

PETITION INSTRUCTIONS TO ABSOLUTELY ABANDON AND
DISCONTINUE A PUBLIC ROAD

INFORMATION

The petition has been prepared at the direction of the Board of County Road Commissioners of the County of Monroe to assist county property owners who desire to have a public road abandoned. MCRC staff 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.

FEES

The petitioner shall pay a filing fee of \$500.00 to be submitted with the completed petition. If the Board determines that a special public hearing on the petition is not necessary, a portion of the fee up to \$200.00 may be refunded.

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 and IV. *Part III is optional.*

Part I: The petitioner shall provide in Part I (A) the legal description of the road proposed for abandonment and shall state in Part I (B) the reasons why the described portion of the road should be abandoned.

- A. Legal Description: Description of the portion of right-of-way sought to be abandoned.
1. The description used shall be approved by the Highway Engineer or his designated representative **BEFORE** signatures are obtained.
 2. MCRC staff will assist the petitioner in preparing the legal description when possible but a survey by a licensed Michigan Land Surveyor may be necessary; and the petitioner shall be responsible for making the arrangements for the survey and for paying all the costs for the survey.
- B. In stating why the described portion of the road should be abandoned, be sure to include a statement describing how the public will benefit from the abandonment.

Part II: Signatures of Freeholders and Names of Occupants of Abutting Land

- A. In Part II (A), the petitioner shall obtain the signatures of the owners (freeholders) of seven parcels of property within the township in which the proposed abandoned road is located together with their correct mailing address and the tax bill property number of the property they own in the township.

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.

- B. In Part II (B) the petitioner shall provide a true and correct list of the names and mailing

addresses of the occupants of each parcel of land abutting the proposed abandoned road together with the tax bill property number of the 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 and renters.

Part III: (Optional) Signatures of Owners and Occupants

1. Part III is optional; but, if the persons signing PART III are **ALL THE OWNERS OF RECORD AND ALL OCCUPANTS** of land abutting the proposed abandoned road, the petition for abandonment may be considered at a regular board meeting and a special public hearing on the petition may not be necessary and a portion of the filing fee may be refunded.
2. **If PART III is to be used, a freeholder who is also an owner or occupant of land abutting the portion of highway proposed for abandonment MUST sign in PART III even if the freeholder has signed in PART IIA.**
3. If PART III is not completed, a notice of a special public hearing on this petition will be sent to all of the abutting owners of record and abutting occupants and a public hearing shall be held by the Board and no portion of the fee will be refunded.

Part IV: Petitioner's 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 more information is needed on how to prepare the petition, please contact the Monroe County Road Commission at 240-5102.

NOTES OR COMMENTS: