

The Cottage and Lakefront Living Show

“Waterfront Property – Ask the Attorney”

The Grand Center/DeVos Place, Grand Rapids, Michigan

March 25 - 27, 2011

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I. Definitions

- A. *Littoral* – Technically, lands that touch a lake are called “littoral.”
- B. *Riparian* – Originally, this referred only to lots or parcels with frontage on a flowing body of water such as a river, creek, or stream. However, the word “riparian” is commonly used for any lot or parcel on any body of water (lakes, as well as rivers, streams, and creeks).
- C. *Watercourse* – A flowing body of water.

II. What are riparian rights?

Specifically, anyone who owns a riparian (waterfront) property has a wide variety of property and usage rights, including the following:

- Dock or pier usage and ownership
- Permanent boat mooring
- Fishing
- Swimming
- Boating, sailing, skiing, etc.
- Ice fishing
- Drawing water from the lake
- Lounging and sunbathing
- Picnicking
- Pedestrian use
- General ownership and control of the bottomlands

III. The *reasonable use/riparian rights doctrine*

This is a common law rule that one riparian property owner cannot use his/her waterfront property in a way that would unreasonably interfere with the usage rights of another riparian/waterfront property owner.

IV. Bottomlands and shoreline ownership

- A. The Great Lakes
- B. Inland lakes (see Exhibit A)

V. Lake access properties for offlake landowners (see Exhibit B)

- easements
- road ends
- parallel roads
- parks
- walkways

VI. The usage rights of the public

A. The Great Lakes

- swimming
- fishing
- boating
- walking along the shore

B. Inland lakes

- use of the surface of the lake (swimming, fishing, boating, etc.)
- temporarily mooring and anchoring
- temporary/day dockage
- no right to trespass on the bottomlands or dry land of another without permission

VII. Altering the waterfront

A. Examples

- a permanent dock
- a retaining/seawall
- dredging
- buoys/water ski platform

B. Government approvals

1. Local city, village, or township regulations
2. State of Michigan
3. U.S. Army Corps of Engineers

VIII. Buying and selling lakefront property

IX. *The Michigan Riparian* magazine (Exhibit C)

The only magazine in Michigan devoted exclusively to lakefront properties and related issues. The magazine comes out four times a year. The one-year subscription rate is \$10.00.

The website for the magazine is www.mi-riparian.org. You can obtain a subscription form on the website or use the attached form.

X. The Michigan Lake & Stream Associations, Inc. (“ML&SA”)

ML&SA is the largest group in the state of Michigan representing waterfront property owners. In addition to its annual convention, ML&SA holds regional seminars regarding lake issues throughout the state. ML&SA’s website is phenomenal and can be found at www.mlswa.org.

XI. Cliff Bloom’s lakefront websites

For a wealth of information regarding lake issues, as well as copies of Cliff Bloom’s articles and papers about lakes and streams in Michigan, please visit www.riparianexpert.com.

XII. The book “Lake Associations – the Nuts and Bolts” (Exhibit D)

This ML&SA publication is only \$15.00 (plus postage). The order form is attached or you can use the form at www.mlswa.org.

CLIFFORD H. BLOOM, RIPARIAN EXPERT

Cliff Bloom is one of the foremost experts on water and riparian law in Michigan. In addition to his regular column in *The Michigan Riparian* magazine, Cliff is legal counsel for the Michigan Lake & Stream Associations, Inc., as well as co-counsel for the Michigan Waterfront Alliance.

Over the years, Cliff Bloom has represented dozens of lake associations and other property owners groups throughout Michigan. He has lectured extensively on riparian and water law issues, not only for the Michigan Lake & Stream Associations, Inc., but also for the Michigan Townships Association and other groups. He has written extensively about lakes, water/riparian law, and related issues. Many of his articles can be found at www.riparianexpert.com. In addition, Cliff authored the ML&SA publication entitled *Michigan Lake Associations—the Nuts and Bolts*.

Cliff Bloom also represents a number of municipalities (including townships) throughout West Michigan. Many of those municipalities have lake and stream issues.

Cliff lives with his family on a lake in eastern Kent County.

