

### **Background on Property Lines in Pentwater Beach Addition No. 4 Plat**

As many DVR members are aware, there are considerable property line discrepancies in the Pentwater Beach Addition No. 4 plat. One significant impact of these discrepancies is that the ground under the roads maintained by DVR is not actually owned by DVR, and the platted ground for roads “owned” by DVR runs through what members consider their property, and in some cases underneath member houses. These discrepancies may become a significant concern when surveys are performed related to property sales/purchases. The discrepancies have also affected how the county/township grant building permits for construction on the lots in the subdivision.

This subdivision plat was originally recorded in 1905 based on a Chicago firm’s layout, which did not take into consideration any of the topography of the land. The plat included the existing Paulina, Helena, Leland, Muskegon and Michigan roads, as well as other roads which have not actually been constructed. In the 1970’s Gil Hebblewhite and partners developed the Duna Vista Resorts and put in the roads currently maintained by DVR. As it turned out, the north-south roads actually constructed did not correspond to the platted roads. There are several interesting theories as to why this deviation occurred.

The actual roads increasingly deviate to the west from the platted roads as one goes south. The deviation of Paulina is particularly large near the Lansing Road end of the Association. This most recently has caused issues for the property owners at the south end of Paulina, with some owner properties not having access to the road, thus limiting their ability to build a house on the property. Over the years, the overall situation has resulted in a variety of disputes on Paulina, Leland, and to a lesser extent Helena, including some lawsuits.

While there have been disputes about the property lines, there have been many successful purchases and sales of lots in the plat over the years which have not been adversely affected by the property lines situation. Buyers, and their financial institutions have been comfortable with the situation. There have been instances where property owners have been required by the county to modify their plans for building structures on their lots to maintain setbacks relative to the platted property lines.

A comprehensive resolution of this situation was devised in 1995 based on a new staked survey of all lots in the subdivision done by Barnett Surveying. A copy of the survey showing a new proposed set of property lines overlayed on the platted property lines is attached. The survey map clearly shows the extent of deviation between actual and platted roads. Unfortunately, this new map was not recorded and implemented at the time. Again, some interesting stories exist as to why it was not implemented. At this point, the county and township are holding to the originally platted property descriptions for tax and building permit purposes.

The impact of DVR roads not being located on ground “owned” by DVR while bothersome is not a severe problem. DVR has been maintaining the roads for so long that DVR has an effectively permanent easement on the property which could be legally defended.

The effort and cost associated with rectifying the property lines situation would be substantial. Changing property lines and associated deed descriptions requires new surveys, and the agreement from each property owner, or a messy lawsuit.

The best the Board can do is to a) inform current and potential future property owners of the situation, and b) encourage over time the mutually agreed upon resetting of property lines between neighboring lot owners.