



Bern Drive

Historical research into the seasonal road status

7/8/2010

Bern Drive – Seasonal Road Research



Prepared by:
Ron Delpiere-Smith

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Introduction

Bern Drive is a road that was developed in the 1970's during the development of Swiss Alpine Subdivision. This road provides access to the state owned lands known as Pere Marquette State Forest, primary and sole access to some Swiss Alpine properties and other private lands not owned by Swiss Alpine members. The road also serves as an emergency exit for the residents of Swiss Alpine in the event of a forest fire or other emergency situation that precludes exiting the main entrance at 10 Mile Road & 150th Ave.

During the development of Swiss Alpine Subdivision an existing public road of an undetermined name existed through what is now known as "Swiss Alpine." The developer restricted access into the subdivision to property owners and perspective buyers. The closure resulted in several meetings with Swiss Alpine Development Corporation and Osceola County Road Commission where a compromise reached that is now known as Bern Drive. An article appeared in the Osceola Herald in September 1972 discussing the situation, and the proposed resolution.

Maintenance on this road has been inconsistent since the initial development by Swiss Alpine Development Corporation. In many cases over the last 20 years, Swiss Alpine Association members have taken to repair washouts, fallen tree removal, and other unsafe conditions.

At some point after the October 20, 1994 Osceola County Road Commission public hearing on seasonal roads within the county, a "seasonal road" sign was placed at the south end of Bern Drive. The validity of this posting has been questioned several times in the past by Swiss Alpine membership.

During the winter of 2009/2010, several homeowners raised complaints to the Swiss Alpine Board of Directors about the road not being plowed. These residents were informed that it was a county road and not the responsibility of the association. The residents contacted the county and were informed that it was a seasonal road and would not be plowed. This year Swiss Alpine Association was able to obtain liability insurance to cover plowing of this road for the health and safety of the residents living along this road. However, this has been met with some resistance by other members of the association objecting to the expenditure of funds on a public right-of-way.

A research project has been undertaken to determine what is involved to have the "seasonal road" designation removed.

This document contains information discovered during the research of this project. Information used in this analysis was obtained through public records or other publically available resources such as Michigan Compiled Laws, Michigan Center for Geographic Information and Michigan Subdivision Plats via the State of Michigan website (www.michigan.gov).

Attached to this report is a petition from concerned citizens urging the Osceola County Road Commission, and Cedar Township to act in the best interest of the public by removing the improperly placed "Seasonal Road signage at Bern Drive and 10 Mile Road, and provide year-round maintenance to Bern Drive as other local roads within Osceola County.

Bern Drive Research

Events of Interest

The items below have an impact on the status of Bern Drive as a public road and applicability of “seasonal road” designation.

1. During the planning of the Swiss Alpine subdivision plat, a public hearing was held to abandon the public road now known as private roads “Swiss Drive” and “Alpine Drive” (west of Round Lake) by the Osceola County Road Commission.¹
2. A compromise to abandonment of the above road was that a new road to the west (Bern Drive) was to be established and built by the developer to county specifications.²
3. The submitted plat for “Swiss Alpine” was approved on October, 22, 1970, with “Bern Drive” as a public right-of-way road.³⁴
4. The submitted plat for “Swiss Alpine 3” was approved on August 14, 1974, with the stipulation that Bern Drive be finished with a “hot mix bituminous mat.” This resulted in a subsequent change to Section 5.04 of the Plat Specifications for public roads, after the initial submission of Swiss Alpine #3 Plat.⁵
5. Plat for Swiss Alpine #3 with \$59,000 bond was submitted and approved October 7, 1974.⁶
6. OCRC approves filing of an injunction against Swiss Alpine Developing Corporation for non completion of Bern Drive.⁷
7. Swiss Alpine Development Company completes “Bern Road” to the satisfaction of the OCRC.⁸
8. OCRC publishes notice on September 19, 1994,⁹ and October 3, 1994,¹⁰ of a public hearing to discuss seasonal roads to be held October 20, 1994. The published Public Hearing Notice does not include “Bern Drive” as a candidate for designation as a “seasonal road.”¹¹
9. A review of OCRC minutes and resolutions from 1972 through 1996 did not uncover any change in the name of “Bern Drive.”

¹ Osceola County Road Commission – Meeting Minutes February 11, 1970

² Osceola County Road Commission – Meeting Minutes March 11, 1970

³ Osceola County Road Commission – Meeting Minutes October 22, 1970

⁴ Swiss Alpine Plat – page 5 of 5

⁵ Osceola County Road Commission – Meeting Minutes August 14, 1974

⁶ Osceola County Road Commission – Meeting Minutes October 7, 1974

⁷ Osceola County Road Commission – Meeting Minutes October 9, 1978

⁸ Osceola County Road Commission – Meeting Minutes July 9, 1979

⁹ Cadillac News – September 19, 1994

¹⁰ Ole Northern Michigan News – October 3, 1994

¹¹ Michigan Compiled Law 247.655a(2)

Documentation of Interest

The State of Michigan Department of Information Technology Center for Geographic Information maintains various maps based on information recorded with the State of Michigan. These maps illustrate a road named “Indian Lake Road” being the road that runs along the east side of Indian Lake, and a separate road to the east named Bern Drive. These two roads are connected by what appears to be a two-track that starts at the northern end of Indian Lake Road, and heads east to Bern Drive.

While they are not considered “official” documents, the plat books located at the MSU Extension office in Reed City from the 1970s, 1980s and as late as 1995 show a road named “Indian Lake Road” and “Bern Drive” consistent with information from the Center for Geographic Information. Some of these maps show the connection of Bern Drive and Indian Lake Road just beyond the Swiss Alpine plats.

Seasonal Road Research Conclusion

The establishment of a seasonal road system by Osceola County is permitted by the Michigan Department of Transportation within Section 5a of Act No. 51 (MCL 247.655a). The act specifies requirements for the establishment of the seasonal road system, as follows:

- Upon adoption of resolution after conducting a public hearing.
- Notice of public hearing shall be given to the clerk of the county (not verified).
- Notice of public hearing shall be given to city, village, or township in which the road is located (not verified).
- Publish in newspaper of general circulation not less than 30 days prior to the hearing.
- Publish in newspaper of general circulation not less than seven days prior to the hearing.
- Meeting notice shall contain list of roads to be affected and time the roads shall not be open to public travel.
- If an objection is made to the designation of a seasonal road by a person occupying a structure located upon or along the road as a person’s primary residence, the commissioners shall not designate that road as a part of the seasonal county road system unless the commissioners provide that person with immediate access to a road which is not part of the seasonal county road system.

The road established as “Bern Drive” in Swiss Alpine and Swiss Alpine #3 plats was not included in the list of roads to be designated as part of the “Seasonal Road System” at the Public Hearing on October 20, 1994, to establish a “Seasonal Road System” for Osceola County.

The two required notices to the County Clerk and Township are assumed to have been complied with for the roads listed in the public hearing notice. That verification would have been for roads beyond the scope of this document and research.

Based on the information available from the State of Michigan, OCRC Meeting Minutes, and public hearing notices, “Bern Drive” has not been designated as a “seasonal road” per the guidelines within MCL 247.655a.

Year round maintenance of the road should be performed, including winter snow removal within OCRC guidelines established for local roads of Osceola County.

Going forward...

Bern Drive was created as a result of the opposition expressed to closing the public road through Swiss Alpine in 1970. Today, Bern Drive contains six homes, four of which are maintained year round. Swiss Alpine residents have the ability to use Bern Drive as an alternative exit in the event of an emergency that prevents access to the main access at 10 Mile Road and 150th Avenue.

In addition to providing access to the adjoining property along the road, Bern Drive also experiences a significant amount of automobile, ORV and snowmobile traffic by people accessing the state forest land for recreational purposes. This makes Bern Drive a vital resource to citizens of Cedar Township and other visitors.

Unfortunately, Bern Drive creates easy access to unauthorized trespassing onto Horseshoe Lake by the public. While abandonment or closure would solve this single problem, Swiss Alpine feels that this would be a short-sighted solution that is not in the best interest of the public as a whole.

Removal of the “seasonal road” signage at the intersection of 10 Mile Road and Bern Drive is the easy part of the solution. Relocation of the sign to where Bern Drive meets the two-track from Indian Lake Road may or may not be possible depending on the interpretation of the Public Hearing Notice.

Maintenance of the road is a more difficult task based on the funding provided by Michigan DOT, and ease of navigation at the end of Bern Drive.

Snow removal operations in the winter may be difficult due to turn around space at the end of Bern Drive. One possibility that exist involves cooperation with Swiss Alpine Association that may be favorable to both OCRC and Swiss Alpine.

- Improve/create the Emergency Access Easement (see Figure 2) from Alpine Drive to Bern Drive and provide OCRC access rights to use the cul-de-sac at the end of Alpine Drive as a turnaround for county equipment.

An interesting side note is that Marquette County (Michigan) Road Commission had a discussion on December 21, 2009 approving the winter maintenance / plowing of a seasonal road.

Supporting Documentation

Osceola County Road Commission Meetings (excerpts)

OCRC Meeting - January 14, 1970

Motion by Bazzett, supported by Newman that we publish for 3 consecutive weeks; notice of abandonment of a road described as follows:

Beginning at a point 0.08 mile east of a point common to Section 9-10, 15-16, Cedar Township, thence northwesterly approximately 1.25 miles. Hearing to be held at 1:30 P.M. February 11, 1970 at the Road Commission office.

OCRC Meeting - February 11, 1970

A hearing was held for the abandonment of a road located in Cedar Twp. As described in the January minutes.

Mr. Kenneth McKay, developer, gave his reasons for the closing of the road.

Mr. Clarence Sahlin was present and voices his objection to the closing of the described road.

Mr. and Mrs. Lyle Segar were present and were in favor of closing of the above road.

Mr. Don Gugle supervisor of Cedar Twp. was present and voiced his objections to the closing of the above road.

No decision was reached at this time by the Board. After further study of the arguments by each side a decision will be rendered. (Penned in "Also Mr. Truman.")

OCRC Meeting - March 11, 1970

Mr. McKay met with the Commission and discussed the closing of a certain road in Cedar Township as described in the January 14, 1970 minutes. Motion by Newman supported by Bazzett that after talking with Don Gugle, supervisor, that the road be abandoned and a new road be constructed by the Platter to the west of the existing road and built to county specifications. Motion carried.

OCRC Meeting - August 14, 1974

Robert Westberg met with the Board and submitted the preliminary plat of "Swiss Alpine #3". It was approved with the following recommendations:

Before the final plat is submitted "Alpine Drive" should be designated as private between lots 274-279.

The plat shall have the seal of a registered Engineer that is registered in the State of Michigan. An over-all drainage plan must also be submitted.

Also that the public County road located within the plat be finished with a hot mix bituminous mat.

Motion by Yarhouse and supported by Brown that the current specifications for Section 5.04 of the existing plat specifications of the Osceola County Road Commission be amended to require a bituminous mat on all public roads within the plat. And Section 5.04 – B which required a prime and double seal be eliminated from the present specifications. A copy of this notice to be placed in a newspaper that is circulated within the County for a period of 4 weeks.

OCRC Meeting - October 7, 1974

Bob Westberg and Lee Boucher resubmitted a bond in the amount of \$59,000.00 for the completion of "Swiss Alpine #3". The bond of \$40,000.00 which was submitted September 11, 1974 was returned. The plat was submitted and approved.

OCRC Meeting - December 10, 1975

Kerry Werger was present and read his outline for a proposed ordinance concerning the weight restrictions of the Hersey Bridge across the Muskegon River. He also discussed the performance bond of Swiss Alpine #3.

OCRC Meeting - September 11, 1978

Sup't. Davis Yarhouse explained the status of Swiss Alpine and that at this time the public road is not completed, also the banks are not seeded and mulched. Att'y. Kerry Weger advised the Road Commission that he will obtain an injunction against Swiss Alpine Development Company.

OCRC Meeting - October 9, 1978

Sup't. Davis Yarhouse reported that he had been in contact with the president of Swiss Alpine Development Company and as a result of these meetings recommended to the Board to continue with the investigation.

Moved by Huff and supported by Werner that the injuncture process against Swiss Alpine Development Company be continued. Motion passed by unanimous vote.

Kerry Weger, Commission Attorney, stated that the first hearing on the injunction against Swiss Alpine Development Company would be heard October 23, 1978

OCRC Meeting - Nov 13, 1978

Sup't. Davis Yarhouse explained about the injunction against Swiss Alpine Development Company. He stated that Attorney, Kerry Weger and himself went to Lansing October 23, 1978 and met with the owners of Swiss Alpine Development Company.

OCRC Meeting - July 9, 1979

Kerry Werger, Att'y., discussed with the Road Commission, the lawsuit against Swiss Alpine Development Company. The Road Commission stated that they were satisfied with the public road, known as Bern Road in "Swiss Alpine" plat. Motion by Bazzett and supported by Huff that the Chairman sign the stipulation to dismiss the case. A copy of this will be kept in the Road Commission files.

OCRC Meeting - April 14, 1994

A discussion was held on seasonal roads in Osceola County and the Board was informed of the procedure for officially setting up seasonal roads in Osceola County. Motion by Gerber and supported by Dracht to start the procedure for setting up the seasonal road system. The roads would have to be listed and measured.

It was agreed that current policy for upgrading seasonal roads would still exist, in that the Township would contribute to the upgrading of a seasonal road.

It was agreed that 12 Mile west of M-66 would be snowplowed, but upgrading would involve Township contribution.

OCRC Meeting - October 20, 1994

A public hearing was held at 11:00 A.M for the purpose of setting up a Seasonal Road System. A map and list of roads were open for study and approval

(Writers Note: content for non-related roads outside Cedar Township omitted for clarity)

After a lengthy discussion it was decided that all of the above roads would remain on the seasonal road list, but that the Burdell and Hartwick Townships would be contacted for their opinion of the respective roads in question in their Township.

Motion by Dracht and supported by Gerber that a resolution be tabled until November 10, 1994.

OCRC Meeting - November 10, 1994

A discussion was held on the seasonal road system, of which a public hearing was held in October, the following minor changes were made to the original list.

1. Craft Road from .69 -.80 mile east off 155th Avenue would be decertified.
2. 220th Avenue from .85 mile North of 21 Mile Road to 22 Mile Road would be seasonal (changed, not added)

Motion by Gerber and supported by Dracht that the above changes be made and that the seasonal road system be adopted.

<Copy of the formal resolution was attached to the minutes>

Swiss Alpine Plat Documentation.

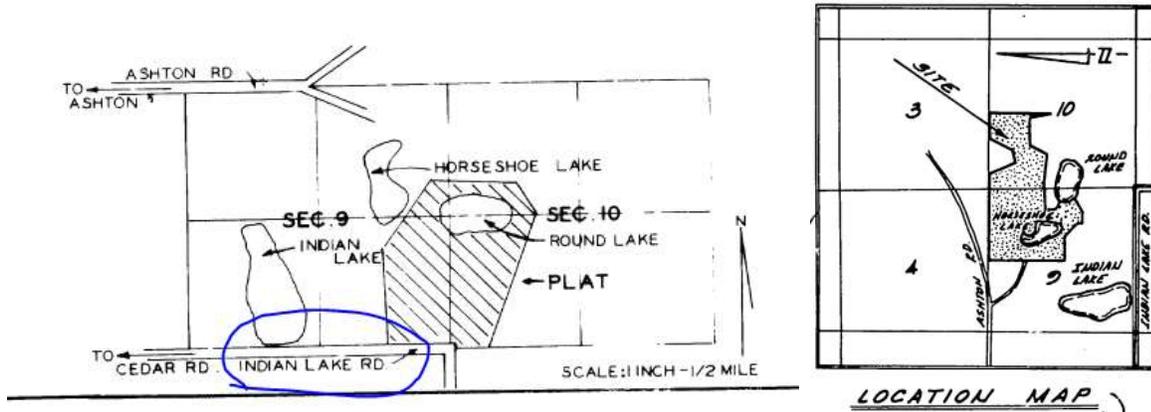
The plats for Swiss Alpine and Swiss Alpine #3 contain referenced to “Bern Drive” as being a public roadway. All other roads are identified as being private.



