of the company operating the railroad.

(MCL §224.18 (5))

- D. After serving the notice of hearing, the person who served the notice shall make an affidavit stating the time and manner of service, which shall be by first-class mail, and by posting and advertising. The affidavit shall be attached to a copy of the notice of hearing and the notice of hearing shall be attached to the petition and the whole package shall be present at the time of the hearing upon the petition.

(MCL §224.18 (6))

- E. The Road Commission may designate, as a hearing examiner, an employee of the Road Commission to hold the hearing upon the petition. After the hearing, the hearing examiner shall report all findings of fact to the Board of County Road Commissioners. (MCL §224.18 (6))

6. Prior to abandoning the road, the Board of County Road Commissioners or the Superintendent or the engineer employed by the Board shall review the premises described in the petition and notice. (MCL §224.18 (7))

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<sup>1</sup> If the road to be abandoned or a portion of that road 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 the loss of public access, the Road Commission must also notify the township or municipality within the road is situated, the State Transportation Department, and the Department of Natural Resources.

7. The Board of County Road Commissioners shall ascertain the necessity or advisability of absolutely abandoning and discontinuing the highway pursuant to the petition. (MCL §224.18 (7)) In other words, the Road Commission must decide whether it is necessary or advisable to abandon the road.
8. The Road Commission must determine, at the time of the passage of any resolution abandoning the road, that the abandonment is in the best interest of the public. (MCL §224.18 (3))
9. A motion to abandon a road or a portion of a road requires a majority vote of the Road Commissioners to pass. (MCL §224.18 (3))
10. The vote of the County Road Commissioners shall be taken by "yeas" and "nays" and shall be entered at large on the records of the Board of County Road Commissioners. (MCL §224.18 (1))
11. The Road Commission must 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 Register of Deeds. (MCL §224.18 (3))
12. Notice of the Road Commission's determination to abandon a road or a portion of a road shall be immediately given by the clerk to the highway authorities of each city or village in which the road or any part of the road is situated. (MCL §224.18 (1))
13. Notice of the Road Commission's determination to abandon a road or a portion of a road must also be published in a newspaper of general circulation in the county, once each week for three successive weeks. Proof of service and publication may be made by affidavit by any person knowing the facts and filed with the clerk. (MCL §224.18 (1))
14. Within 30 days of making its decision, the Board of County Road Commissioners shall file with the State Transportation Commission a full record of its proceedings. (MCL §224.18 (10))
15. The Board of County Road Commissioners may reserve an easement for public utility purposes within the right-of-way of any road absolutely abandoned and discontinued under this section and may, by resolution, extinguish any easement so reserved whenever the easement ceases to be used for public utility purposes. (MCL §224.18 (11))

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**NOTE:** If the road to be abandoned or any portion of the road borders on, crosses, is adjacent to, or ends at a lake or the general course of a stream, additional requirements are imposed by the statute. See MCL §224.18 (5)-(9) and (12)-(19).

**PETITION TO THE NEWAYGO COUNTY ROAD COMMISSION SEEKING ABANDONMENT OF  
A PORTION OF THE RIGHT-OF-WAY OF \_\_\_\_\_.**

A. We, the undersigned freeholders of \_\_\_\_\_ Township, Newaygo County, Michigan  
petition the Newaygo County Road Commission to abandon and discontinue a portion of the right-  
of-way of \_\_\_\_\_ described as follows:

B. A sketch showing the proposed abandonment of \_\_\_\_\_ right-of-way  
which we seek to abandon is attached to this petition as Exhibit A.

1. Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

2. Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

3. Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

4. Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

5. Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

6. Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

7. Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address  
\_\_\_\_\_

**NOTE:**

This petition must be signed by at least seven freeholders of \_\_\_\_\_ Township, and be accompanied by the \$750 abandonment fee payable to the Newaygo County Road Commission.