EXHIBIT A

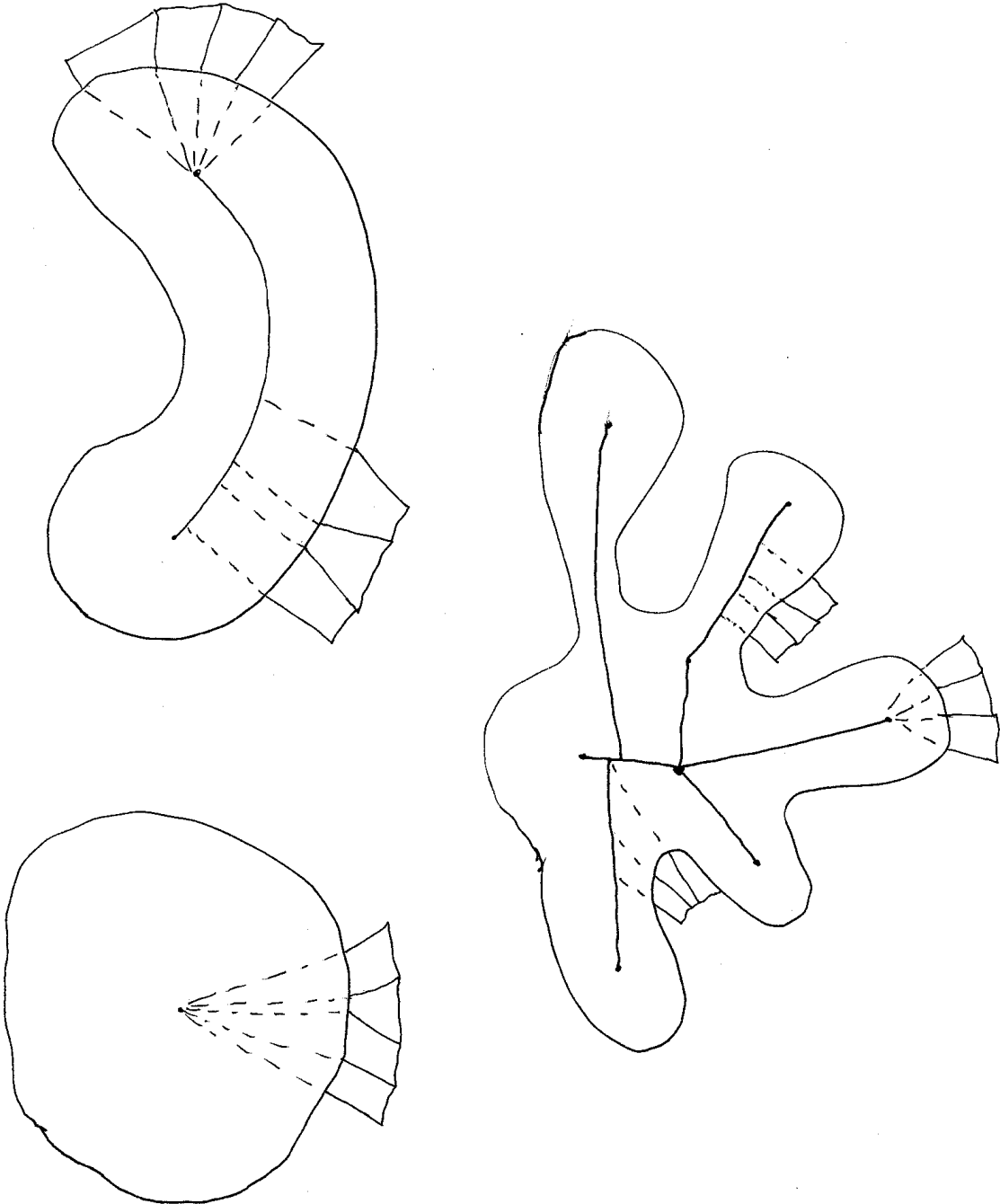


EXHIBIT B

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3/2-1/25

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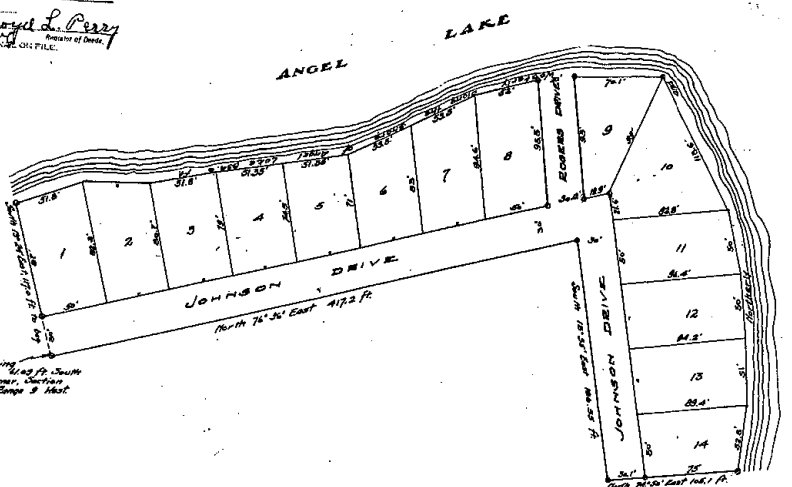
ANGEL LAKE PARK
 Sec 17, Oakfield Township, Kent County Michigan
 SURVEYED & PLATTED BY WILLIAMS & WORKS CIVIL ENGINEERS & SURVEYORS
 JANUARY 1924

Examined
 May 25-1925
 W. S. Sherry
 Notary Public

Recorder's Office
 Kent County, Mich.
 Plat of
 Angel Lake Park
 Made this 17th day of
 May, A.D. 1924, at
 17 o'clock
 P.M.
 at
 Grand Haven, Mich.
 by
 Lloyd L. Perry
 Surveyor

I HEREBY CERTIFY THAT THIS COPY IS
 A TRUE COPY OF THE ORIGINAL AS
 FORWARDED TO THE RECORDER OF
 KENT COUNTY, MICHIGAN
 May 17-1925
 W. S. Sherry
 Notary Public

FILED IN AUDITOR GENERAL'S DEPT.
 May 27-1925
 J. S. Thurston
 DEPUTY REGISTER GENERAL



Place of beginning
 84.65 ft East and
 62.07 ft South
 of the West 1/4 Corner, Section
 17, Town 3 North, Range 3 West

DEDICATION

The land embraced in the annexed plat of "Angel Lake Park,"
 Section 17, Oakfield Township, Kent County, Michigan, is described as follows:
 Commencing 84.65 ft East and 62.07 ft South of the West 1/4 Corner, Section
 17, Town 3 North, Range 3 West, Thence North 76° 34' East 1172 ft, Thence South 13° 24'
 East 1170 ft, Thence North 76° 34' East 1171 ft, Thence North and West
 along the shore of Angel Lake, 634.6 ft, thence South 13° 24' East 1170 ft to
 beginning.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein delineated is a correct one, and
 that permanent monuments consisting of three quarter inch (3/4") gas pipes,
 two feet (2') long, have been placed at all points marked thereon,
 indicated at all angles in the boundaries of land platted, and at all inter-
 sections of drives.
 All measurements are in feet and decimals thereof.
 J. D. Williams
 Registered Surveyor

DEDICATION

Know all men by these presents that I, Jesse L. Johnson, single, as
 proprietor, have caused the land embraced in the annexed plat to be surveyed,
 laid out, and platted, to be known as "Angel Lake Park," Section 17,
 Oakfield Township, Kent County, Michigan, and that the drives as shown on
 said plat are hereby dedicated to the use of the public.
 Signed and sealed
 in the presence of
 Wm. E. Thurston
 Jesse L. Johnson
 J. D.