PROPRIETOR'S CERTIFICATE

We as proprietors certify that we caused the land embraced in this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the lots are for the use of the lot owners, except Bern Drive and Indian Lake Road, which are public roads; that the public utility easements are private easements and that all other easements are for the uses shown on the plat; and that all Lake Front lots extend to the waters edge as shown.

The plats for Swiss Alpine and Swiss Alpine #3 contain location maps indicating that “Indian Lake Road” follows what is currently known as 10 Mile Road.



The certification pages for the plats contains certifications from the Osceola County Road Commission

Swiss Alpine Plat - Certificate of County Road Commissioners

CERTIFICATE OF COUNTY ROAD COMMISSIONERS
 Approved on 10-22-70 as complying with Section 183 of Act 288, P.A. 1967 and the applicable published rules and regulations of the Board of Road Commissioners of Osceola County.
 Ellis Bazzett, Member
 Fred Neuman, Member
 F. G. Lindell, Chairman

Approved on 10-22-70, as complying with Section 183 of Act 288, P.A. 1967 and the applicable published rules and regulations of the Board of Road Commissioners of Osceola County.
 (Signed by Ellis Bazzett, F. G. Lindell, Fred Neuman)

Swiss Alpine 3 Plat - Certificate of County Road Commissioners

CERTIFICATE OF COUNTY ROAD COMMISSIONERS
 Approved on 10-7-74 as complying with Section 183 of Act 288, P.A. 1967 and the applicable published rules and regulations of the Board of Road Commissioners of Osceola County.
 Chairman: Ellis Bazzett
 Member: David Yarhouse
 Member: Gerald M. Brown

Approved on 10-7-74, as complying with Section 183 of Act 288, P.A. 1967 and the applicable published rules and regulations of the Board of Road Commissioners of Osceola County.
 (Signed by Ellis Bazzett, David Yarhouse, Gerald M. Brown)

Published Public Hearing Notices

Cadillac News - September 19, 1994

OLE Northern Michigan News - October 3, 1994

Below is the text that appeared in the Cadillac News with regards to the Public Hearing Notice on the adoption of Seasonal Roads within Osceola County.

NOTICE

The Osceola County Road Commission will hold a public hearing on the designation of the following SEASONAL ROADS. The hearing will be held on October 20, 1994 at 11:00 a.m. at the Road Commission Offices at 800 S Chestnut Street, Reed City, MI, 49677.

A “seasonal road” means a county road, or portion thereof, which during the months of November through April, has minimal motor vehicles, does not provide sole access to a building which is used as a principal residence during the months of November through April, and is not normally maintained or snowplowed by the County Road Commission during the months of November thru April. A county road which is designated as a SEASONAL ROAD in accordance with the Provisions or the ACT and these rules may not be open to the public travel during the months of November thru April. (By authority conferred on the Department of Transportation by Section 5a of Act No. 51 of the Public Acts of 1951, as amended, being 247.655a of the Michigan Compiled Laws).

If there are any questions regarding the Seasonal Roads, a map can be viewed at the Osceola County Road Commission office from 7:00 a.m. to 3:30 a.m., Monday thru Friday, (616) 832-5171 Forrest Werner, Chairman

CEDAR TOWNSHIP

| | |
|------------------------|--|
| 8 Mi. Rd. | 170 th Ave to 160 th Ave. |
| 160 Ave. | 8 Mi. Rd. to Oak Rd. |
| Oak Rd. | 160 th Ave. to 150 th Ave. |
| 8 Mi. Rd. | 135 th Ave. to 150 th Ave. |
| 7 Mi. Rd. | W. of 135 th Ave. |
| Forest Hill Ave. | S. of 7 Mi. Rd. to twp. line |
| Indian Lk. Rd | 10 Mi. Rd. to 11 Mi. Rd. |
| Cedar Rd. | Indian Lk. Rd. to 12. Mi. Rd. |
| 11 Mi. Rd. | 170 th Ave. to Indian Lk. Rd. |
| 12 Mi. Rd. | from Cedar Rd. W. 1.3 Mile |
| 150 th Ave. | N. of 12 Mi. Rd (.2 Mile) |
| Cedar Rd. | 12 Mi. Rd. to E. twp line |

(Writers Note: A list of all proposed seasonal roads within the county are contained in the publication, non-Cedar Township roads have been omitted from this document for clarity)

