

**INSTRUCTIONS  
FOR PETITION TO ABSOLUTELY ABANDON & DISCONTINUE  
A PUBLIC HIGHWAY, ROAD, ALLEYWAY, RIGHT-OF-WAY  
AND/OR STREET**

**INFORMATION**

The Petition has been prepared at the direction of the Board of Road Commissioners of the County of Dickinson to assist county property owners who desire to have a public highway, road, alleyway, right-of-way, and/or street abandoned. The County Highway Engineer or his designated representative will review the contents of the petition with the prospective petitioner but is prohibited by law from giving legal advice or from making any legal interpretations. These instructions should be read in conjunction with the Dickinson County Road Commission Abandonment Request Procedures.

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 and the proposed action would result in the loss of public access, additional requirements are imposed by statute.

**FEES**

The petitioner shall pay a deposit of **Seven Hundred Fifty and 00/100 Dollars (\$750.00)** to the Dickinson County Road Commission which shall be a minimum payment. Depending on the complexity and the amount of Dickinson County Road Commission's attorney time, fees will, in all likelihood, be higher. Any additional fees owing must be paid before documents will be released by the Dickinson County Road Commission. Any additional fees will be billed to the petitioner. If the Board determines that a special public hearing on the petition is necessary, the petitioner will be billed accordingly.

**DIRECTIONS**

The petitioner should review these directions and become familiar with the four parts of the petition before circulating the petition. The petitioner shall complete Parts I, II, III, and IV.

**PART I:           **Petition****

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 they seek to have abandoned.

Legal Description: The description of the portion of the highway, road, alleyway, right-of-way, and/or street to be abandoned.

1. The description used shall be approved by the Highway Engineer or his designated representative before signatures are obtained.

2. The County Highway Engineer or his designated representative will assist the petitioner in preparing the legal description when possible but a survey by a licensed Michigan Land Surveyor may be necessary in the discretion of the County Highway Engineer. The petitioner shall be responsible for making the arrangements for the survey and for paying all the costs for the survey.

The Petition shall state the reasons why the described highway, road, alleyway, right-of-way and/or street should be abandoned.

In stating why the described portion of the highway, road, alleyway, right-of-way, and/or street should be abandoned, be sure to include a statement describing how the public will benefit from the abandonment.

## **PART II: Signature of Freeholders**

The petitioner shall obtain the signatures of the owners (freeholders) of seven (7) parcels of property within the township in which the proposed abandonment is located together with their correct mailing address, a copy of their deed and parcel information sheet depicting the legal owners of the parcel of property that each owns in the township. If the property is in a recorded subdivision, use name of subdivision and lot number(s).

**NOTE:** If property is held by a husband and wife or jointly among others, the husband and wife and all joint owners together represent one freeholder and all must sign to constitute one parcel. Moreover, if property is held in the name of a husband or wife solely, the other spouse must still join in signing.

**NOTE:** An abutting land owner may also serve as a freeholder.

## **PART III (A): A list of owners and occupants abutting the land proposed for abandonment. (TO BE COMPLETED BY THE PETITIONER)**

The petitioner shall provide a true and correct list of the names and mailing addresses of the owners and occupants of each parcel of the land abutting the proposed abandonment together with a copy of the deed and the parcel information sheet of each abutting parcel. Occupants shall include those persons acquiring title to the abutting parcel under terms of a land contract or a lease and includes tenants, renters and anyone residing at an abutting parcel.

The petitioner is required to have a "Last Owners" title search done by a title company to verify all of the abutting title holders. A "Last Owners Search", prepared by Title Insurance Company, addressed to the Board of County Road Commission of the County of Dickinson, listing the names and addresses of all the title holders of record, of all parcels abutting the area sought to be abandoned, and the search shall be effective not more than 20 days prior to the date the petition is submitted to the Board of the County Road Commissioners.

**NOTE:** The Title Company may be able to provide you with a copy of the abutting land owner's deed as part of your "last owner's" search.

**PART III (B):            Signatures of all Owners and Occupants abutting the land proposed for abandonment.**

1.     The petitioner shall attempt to obtain the signatures of all of the owners of record and all of the occupants of the land abutting the proposed property to be abandoned, along with a copy of their deed and parcel information sheet.
2.     All owners must be asked to sign even if they do not reside upon the land abutting the property to be abandoned. Occupants shall include those persons acquiring title to the abutting parcel under terms of a land contract or a lease and includes tenants, renters and anyone residing at an abutting parcel.
3.     If a property owner of record is deceased, the abandonment may or may not proceed depending on circumstances. In these instances, the petitioner shall consult with the Road Commission and a determination will be made at that time.
4.     If all of the signatures of the owners of record and occupants of the land abutting the proposed property to be abandoned are obtained, the petition for abandonment may be considered at a regular board meeting and a special public hearing on the petition may not be necessary. If Petitioner is unable to obtain the signature of one or more abutting land owners or occupants, then a notice of a special public hearing on this petition will be sent to all the abutting owners of record and abutting occupants and a public hearing shall be held by the Board.

**NOTE:** If property is held by a husband and wife or jointly among others, the husband and wife and all joint owners together represent one landowner and all must sign to constitute one parcel. Moreover, if property is held in the name of a husband or wife solely, the other spouse must still join in signing.

**PART IV:                Petitioners Oath or Affirmation and Signature**

The petitioner shall acknowledge the petition as truthful and accurate before a Notary Public prior to its submission to the Road Commission. If the Petitioner is unable to obtain the signature of all abutting land owners and occupants, Petitioner will return the completed documents with a notation regarding who the abutting owners and/or occupants are that will not sign.