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11318 MAIN STREET  
P. O. BOX 68  
HONOR, MI 49640-0068

## Your Local Road Professionals

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# 109  
Adopted 09/26/96  
Revised 01/23/97

### ROAD ABANDONMENT REQUESTS

#### Policy

Any individual or group requesting that the Road Commission abandon a section of county road shall be responsible for the expense of the resulting abandonment proceedings. Paying for the cost of these proceedings will in no way be construed to affect or guarantee the outcome of the proceedings. The amount charged will simply be a direct reimbursement to the Road Commission for their out of pocket expense from proper notice and deliberation of the petition.

#### Rule

Upon receipt of a petition to abandon a section of county road, the petitioner will be required to deposit \$250. with the Road Commission before any action is taken on the petition. The deposit is to cover the costs of publication of public notices, research of property records to establish owners of record, cost of special meetings (if requested by the petitioner), legal expense, and document recording. If the actual direct expense is different from the deposited amount, the account must be settled (by refund or additional payment) before that final documents are filed.

ROBERT ROSA, CHAIRMAN  
JAMES BOWERS, VICE CHAIR  
TED MICK, MEMBER  
MATT SKEELS, MANAGER



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### PETITION TO ABANDON A COUNTY ROAD

You have indicated an interest in filing a petition with the Benzie County Road Commission to abandon a road. Road abandonment is a very technical procedure strictly governed by state statute. You may wish to seek legal counsel.

The process of abandonment covers all roads under the Road Commission's jurisdiction. It contemplates three situations:

1. A road with no structures, all owners signing the petition.
2. A road with structures, all owners and occupants signing the petition.
3. A road with or without structures, not all owners or occupants signing the petition.

If yours is the third situation, you must obtain the signatures of seven or more property owners living in the township where the road to be abandoned is located.

You are further notified that if abandonment results in a dead-end road, the County Road Commission, as a condition to granting the abandonment, may request that you convey enough land to construct a turn-around area.

When filing your petition your attention is specifically called to the last paragraph in the petition requiring you to submit a certified list of all owners of record, including land descriptions of parcels owned, of the lands abutting the portion of the road requested to be abandoned.

The Road Commission will review your petition for completeness. If it is found to be deficient in any respect, you will be promptly notified. Once the Road Commission accepts your petition, you will be notified of a hearing date.

## PETITION TO ABANDON ROAD

We, the undersigned, being property owners and/or occupants of \_\_\_\_\_  
Township, Benzie County, Michigan, DO HEREBY PETITION the Benzie County Road Commission to  
absolutely abandon and discontinue the road described below (nearest cross-roads, legal description if possible,  
linear feet to be abandoned):

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1. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Complete Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

\_\_\_\_\_ Property owner with residence abutting the abandonment request

\_\_\_\_\_ Property owner, residence not abutting the abandonment request

\_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request

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2. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Complete Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

\_\_\_\_\_ Property owner with residence abutting the abandonment request

\_\_\_\_\_ Property owner, residence not abutting the abandonment request

\_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request

3. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name (typed or printed: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

\_\_\_\_\_ Property owner with residence abutting the abandonment request

\_\_\_\_\_ Property owner, residence not abutting the abandonment request

\_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request

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4. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name (typed or printed: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

\_\_\_\_\_ Property owner with residence abutting the abandonment request

\_\_\_\_\_ Property owner, residence not abutting the abandonment request

\_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request

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5. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name (typed or printed: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

\_\_\_\_\_ Property owner with residence abutting the abandonment request

\_\_\_\_\_ Property owner, residence not abutting the abandonment request

\_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request

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6. Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name (typed or printed: \_\_\_\_\_  
Complete Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

- \_\_\_\_\_ Property owner with residence abutting the abandonment request
  - \_\_\_\_\_ Property owner, residence not abutting the abandonment request
  - \_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request
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7. Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name (typed or printed: \_\_\_\_\_  
Complete Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

- \_\_\_\_\_ Property owner with residence abutting the abandonment request
  - \_\_\_\_\_ Property owner, residence not abutting the abandonment request
  - \_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request
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8. Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name (typed or printed: \_\_\_\_\_  
Complete Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No: \_\_\_\_\_

(Check one of the following as to the status of the signatory)

- \_\_\_\_\_ Property owner with residence abutting the abandonment request
  - \_\_\_\_\_ Property owner, residence not abutting the abandonment request
  - \_\_\_\_\_ Occupant (not owner) residing on property abutting the abandonment request
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I HEREBY AFFIRM THAT all of the persons signing the Petition to Abandon signed the Petition in my presence.

I HEREBY FURTHER AFFIRM that attached hereto and made a part of this Petition are a certified list of all owners of record, including land descriptions of the parcels owned, of the lands abutting the requested abandonment. The list of owners of record and descriptions consist of:

- 1. Listed taxpayers from the township rolls, certified by the township or county treasurer
- 2. Current title policies or current title search certificates on all abutting parcels showing owners of record.
- 3. Attested list of family occupants who occupy abutting parcels, but who are not property owners

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Circulator

STATE OF MICHIGAN

ss.

COUNTY OF BENZIE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County, Michigan

My Commission expires