

A “Magnificently Convoluted and Contentious” Plat re: Waterfront Property

Thursday, March 26, 2015

Plats continue to be a source of frustration, uncertainty and expense for owners of waterfront property. In *Sims Township v. Arenac County Drain Commissioner*, the *Michigan Court of Appeals* described a "magnificently convoluted and contentious situation" which involved 655 parties. Sims Township filed the lawsuit in 2001 against all those who owned land in the *Wallace Orr Park* subdivision, in an attempt to settle the various disputes among the owners. Those issues included the following:

- The legal status and use of a beach that was described on the plat map but was not the subject of either a private or public dedication. The court held that the description of the area as a beach on the plat map was the functional equivalent of a private dedication.
- The Court held that the existence of the beach between the front tier lots and the shoreline did not deprive those lots of riparian rights.
- The Court reasoned that portions of dedicated areas (or the beach) could be vacated under the Land Division Act, to the extent of existing encroachments, such as seawalls or permanent structures.
- Though dedications create private rights in all those who purchase land in a plat, curiously, the court held that certain plat owners lacked standing to challenge platted areas that were not adjacent to land they owned.

The Sims Township decision is not newsworthy in the sense that it created new law. In fact, because it is an unpublished decision it has no precedential effect. Nonetheless, the case provides cautionary lessons to those who may be considering the purchase of waterfront property.

Because waterfront property has always been coveted, areas around lakes are frequently platted, often in the early part of the last century. Dedicated areas, and even areas described but not dedicated in the plat, may give rise to both public and private rights that are at odds with a purchaser's expectations. These platted areas will likely not be disclosed by walking the property, an appraisal or even a survey. If property is platted there is no substitute for reviewing the plat map and understanding the nature of any private or public rights that might interfere with your expectations.

Last but not least, the *Sims Township* case involved over 650 parties, none of whom decided to file a lawsuit, and lasted 14 years. That should get your attention.

© 2019 Varnum LLP

Source URL: <https://www.natlawreview.com/article/magnificently-convoluted-and-contentious-plat-re-waterfront-property>

VARNUM
ATTORNEYS AT LAW

Article By [Varnum LLP Riparian Rights](#)
[Eric J. Guerin](#)

[Real Estate](#)
[Litigation / Trial Practice](#)
[Michigan](#)