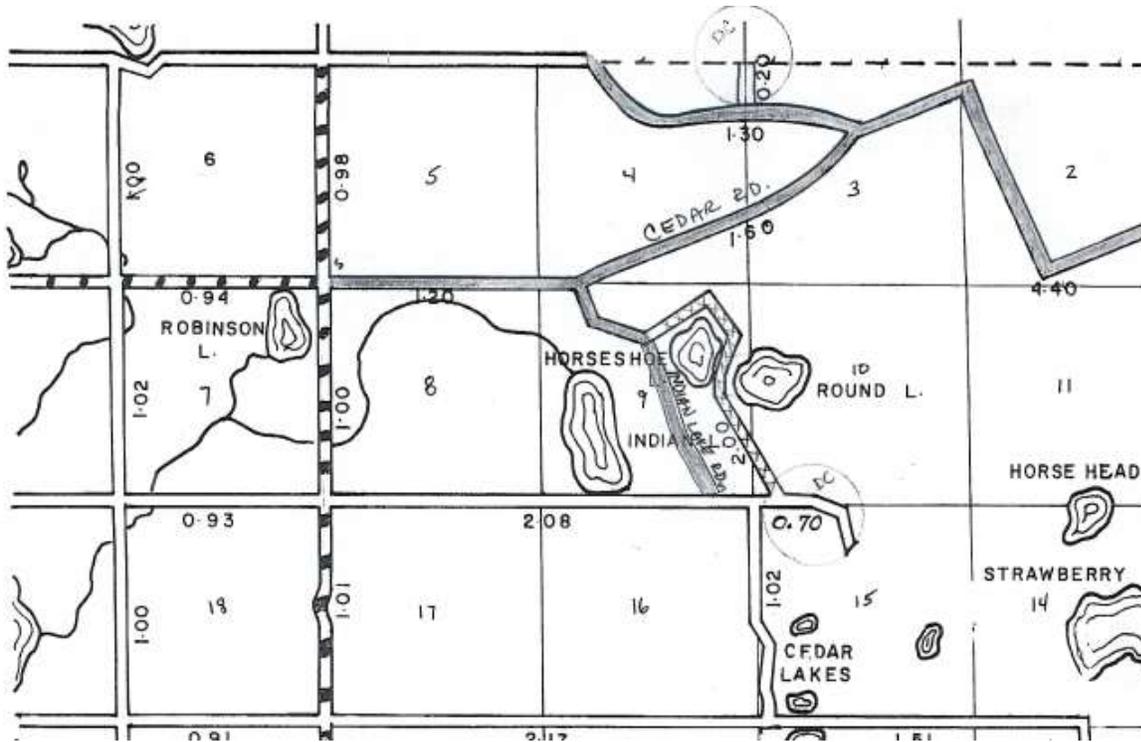
Proposed Seasonal Road Map (Excerpts)

Below is a scanned section of the Proposed Seasonal Road map for Cedar Township. This map was not published in the newspaper with the Public Hearing Notice.

The road names for Cedar Road and Indian Lake Road appear to have been written in by hand.

The location of Indian Lake Road conflicts with road name references on the Swiss Alpine, Swiss Alpine #3 Plats, and various Plat books from 1970s and 1980s available thru the MSU Extension office in Reed City, MI, and the Osceola County Map from the State of Michigan Center for Geographic Information

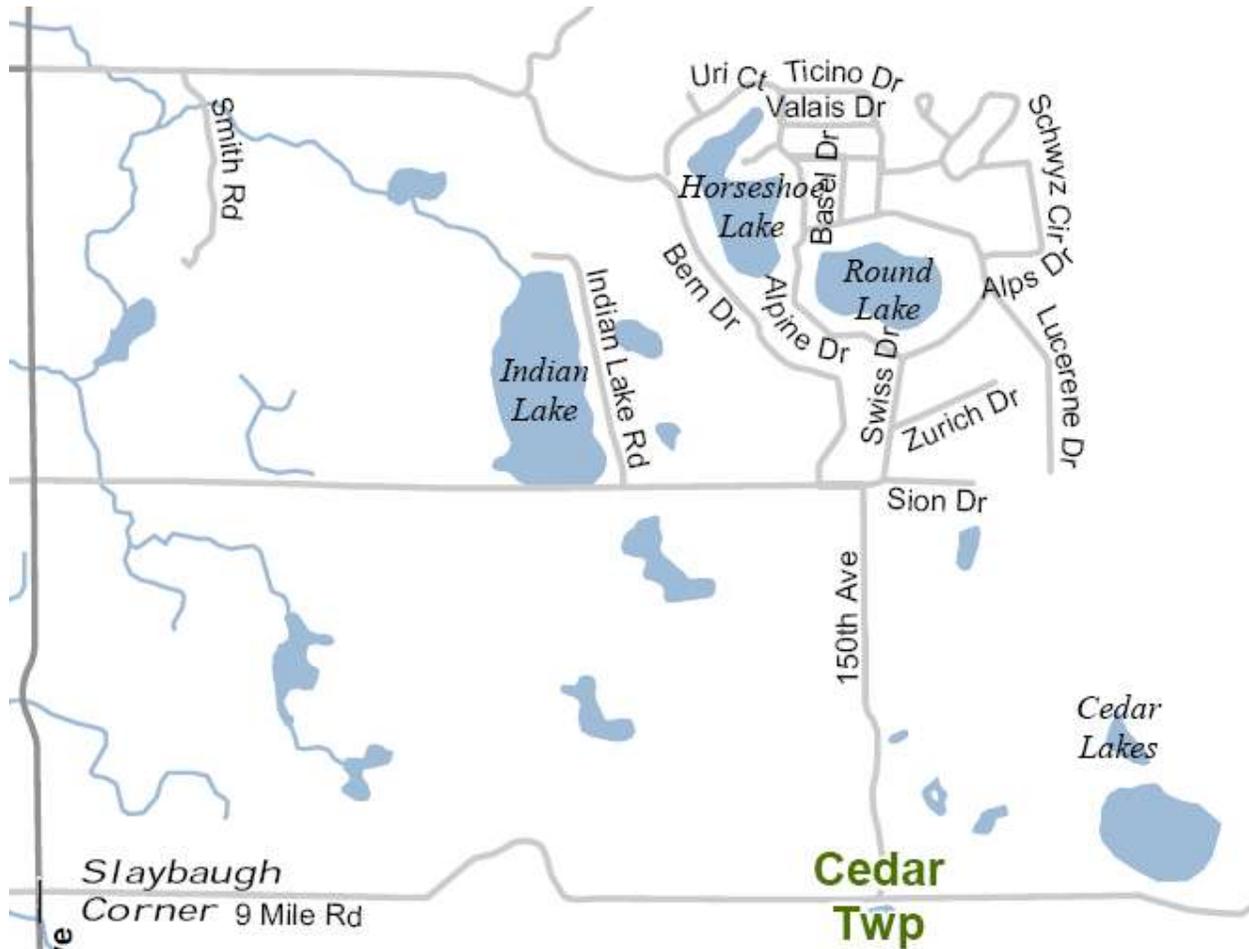
The circled areas with "DC" indicates that the road was decertified as a county road, per Bill H at OCRC