CERTIFICATES OF APPROVAL

This plat was approved by the Township Board of the Township of Oakfield
 at a meeting held the 22 day of Sept. 1924.
 J. S. Thurston
 This plat was approved by the Board of Auditors of the County of Kent
 at a meeting held the 1 day of June 1924.
 J. S. Thurston

NOTARY'S CERTIFICATE

State of Michigan
 County of Kent
 On this 17th day of May, 1924, before me a Notary Public in
 and for said County, personally came the above named Jesse L. Johnson,
 known to me to be the person who executed the above dedication, and
 acknowledged the same to be his free act and deed.
 J. S. Thurston
 Notary Public

TAX CERTIFICATE

OFFICE OF KENT COUNTY TREASURER
 No 2346
 I hereby certify that there are no tax liens or titles held by the State, on
 the lands described below, and that there are no tax liens or titles held by in-
 dividuals on said lands for the five years preceding the 1st day of Jan. 1924,
 and that the taxes for said period of five years, are paid, as shown by
 the records of this office.
 This certificate does not apply to taxes now in process of collection
 by Township, City or Village collecting officers.
 J. S. Thurston
 Commencing 84.65 ft East and 62.07 ft South of the
 west 1/4 Cor. Sect. 17, Twp. 3, N. Range 3 West, Thence N. 76 degrees 34' East
 1172 ft, thence S. 13° 24' East 1170 ft, thence N. 76° 34' East 1171 ft,
 thence N. 76° 34' East along the shore of Angel Lake 634.6 ft, thence S. 13° 24'
 East, 1170 ft to beginning.
 J. S. W. CLARK
 County Treasurer.

5X 07
6/24/16

Checked and Approved
James R. 27-1916
Geo. L. Haines
County Auditor General

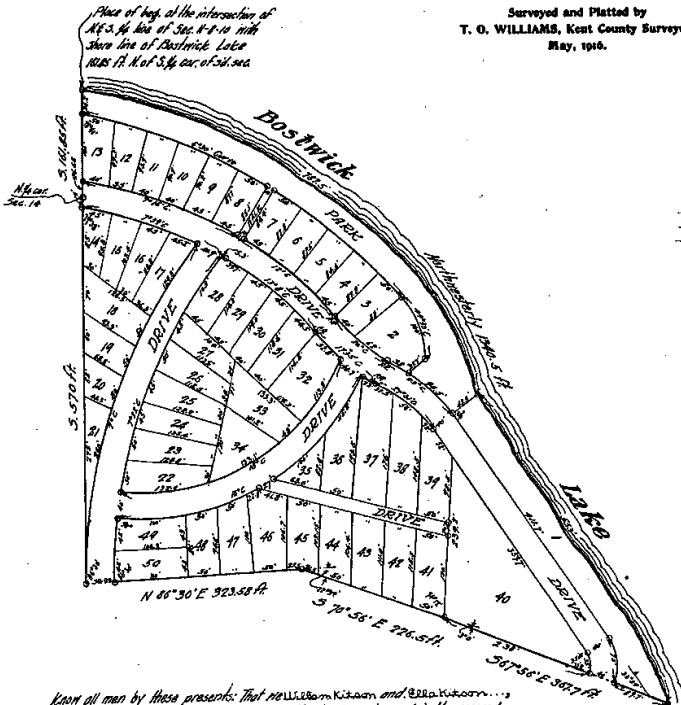
4034

BOSTWICK LAKE PARK

Cannon Township, Kent County, Michigan.

Surveyed and Platted by
T. O. WILLIAMS, Kent County Surveyor,
May, 1916.

Scale: 1 in. = 100 ft.
All measurements are in feet
or decimals thereof.



Office of County Treasurer,
Kent County,
Grand Rapids, Mich., June 22, 1916.
I hereby certify that there are no tax liens or titles held by the State on the lands described below, and that there are no tax liens or titles held by individuals on said lands, for the five years preceding the 22nd day of June, 1916, and that the taxes for said period of five years are paid, as shown by the records of this office.
This certificate does not apply to taxes, if any, owing proceeds of taxation by township, city or village collecting officers.
Description:
Commencing on the N & S 1/4 line of Sec. 14, T. 10 N., R. 10 W. at its intersection with the shore line of Bostwick Lake 16.55 ft. N. of S 1/4 cor of said Sec. 14, S. 161.85 ft. to the S 1/4 cor. ad. sec., th. S. on the N & S 1/4 line of Sec. 14, T. 10 N., R. 10 W. 370 ft. th. N. 66° 30' E. 223.58 ft. th. S 70° 55' E. 226.5 ft. th. S 47° 55' E. 387.7 ft. to the S 1/4 shore of Bostwick Lake, th. N. th. along waterline of said lake 1344.5 ft. to beg.
Eugene F. Smith,
County Treasurer.
per Geo. A. Riley, Dep.

Know all men by these presents, that William Kizoon and Ella Kizoon, his wife, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as Bostwick Lake Park, Cannon Township, Kent County, Michigan, and that the drives, walks and parks as shown on said plat are hereby dedicated to the use of the public.
Signed and sealed in presence of

William Kizoon [LS]
Mrs. Ella Kizoon [LS]
Mrs. Simon P. Hennis
Mrs. Estelle Hennis

State of Michigan } ss
County of Kent }
On this 27th day of June, A.D. 1916, before me a Notary Public in and for said county, appeared William Kizoon and Ella Kizoon, his wife, whose personal knowledge, who being each by me duly sworn did say that they are the persons who signed the above dedication and acknowledged the same to be their free act and deed.
William R. Joyce
Notary Public, Kent County, Michigan
My commission expires June 1, 1919.

The land embraced in the annexed plat of "Bostwick Lake Park" is described as follows: Commencing on the N & S 1/4 line of Sec. 14, T. 10 N., R. 10 W. at its intersection with the shore line of Bostwick Lake 16.55 ft. N. of the S 1/4 cor. of said Sec. 14, thence S. 161.85 ft. to the S 1/4 cor. ad. sec., thence S. on the N & S 1/4 line of Sec. 14, T. 10 N., R. 10 W. 370 ft. thence N. 66° 30' E. 223.58 ft., thence S 70° 55' E. 226.5 ft., thence S 47° 55' E. 387.7 ft. to the S 1/4 shore of Bostwick Lake, thence N. th. along water line of said lake 1344.5 ft. to beg.

I hereby certify that the plat herein delineated is a correct one, and that permanent monuments consisting of gas pipe boxes have been placed at points marked thus "x" as shown, and of all angles in the boundaries of the land platted and also intersections of streets and drives.
T. O. Williams, Surveyor

This plat was approved by the Township Board of the Township of Cannon at a meeting held June 22, 1916.
Wm. P. Joyce, Township Clerk. (LS)

This plat was approved by the Board of Auditors of the County of Kent at a meeting held June 21, 1916.
W. P. Wolf, Chairman
E. C. Woodward, Secy.

Piled St. Auditor General's Dep't
James R. 27-1916
Geo. L. Haines
County Auditor General

Notary Public
Kent
Bostwick Lake Park
June 27-1916
Hugh H. Montgomery



I hereby certify that this copy is a true and correct copy of the original as shown to me by the County Auditor General.
James R. 27-1916
Geo. L. Haines
County Auditor General

FILED IN RECORDS
April 17-1915
Charles H. Hansen

MYER'S LAKE PARK

COURTLAND TOWNSHIP, KENT COUNTY, MICHIGAN.

