

Dear members and concerned Riparians,

You have requested that a form be developed for associations to express their concerns to their legislators regarding Road Ends.

Your Lake Association should pass the resolution and your association secretary should fill it out and send it to your respective Representative and Senator from your area.

Thank you,
Bob Frye

Michigan Waterfront Alliance, President

(Pdf form –attached-shown here)

_____ LAKE Association
_____ COUNTY, Michigan

WHEREAS, there are a number of public roads which end or terminate at inland lakes in Michigan; and

WHEREAS, such road ends tend to be narrow, lack public facilities, and often have difficult terrain, such that they make lousy marinas and poor places for the permanent or overnight mooring, anchoring, or storing of a boat; and

WHEREAS, placing a marina or allowing extensive dockage and the permanent mooring or anchoring of high-powered boats not only crowds out favored activities for road ends (such as swimming and fishing), but also presents a safety hazard to other users of a road end as well as those using nearby lake properties; and

WHEREAS, road ends at lakes have been used improperly (and in some cases, unlawfully) by some back lot property owners in the past, which has created severe problems; and

WHEREAS, certain back lot property owners have lobbied for special interest legislation which would allow floating marinas at road ends at inland lakes in Michigan, which culminated in the passage of House Bills 4463 and 4464 in the Michigan House of Representatives during June of 2007; and

WHEREAS, that proposed legislation has many problems associated with it, including, but not limited to, the following:

1. The road ends are too small—they make lousy marina sites -- they would be very unsafe.
2. The legislation is opposed by the DEQ, the Michigan Townships Association, the Michigan Attorney General's office, etc.
3. Attorney General Cox recently issued opinion # 7211 concluding that such legislative changes as proposed in HB 4463 could infringe on property rights and expose municipalities to takings claims.
4. It will simply breed more new litigation.
5. The bills would reward past law-breaking.
6. There will be numerous conflicts with nearby and adjoining riparian users.
7. It would overturn over a century of Michigan case law (and the need for certainty in real property law, which is especially important).
8. The proposed legislation is poorly drafted and contains many loopholes.
9. It would constitute bad public policy.
10. The road end marinas would "crowd out" and effectively preclude fishing, swimming, etc.
11. Local governments (particularly townships) would become even more entangled in road end disputes; and

WHEREAS, the _____ Lake Association feels strongly about this matter, is opposed to the backlotter's proposed legislation (including any variation thereof), and believes that road ends should be left free of clutter and obstacles and that extensive dockage and overnight or permanent boat mooring should not be allowed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The _____ Lake Association opposes any legislation which would allow any public road end at an inland lake in Michigan to be used as a marina or for extensive dockage, shore stations, and/or permanent or overnight boat mooring, anchoring, or storage.
2. The _____ Lake Association urges its representatives in the Michigan Senate and Michigan House of Representatives to strongly oppose not only the current version of the back lotter's road end bills, but any variation thereof or any future proposed legislation which would in any fashion permit marinas at public road ends or allow extensive dockage, any shore stations, or permanent or overnight boat mooring, anchoring, or dockage at road ends.

Certification

I hereby certify that the above Resolution was adopted by the Board of Directors for the _____ Lake Association at a meeting duly held on _____, 200__.

Respectfully submitted,

By _____, Secretary of the _____ Lake Association