| Cedar Township T.18N. R.9W. | | |
|-----------------------------|--|-----------------|
| 8 Mi. Rd. | 170th Ave. to 160th Ave. (1.00 mile) | Sec 20/29 |
| 160th Ave. | 8 Mi. Rd. to Oak Rd. (.50 mile) | Sec 28/29 |
| Oak Rd. | 160th Ave. to 150th Ave. (1.00 mile) | Sec 28 |
| 8 Mi. Rd. | 135th Ave. to 150th Ave. (1.52 mile) | Sec 22/27/23/26 |
| 7 Mi. Rd. | from .38 mile east of 150th Ave. to 135th Ave. (1.06 mile) | Sec 34/35/26/27 |
| Forest Hill Ave. | S. of 7 Mi. Rd. to twp. line (1.20 mile) | Sec 35 |
| Indian Lk. Rd. | 10 Mi. Rd. to 11 Mi. Rd. (2.00 mile 1.40) | Sec 9 |
| Cedar Rd. | Indian Lk. Rd. to 12 Mi. Rd. (1.60 mile) | Sec 3/4 |
| 11 Mi. Rd. | 170th Ave. to Indian Lake Rd. (1.20 mile) | Sec 5/8/4/9 |
| 12 Mi. Rd. | from Cedar Rd. W. 1.3 mile (1.30 mile) | Sec 3/4 |
| Cedar Rd. | 12 Mi. Rd. to E. twp. line (4.40 mile) | Sec 1/2/3 |

State of Michigan Center for Geographic Information Osceola County Map - September 2007

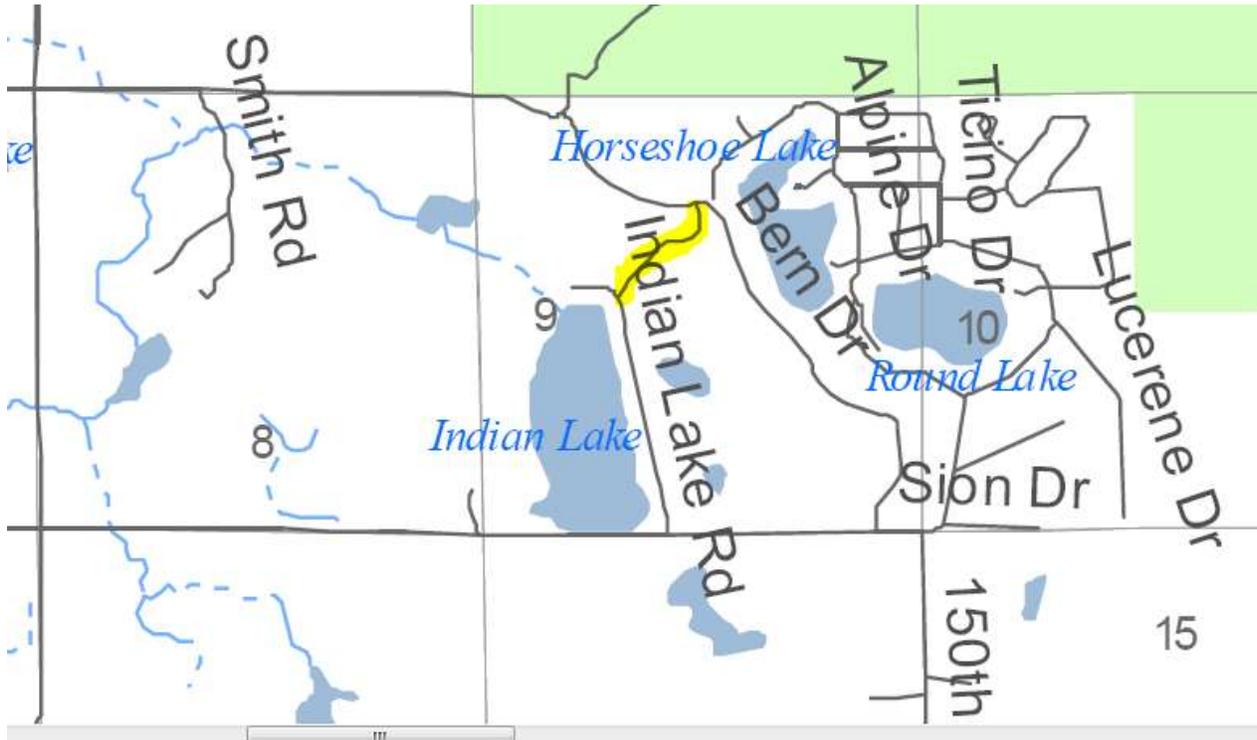
The Center for Geographic Information within the State of Michigan Department of Information Technology maintains various geographic informational resources. The map excerpt below was taken from the Michigan County Series Geographic Framework v4, dated September 2007. The map is available for internet download from the State of Michigan website.¹²



¹² http://www.michigan.gov/documents/CGI_COUNTY-v4_OSCEOLA_COUNTY_125296_7.pdf

State of Michigan Department of Natural Resources Open Hunting Lands Map

The Michigan DNR Open Hunting Lands map is based on the above map with the addition of a two-track trail from Indian Lake Road to Bern Drive. The name of the section of Bern Drive from this two-track to Cedar Road is unclear. This map was obtained from the State of Michigan DNR website.¹³



¹³ http://www.midnr.com/FLW/LandsOpen-Hunting/Hunting_Land_osceola_COUNTY.pdf

State of Michigan - State Trunk Line Highway System Act 51 of 1951

247.655a Seasonal county road system.

Sec. 5a.

(1) *The board of county road commissioners of each county may establish a system of seasonal county roads, which may be part of either the county primary road system, the county local road system, or both systems. A board of county road commissioners in establishing a system of seasonal county roads, may declare a road under the jurisdiction of the board to not be open to public travel during the months of November through April, which road shall then not be open to public travel.*

(2) *The seasonal county road system shall include any road under the jurisdiction of the board of county road commissioners which that board determines shall not be open to public travel each year for a period of less than 12 months. The system of seasonal county roads shall be selected on the basis of seasonal use of the roads and in accordance with rules promulgated by the state transportation department. A board of county road commissioners may include or exclude roads in the seasonal county road system upon adoption of a proper resolution but only after holding a public hearing. Notice of the public hearing shall be given to the clerk of the county and of each city, village, or township in which the roads are situated and published at least twice in a newspaper of general circulation in that county, the first notice to be not less than 30 days before the hearing and the second notice not less than 7 days before the hearing. The notice shall contain the date, time, and place of the hearing and shall describe in general terms the action proposed to be taken by the board, the roads to be affected, and the period of time that the roads shall not be open to public travel. The business which the board may perform at the public hearing shall be conducted at a hearing held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. In addition to the other notices required by this subsection, public notice of the time, date, and place of the hearing shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. If at the hearing an objection is made to the designation of a road as a part of the seasonal county road system by a person occupying a structure located upon or along the road as the person's principal residence, the commissioners shall not designate that road as a part of the seasonal county road system unless the commissioners provide that person with immediate access to a road which is not a part of the seasonal county road system.*

(3) *Within 30 days after final adoption of a resolution establishing a seasonal county road system, the board of county road commissioners shall file with the state transportation department and each city, village, or township in which the roads are situated a full record of its determination.*

(4) *The designation of a road as part of the seasonal county road system shall not affect the certification of the road under this act, but if the road is not open to public travel during the months of December to April, the road shall be excluded for purposes of the distribution of snow removal funds under section 12a.*

(5) *A road included as part of the seasonal county road system shall be excluded for the purposes of determining the distribution of funds under sections 12(4) and 12b for each year in which the road is part of the seasonal county road system.*

(6) A map shall be maintained and on display in the office of each board of county road commissioners which has established a seasonal county roads system which shall also inform the public of the dates the road or road shall not open to public travel.

(7) The board shall place and maintain signs on all roads designated as seasonal county roads, which signs shall describe the roads as seasonal county roads.

History: Add. 1981, Act 184, Imd. Eff. Dec. 23, 1981

Compiler's Notes: In the last sentence of subsection (2), the word "system" at the end of the sentence should evidently read "system."

Popular Name: McNitt Act

State of Michigan Land Division Act 288 of 1967 - Plat/street Requirements

560.183 Final plat; highways, streets, and alleys; private roads; county road commission requirements; "county road commission" defined.

Sec. 183.

(1) The county road commission may require the following as a condition of approval of final plat for all highways, streets, and alleys in its jurisdiction or to come under its jurisdiction and also for all private roads in unincorporated areas:

(a) Conformance to the general plan, width, and location requirements that the board may have adopted and published.

(b) Adequate provision for traffic safety in laying out drives which enter county roads and streets, as provided in the board's current published construction standards.

(c) Proper drainage, grading, and construction of approved materials of a thickness and width provided in its current published construction standards.

(d) Submission of complete plans for grading, drainage, and construction, to be prepared and sealed by a civil engineer registered in this state.

(e) Installation of bridges, culverts, and drainage structures where the board considers necessary.

The board may regulate cul-de-sacs and may approve or deny cul-de-sacs on an individual basis, but shall not adopt a policy or rule prohibiting cul-de-sacs.

(2) If all improvements required under subsection (1) are not made before the final plat is submitted to the board for approval, the board nonetheless shall promptly approve the final plat if the final plat otherwise meets the requirements of this act and if the proprietor posts a deposit

with the board in an amount that the board determines to be sufficient to ensure performance of the proprietor's obligation to make the required improvements within the time specified. Regardless of the deposit amount, the actual cost to complete all of the improvements remains the responsibility of the proprietor or its surety agent.

(3) The deposit required under subsection (2) shall be in the form of cash, a certified check which the board shall promptly convert to cash, or an irrevocable letter of credit, as selected by the proprietor, or a surety bond as prequalified by the state transportation department and acceptable to the board. Any surety bond shall be underwritten by a surety acceptable to the board.

(4) The board shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(5) The board shall reject a final plat isolating other lands of the proprietor within or adjoining the plat from existing public streets or roads unless the proprietor provides suitable access by easement or suitable access dedicated to public use.

