

ACTION ALERT—THE DISASTROUS PARALLEL ROAD DECISION

On June 23, 2009, Michigan Court of Appeals issued an almost unbelievable decision in the case of *2000 Baum Family Trust v Babel*, _____ Mich App _____ (2009) (Case No. 284547). The case involved so-called “parallel” public roads which run along the shores of lakes in throughout Michigan which were created by plat dedication. Although the long standing case law for over a century had held that the first tier of lots on such a public road opposite the lake are riparian or lake front properties (with rights of dockage, boat mooring, etc.), the Michigan Court of Appeals has now obliterated that prior precedent, which will likely affect tens of thousands of lots throughout Michigan.

If this decision is not overturned by the Michigan Supreme Court, the results for many landowners who were previously riparian in lake communities throughout Michigan could be disastrous. The value of such first tier lots will likely plummet, as will property taxes for those lots. The sanctity of real estate and real property law will be undermined. County road commissions will be under significant pressure to allow installation of public docks and boat mooring spaces along such roads and potentially even docks and boat hoists for backlot property owners. If the decision is not overturned, it will likely pit neighbor against neighbor, property owners against the county road commissions, local governments against road commissions and similar battles.