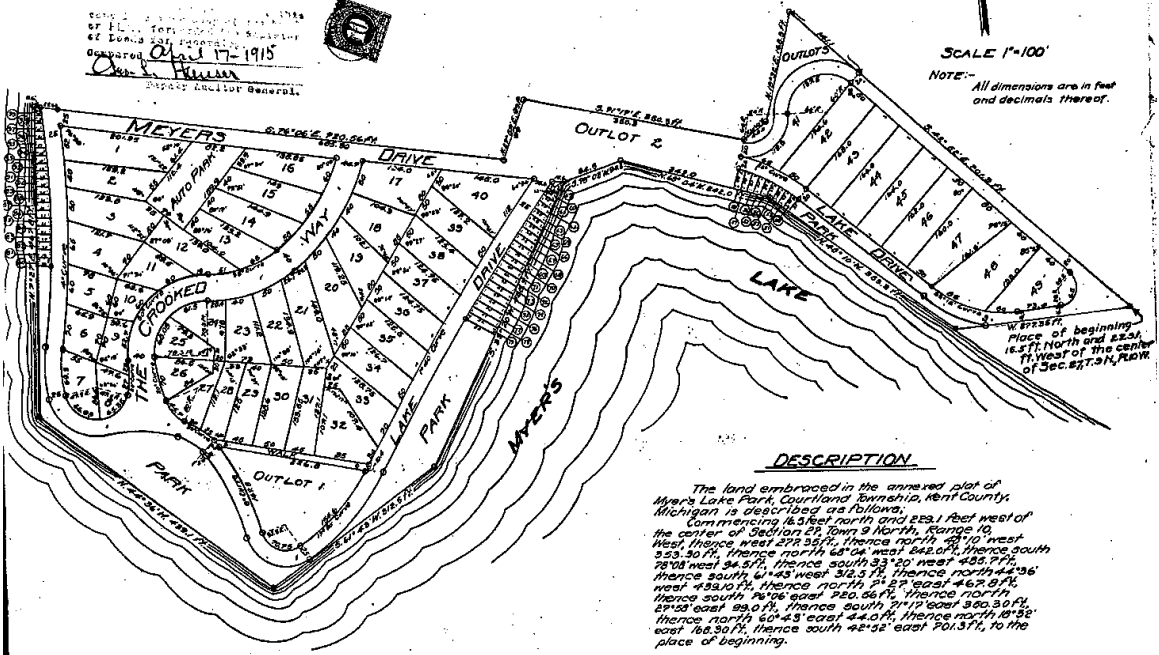
Surveyed and Platted by T. O. WILLIAMS, Kent County Surveyor.
July, 1914.

Filed in Auditor General's Office
April 20-1915
Charles H. Hansen
Deputy Auditor General

FILED IN RECORDS
April 17-1915
Charles H. Hansen
Deputy Auditor General



SCALE 1"=100'
NOTE: All dimensions are in feet and decimals thereof.



DESCRIPTION

The land embraced in the annexed plat of Myers Lake Park, Courtland Township, Kent County, Michigan is described as follows:
Commencing 1/2 mile north and 221 feet west of the center of Section 23, Town 3 North, Range 10, West, thence west 272.35 ft., thence north 20 1/2 west 253.30 ft., thence north 60° 04' west 242.07 ft., thence south 78° 08' west 94.57 ft., thence south 33° 30' west 433.77 ft., thence south 61° 43' west 312.5 ft., thence north 44° 36' west 434.07 ft., thence north 71° 22' east 467.07 ft., thence south 81° 06' east 282.65 ft., thence north 62° 53' east 99.0 ft., thence south 71° 12' east 300.30 ft., thence north 60° 43' east 44.0 ft., thence north 10° 53' east 181.30 ft., thence south 22° 58' east 201.5 ft., to the place of beginning.

DEDICATION

Know all men by these presents, that we, Frank A. Fandel and Grace Fandel, his wife and Lee Ray Thomas and Rose E. Thomas, his wife and Frank E. Basset and Maggie E. Basset, his wife, as proprietors have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as Myers Lake Park, Courtland Township, Kent County, Michigan and that the streets, walks and parts as shown on said plat are hereby dedicated to the use of the public.
Signed and sealed in presence of:
George Arnold
Frank A. Fandel, L.S.
Grace Fandel, L.S.
Lee Ray Thomas, L.S.
Rose E. Thomas, L.S.
Frank E. Basset, L.S.
Maggie E. Basset, L.S.

STATE OF MICHIGAN) ss.
COUNTY OF KENT

On this 20th day of February, 1915, before me, a Notary Public in and for said county, personally came the above named Frank A. Fandel, Grace Fandel, Lee Ray Thomas, Rose E. Thomas, Frank E. Basset and Maggie E. Basset known to me to be the persons who executed the above dedication and acknowledged the same to be their free act and deed.
My Commission expires Oct. 13, 1917.

James A. Skinner
Notary Public.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein delineated is a correct one and that permanent monuments consisting of three quarter (3/4) inch gas pipe two feet long have been placed at all points marked thereon as thereon shown at all angles in the boundaries of the land platted and of all intersections of streets or streets and alleys.

