

Understanding Road Right-of-Way

for Ottawa County

Road Commission and Township Collaboration

2012

County Road Right-of-Way

Where, What, and Why

All county roads are located on land that is referred to as road right-of-way.

The width of the county road right-of-way can vary a great deal. However, the general rule of thumb is that the road right-of-way is 66 feet wide, approximately 33 feet on both sides of the center of the road.

There are instances where the

road centerline does not match the center of the road right-of-way. It is advisable to utilize a surveying or engineering firm to determine the actual width and location of the road right-of-way.

The road right-of-way is intended for all county road, pedestrian facility, and public utility purposes.

Establishment of Road Right-of-Way

- *Statutory*
- *Deed*
- *Plat Dedication*
- *10 Year Period of Use*
- *Condemnation*

Right-of-Way Regulation

Authority and Responsibility

The Road Commission has the responsibility to maintain roads in “reasonable repair so that it is reasonably safe and convenient for public travel.”

Regulation and control of activities and work in the county road right-of-way is necessary to provide efficient

and safe operations of the county road system.

Public Act 283 of 1909 requires a permit from the Road Commission to construct, operate, maintain, or remove any facility or perform any other work within the road right-of-way.

Statutory

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The **McNitt Act** and other legislation established or transferred easements for road and public utility use.

Deeded

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Deeds are recorded documents that transfer property in fee, interest, or provide easement rights.

Plat Dedication

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Plats are maps recorded by the State to establish right-of-way and lots within a subdivision.

10 Year Period of Use

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A right-of-way is established if there has been some type of public use or maintenance within a ten year period.

Condemnation

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Public Act 352 of 1925 provides for the purchase and condemnation of private property for public highway purposes.

Right-of-Way Use

Public Purpose

Within a typical road right-of-way, some of the following public facilities can be found:

The driving surface, roadside shoulders, road and county drainage systems, aerial and underground public utilities, sidewalks or non-motorized paths, and traffic signs and signals.

Property owners are allowed to install a mailbox within the road right-of-way. However the mailbox and post shall meet the guidelines of the Road Commission and U.S. Post Office.

All non-approved objects placed within the road right-of-way are considered encroachments.

Master Planning

Township Collaboration

The Road Commission has established right-of-way widths for planning purposes related to long term growth and development.

Primary Roads are planned to be 120 feet in width.

Local Roads are planned to be 100 feet to 86 feet in width depending on the traffic volumes.

Subdivision Streets still have a planned 66 feet width.

Many townships have adopted or utilize the above right-of-way widths as a guide for developments to plan for proper building setbacks and future infrastructure improvements.

Encroachments



Public Act 368 of 1925, prohibits the placement of any object, except authorized mailbox mountings, within the county road right-of-way unless that object is permitted by the Road Commission.

In many instances, property owners or contractors place fences, rocks/boulders, trees/shrubs, earthwork, or other objects within the road right-of-way as a measure of improving landscape.

However, these fixed objects often become hazards to errant motorists, vision obstructions, or interfere with road and public utility improvements and are subject to removal from the road right-of-way.

Cooperation in keeping the road right-of-way free of all potential hazards is much appreciated.

Permit to Work in the County Road Right-of-Way

An individual or organization who desires to perform work in the county road right-of-way must secure a permit that authorizes the activity. Some examples of work that typically require a permit are:

- *Adding or improving a driveway approach*
- *Adding, improving, or maintaining a public or private utility*
- *Adding or improving a sidewalk or non-motorized path*
- *Adding storm water to or improving a roadside drainage system*
- *Surveying and other engineering operations*
- *Placing a banner, decoration, or similar object*
- *Closing a section of road for a parade, celebration, festival, demonstration, or similar activity*
- *Grading or excavation, landscaping, tree planting, tree trimming or tree removal*
- *Any construction activity that impacts storm water runoff into or around county road right-of-way*

For more information, please contact the Road Commission.