

BERRIEN COUNTY ROAD COMMISSION

VACATING OF COUNTY ROAD

If there shall be a building of any character abutting the portion of the highway sought to be discontinued:

1. Then the proceedings shall be initiated upon written petition of seven (7) or more freeholders of the township in which said road is sought to be absolutely abandoned.

The Petition shall:

- a. Describe the road in general terms or by name by which it is known.
 - b. If the absolute abandonment of any portion of such road is asked for, such portion shall be specified.
 - c. Shall be accompanied by a true and correct list of the mailing addresses of the occupants of each parcel of land abutting the highway, which list shall be certified to under oath by one or more of such persons making the Petition.
2. Within twenty (20) days after receiving the Petition, the Road Commission shall determine the advisability of such abandonment and discontinuance, and either grant or deny the Petition.
 3. If the Petition contains the names of all property owners abutting the highway, no further proceedings are necessary.
 4. If the Petition does not contain the names of all owners abutting the highway, then the Commission shall within twenty (20) days after receiving such Petition, issue a written notice stating the object of such Petition, appointing a time and place of hearing, which notice shall be served upon the owners of record and occupants of lands adjoining the portion of the road sought to be discontinued. Service of such notice will be by first class mail, addressed to the owner of occupant's last known residence at least ten (10) days before the time of hearing, and also by posting the same in three (3) public places in the township in which the road is situate, and by publishing the same in a newspaper circulated within the county ten (10) days before the hearing. Person making such service shall make and annex to the copy of the notice an affidavit stating the time and manner of service, and there should be an affidavit of publication from the newspaper, which affidavit should be attached to the Petition.

II.

If there are no buildings of any character abutting the highway about to be discontinued:

The board by a majority vote, may vote to absolutely discontinue the highway. After so voting, a notice of determination shall forthwith be given by the Clerk of the Commission to the Highway Commissioners of each township and the highway authorities of each city or village in which said road or any part thereof it situate, and shall also publish a notice of such determination in a newspaper printed and circulated in the county once each week for three successive weeks. Following the giving of such notice, an affidavit by the person giving the notice should be made and filed in the records of the Road Commission.

BERRIEN COUNTY ROAD COMMISSION

CERTIFICATION

To the Board of County Road Commissioners of the County of Berrien:

I, _____ of the Township of _____, Berrien County, Michigan, CERTIFY that the names and mailing addresses of the owners and occupants of each parcel of land abutting the portion of

_____ in the Township of _____, Berrien County, Michigan, sought by the within petition to be absolutely abandoned and discontinued, reserving easements for existing public utilities are as follows:

| <u>NAME (Type or Print)</u> | <u>ADDRESS</u> |
|-----------------------------|----------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Dated: _____
State of Michigan, County of Berrien

_____, of the Township of _____, Berrien County, Michigan being duly sworn, says, that he is a freeholder of said Township and is one of the persons who executed the attached Petition, and that he knows of his knowledge and DOES HEREBY CERTIFY that the foregoing are the names and mailing addresses of the owners and occupants of parcel or land abutting that portion of _____ sought to be absolutely abandoned and discontinued by the attached Petition.

Subscribed and sworn to before me, a Notary Public in and for the County of Berrien, State of Michigan, this _____ day of _____ year of _____.

NOTARY PUBLIC, Berrien County, Michigan
My Commission Expires:

