

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

BEAR LAKE TRADING CO.,

Plaintiff-Appellee,

v

DAVID L. ERICKS, KATHERINE A. ERICKS,  
PETER TANKE, MARY TANKE, JAMES E.  
MORRIS, CHRISTINA L. MORRIS, MICHAEL  
LONGO, KAREN S. LONGO, JOSEPH P. SEFCIK,  
ANN J. SEFCIK, JAMES R. JOHNSON, RUTH A.  
JOHNSON, and WALLOON LAKE FOURTH  
STREET DOCK ASSOCIATION,

Defendants-Appellants,

and

GENEVIEVE HUNTER, JOHN R. WILLIAMS,  
LAVINA S. WILLIAMS, HAROLD L. KARNER,  
JOAN A. KARNER, HARRY B. NELSON,  
GEORGE STUBBS, and CHARLEVOIX COUNTY  
BOARD OF ROAD COMMISSIONERS,

Defendants,

and

MELROSE TOWNSHIP and CHARLEVOIX  
COUNTY ROAD COMMISSION,

Defendants-Appellees.

---

Before: Whitbeck, P.J., and Jansen and Davis, JJ.

PER CURIAM.

Defendants-appellants appeal as of right from the trial court order granting plaintiff Bear Lake Trading Company's motion for summary disposition under MCR 2.116(C)(10). We affirm. We decide this case without oral argument pursuant to MCR 7.214(E).

UNPUBLISHED  
February 26, 2008

No. 276725  
Charlevoix Circuit Court  
LC No. 05-001421-CH

## I. Basic Facts And Procedural History

The parties agree on the basic facts of this case. The subdivision known as Watson's Addition to Talcott was platted and the roadways were dedicated for public use in 1897. In 1940, the Charlevoix County Road Commission passed a resolution certifying that Fourth Street was a public street and was used for at least three months a year. This resolution included a map in which the streets identified as certified county roads were marked in green.

Fourth Street dead-ends into Walloon Lake. Defendants have apparently maintained a dock at the end of the street for many years. Bear Lake Trading Company requested that the trial court grant declaratory relief declaring that Fourth Street is a public road and that defendants do not have a right to keep a dock at that location. Bear Lake Trading Company filed a motion for summary disposition. After a hearing on the motion, the trial court granted summary disposition in favor of Bear Lake Trading Company, concluding that the 1940 resolution constituted sufficient acceptance of the road at issue.

## II. Acceptance

### A. Standard Of Review

Defendants' sole argument on appeal is that the road at issue, Fourth Street, was not validly accepted because there was no affirmative act of acceptance in addition to the 1940 resolution of the Charlevoix County Road Commission. We review de novo a trial court's grant of summary disposition.<sup>1</sup>

### B. Legal Standards

To validly accept land designated for public use, a governmental authority must publicly accept or confirm the offer, or exercise authority over the land through improvement or regulation.<sup>2</sup>

### C. Applying The Standards

Here, there was a McNitt Act<sup>3</sup> resolution of the county road commission that indicated that Fourth Street was a certified public road. In this regard, a McNitt resolution, by itself, is enough for acceptance when it expressly identifies the road.<sup>4</sup> Fourth Street was specifically identified by its inclusion on the color-coded map attached to the resolution. Therefore, the 1940

---

<sup>1</sup> *Tillman v Great Lakes Truck Ctr, Inc*, 277 Mich App 47, 48; 742 NW2d 622 (2007).

<sup>2</sup> *Kraus v Dep't of Commerce*, 451 Mich 420, 424; 547 NW2d 870 (1996).

<sup>3</sup> 1931 PA 131, repealed by 1951 PA 51, § 21.

<sup>4</sup> *Kraus, supra* at 427-430.

resolution constituted a valid acceptance of Fourth Street as a public road. No further action was necessary for the county to accept the road.

Affirmed.

/s/ William C. Whitbeck

/s/ Kathleen Jansen

/s/ Alton T. Davis