

STATE OF MICHIGAN
COURT OF APPEALS

LEON V. BONNER and MARILYN E. BONNER,

Plaintiffs-Counter-Defendants-
Appellants,

v

CHARTER TOWNSHIP OF NORTHVILLE,

Defendant-Cross-Defendant-
Appellee,

and

JEFFREY SNYDER and THERESA SNYDER,

Defendants-Counter-Plaintiffs-
Cross-Plaintiffs-Appellees,

and

LONDECO, INC.,

Defendant.

UNPUBLISHED
February 27, 2001

No. 219429
Wayne Circuit Court
LC No. 95-529212-CH

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Plaintiffs appeal as of right the circuit court order dismissing this action based on a settlement agreement. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This case concerns a dispute over a portion of vacated road located between property owned by plaintiffs and defendants Snyders. Northville Township sold the property to the Snyders after plaintiffs declined to purchase a share of the road. Plaintiffs brought this action asserting that as a matter of law they were the owners of a portion of the property, up to the centerline of the abandoned road.

The parties reached a settlement of the action, which was reduced to a handwritten document signed by the parties. The parties were unable to agree to final settlement documents.

The trial court construed the written document, and determined that a settlement was reached. Plaintiffs assert that the court erred in ignoring the settlement, as reflected in attorneys' statements on the record.

The trial court did not err in interpreting the provisions of the written agreement. The agreement was ambiguous as to the width of the license granted to plaintiffs. The trial court determined as a question of fact that the parties intended the width to be sufficient to allow truck access, and that the necessary width was twenty-two feet. *Port Huron Education Ass'n v Port Huron Area School Dist*, 452 Mich 309, 323; 550 NW2d 228 (1996). The statement of plaintiffs' counsel at the hearing did not constitute a stipulation, and the trial court was not bound by it.

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell