

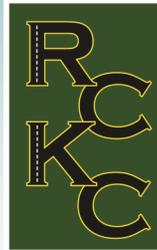
Notes on ownership

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 Road Commission of Kalamazoo County (RCKC) can only relinquish jurisdiction of the right of way to the township. The RCKC does not hold title; it only hold the right of way in the "public trust". Once relinquished by the RCKC, 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 RCKC by purchase or condemnation will be reviewed on a case by case basis. The RCKC and prospective recipients should act under the guidance of their respective attorneys.

For more information:
The Road Commission of
Kalamazoo County will be happy to
answer any further questions
or concerns.



Road Commission of
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Abandonment of Roads



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

The RCKC has authority, pursuant to MCL S224, MSA S9.118 to abandon all or part of county road.

To begin the process of abandonment a written request must be provided to the RCKC 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, RCKC 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 RCKC may determine without a public hearing the advisability of such abandonment within twenty (20) days after receiving the petition. However, the RCKC can require a public hearing if deemed in the best interest of the public.

Where there is water access, township and DNR have the right to timely notification and decision to maintain the road 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 RCKC 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 the County of Kalamazoo 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 RCKC 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 RCKC must also file a record with the State Department of Transportation.



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