T. O. Williams
Surveyor.

CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Township of Courtland, Kent County, Michigan at a meeting held, March 3, 1915.

E. A. Kellogg
Clerk.

This plat was approved by the County Board of Auditors of Kent County, Michigan at a meeting held, April 6, 1915.

Frank J. Cook
Chairman

COUNTY TREASURER'S CERTIFICATE

Office of County Treasurer, Kent County, Grand Rapids, Mich., April 17, 1915. I hereby certify that there are no tax liens or titles held by the State on the lands described above and that there are no tax liens or titles held by individuals on said lands, for the five years preceding the 15th day of April, 1915, and that the taxes for said period of five years are paid, as shown by the records of collection. This certificate does not apply to taxes, if any now in process of collection by Township, City or Village collecting officers. Description: Commencing 1/2 mile north and 221 feet west of the center of Section 23, Town 3 North, Range 10, West, thence west 272.35 feet, thence north 20 1/2 west 253.30 feet, thence north 60° 04' west 242.07 feet, thence south 78° 08' west 94.57 feet, thence south 33° 30' west 433.77 feet, thence south 61° 43' west 312.5 feet, thence north 44° 36' west 434.07 feet, thence north 71° 22' east 467.07 feet, thence south 81° 06' east 282.65 feet, thence north 62° 53' east 99.0 feet, thence south 71° 12' east 300.30 feet, thence north 60° 43' east 44.0 feet, thence north 10° 53' east 181.30 feet, thence south 22° 58' east 201.5 feet, to the place of beginning.

Eugene F. Smith
County Treasurer.

EXHIBIT C



304 East Main Street Stanton, Michigan 48888
Phone: 989.831.5100
Email: info@mi-riparian.org

Subscription Order

Please print

New Subscriber Renewal 1 year subscription 2 year subscription

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Lake Association No. (if known) _____ County _____

Annual subscription is \$10.00 per person for 4 issues per year--**SPRING, SUMMER, FALL AND WINTER**

Annual subscription \$10.00

Amount enclosed _____

Questions? Please contact Sharon Wagner at 989-831-5100 or Roger Carey, Treasurer at 989-588-0538
--

Please allow 4-6 weeks for your first issue to arrive

<p>Mail subscription order along with your payment to:</p> <p>The Michigan Riparian 304 E. Main Street Stanton, MI 48888</p>
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Devoted to the management and wise use of Michigan's lakes and streams
Keep informed to protect your lake—Subscribe to The Michigan Riparian

WS 11

EXHIBIT D

Important New Lake Publication!

Michigan Lake & Stream Associations, Inc. (ML&SA) is pleased to announce the release of its new publication “*Michigan Lake Associations – The Nuts and Bolts*” authored by Grand Rapids attorney Cliff Bloom (legal counsel for *The Michigan Riparian* magazine, ML&SA, and the Michigan Waterfront Alliance). This publication is a well-written, easily understood manual, which includes everything you ever wanted to know about Michigan lake associations. Topics in the booklet include how to form and maintain a lake association, conducting meetings, lobbying local governments, weed treatments, special assessment districts, dues, statutory lake boards and many other association and waterfront issues.

ML&SA is offering this new publication at the incredibly low price of \$15.00 plus \$3.50 S/H (for a total of \$18.50 each). If you order three or more copies, the price is \$12.00 each plus \$3.50 S/H (for a total of \$15.50 each). Questions? Call the office at 989-831-5100.

To order, make payment to **Michigan Lake & Stream Associations** and mail it with the order form to:

**MLSA
306 East Main Street
Stanton, Michigan 48888**

Name (please print): _____

Address: _____
Street or P.O. Box Number

City State Zip Code

Email address: _____

Telephone number: _____

Please select:
___1 book @ **\$15.00** plus \$3.50 S/H = \$18.50
___2 books @ **\$15.00 ea.** plus \$7.00 S/H = \$37.00

Please select:
___3 books @ **\$12.00 ea.** plus \$10.50 S/H = \$46.50
___4 books @ **\$12.00 ea.** plus \$14.00 S/H = \$62.00

Order additional books @ \$15.50 including S/H
___books ordered @ \$15.50 ea. \$_____