

This brochure has been prepared to provide information about abandonment of roads under the jurisdiction of the SJCRC. If you have further questions or concerns, we invite you to call us, visit our office or website.

**Keeping St. Joseph
County Roads Safe for
Over 100 Years**



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***ABANDONMENT
OF ROADS AND
RIGHT-OF-
WAYS***



**St. Joseph County
Road Commission**

A preliminary guide for the abandonment of roads under the jurisdiction of the St. Joseph County Road Commission by petition.

Michigan Common Law; Act 283 of 1909/
MCL 224.18. MSA 9.118

The St. Joseph County Road Commission (SJCRC) has authority, pursuant to MCL S224, MSA S9.118 to abandon all or part of a county road.

To begin the process of abandonment a written request must be provided to the SJCRC along with the appropriate fee and survey to begin the petition process. Please note any additional expenses necessary to research an abandonment will be applied to the individual making the request.

Once the written request is reviewed, SJCRC will review requirements with the petitioner. An abandonment information package may be provided.

A petition must be signed by seven (7) or more freeholders (land title holders) of a township in which the abandonment is being sought. The petition must also be accompanied by a true and correct list of the names and mailing addresses of the occupants of each parcel of land abutting the portion of right of way which they seek to be abandoned.

If the petition for abandonment DOES contain the signatures of all the abutting landowners, the SJCRC may determine without a public hearing the advisability of such abandonment within twenty (20) days after receiving the petition. However, the SJCRC can require a public hearing if deemed in the best interest of the public.

Where right-of-ways end or abut public waterways, both the township and the Michigan Department of Natural Resources have rights to

timely notification and input on the decision to maintain the right-of-way as a public access site.

If the petition for abandonment does NOT contain the signatures of all the abutting land owners, or the right of way has a building upon it, the Road Commission will:

a) Appoint a time and place for a public hearing within twenty (20) days of receiving the petition.

b) Serve notice, by first class mail, on all abutting landowners and township officials at least ten (10) days prior to the hearing and post a notice of said hearing in three (3) public places within the township.

c) Publish notice of hearing in a local newspaper on two (2) consecutive days prior to said hearing.

The Board of County Road Commissioners of St. Joseph County must determine, at the time of passage of any resolution abandoning a right of way, if the abandonment is in the best interest of the public. The SJCRC may reserve an easement for public utility purposes.

If abandonment is determined to be in the best interest of the public, the resolution will be recorded at the Register of Deeds. The determination will also be published in a local newspaper, once for each week for three successive weeks. Within thirty (30) days of making their decision, the SJCRC must also file a record with the State Department of Transportation.

Notes on ownership:

When the public right of way consists of a Statutory Easement (unplatted) only, and the land is held privately in fee, the title will remain with the property owner to the title line (usually the centerline) of the road involved. Only the public right to the use of the land will be eliminated.

In recorded subdivisions or platted areas, the SJCRC can only relinquish jurisdiction of the right of way to the township. The SJCRC does not hold title; it only holds the right of way in "the public trust". Once relinquished by the SJCRC, jurisdiction of the right of way returns to the township that can then pass a resolution to abandon its interest. It then becomes a private road. In order to terminate the private road right of way and claim ownership of the property right of way, the abutting property owners must go through Circuit Court to amend the plat. This is done at the owner's expense. Person's seeking this action should consult an attorney.

Public right of way which was acquired in fee title by the SJCRC by purchase or condemnation will be reviewed on a case by case basis. The SJCRC and prospective recipients should act under the guidance of their respective attorneys.

**This is meant as a preliminary guide only, for additional information please refer to:
PUBLIC HIGHWAY AND PUBLIC ROADS
Act 283 of 1909
Website: www.legislature.mi.gov**