(6) As used in this section, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 122, Imd. Eff. May 28, 2004 ;-- Am. 2006, Act 336, Imd. Eff. Aug. 15, 2006

Popular Name: Plat Act

Popular Name: Subdivision Control

State of Michigan Land Division Act 288 of 1967 - Change street name

560.256 Opening, vacating, extending, widening, or changing name of street or alley; recording certified copy of ordinance or resolution; copy to state treasurer.

Sec. 256.

Subject to the restrictions prescribed in section 255a, when the governing body of a municipality by resolution or ordinance opens or vacates a street or alley or a portion of a street or alley, or extends, widens, or changes the name of an existing street or alley, the clerk of the municipality within 30 days shall record a certified copy with the register of deeds, giving the name of the plat or plats affected, and shall send a copy to the state treasurer. Until recorded, the ordinance or resolution shall not have force or effect.

Bern Drive Photos

The following photos were taken about 8:30AM on May 2, 2010, shortly after the heavy rain storms ended that occurred overnight. The photo series starts at the north end of Bern Drive.



This northerly facing photo was taken positioned in front of the truck in next photo.

Swiss Alpine #3 plat ends at the curve.

A home and garage is located at the east in this photo.

Figure 1



Photo facing north. Swiss Alpine #3 plat ends at the curve.

Home on the West side of Bern Road, with no alternative access

The truck is positioned on the emergency access easement referenced on Page 5.

Figure 2



Lakefront home on the East side of Bern Road, with no alternative access

Figure 3



Lakefront home on the East side of Bern Road, with no alternative access

Figure 4



Lakefront home on the East side of Bern Road, with no alternative access

Figure 5



This home on the East side of Bern Road has alternative access only because the property owner purchased the parcel behind this home. If the owner decides to sell the adjacent lot, then no alternative access is available.

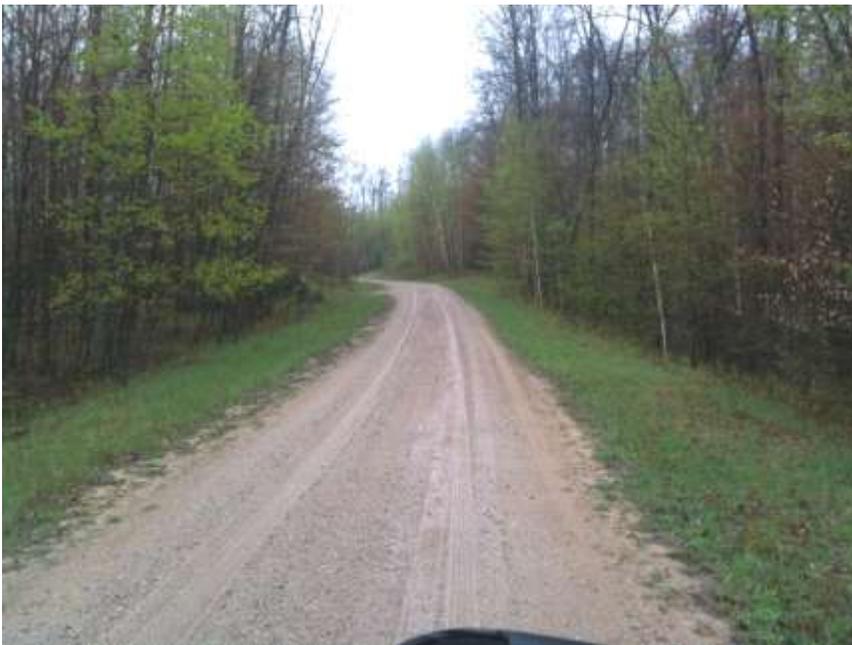
Figure 6



This is a southward view of Bern Road with Horseshoe Lake to the left.

This area of the road was raised significantly in the 1990's due to a significant rise in lake level.

Figure 7



About 30-40' on both sides of the road may need minor brushing activity to restore road to ditch width.

Figure 8



About 40-50' on both sides of the road may need minor brushing activity to restore road to ditch width.

Figure 9



Two or Three trees on the east side of the road may need removal to restore ditch width.

Figure 10



About 25-30' on the west side of the road may need brushing activity to restore road to ditch width.

Figure 11



This section of road washed out frequently due to inadequate road pitch or poorly placed ditch.

It should be noted that OCRC maintenance in this area May 19th resulted in not optimal but a dramatic improvement.

Figure 12



Minor brushing along the sides of this road will be needed to restore road to proper width at ditch line.

The bottom of this valley is probably the worst part of the road. This area collects significant amounts of water during heavy rainfall.

This valley was flooded over following the storms of 2008.

Figure 13



A close-up look at the bottom of the valley. Gravel no much higher than culvert pipe.

OCRC maintenance in this area May 19th resulted in a proper well drained road surface.

Figure 14



Damage to culvert pipe requiring repair or replacement prior to placement of gravel on roadbed.

Figure 15



A southward view of the road from the culvert pipe pictured above.

This part of the road will need brushing activity to restore road to existing ditch width. The over growth prevents road surface from evaporation after rainfall.

Figure 16



Minor brushing along this section may be needed to restore road to ditch width.

Figure 17



Minor brushing along this section may be needed to restore road to ditch width.

Figure 18



About 40-50' on both sides of the road may need minor brushing activity to restore road to ditch width.

Figure 19



Minor brushing along this section may be needed to restore road to ditch width.

Birch stand at far end of road are in the in the next photo for closer analysis.

Figure 20



About 75-100' of brushing along this section may be needed to restore road to ditch width.

Figure 21



Some brushing activity was performed by Swiss Alpine members in 2009 along this section of road.

Figure 22



Northerly view of the
previous section of road.

Figure 23