

# Open Letter From HLPOA – October, 2004

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This letter is in response to some inaccurate and distorted statements regarding the objectives of the Higgins Lake Property Owners Association (HLPOA).

Since 1935, the HLPOA has been involved in efforts to protect, preserve and enhance the environmental quality of Higgins Lake . Our members are lakefront property owners; many of who go several generations back. Yes, we too, remember when there was no differentiation between who lived on the lake or off it. However, the reality of lakefront ownership is that those who own lakeshore property do enjoy certain property rights known as riparian rights. Some lakefront property owners living adjacent to roadends are experiencing an infringement of their property rights. Many have said that they feel obligated to “guard” their lakefront property because of the abuses they have endured.

Our organization develops and funds many activities to preserve the quality of Higgins Lake . Some of those activities include the eradication of Eurasian water milfoil, monitoring water quality, promoting greenbelt practices to prevent shoreline erosion, assisting in the implementation of the Watershed Management Plan, and collaborating with the Higgins Lake Foundation and Huron Pines RC&D on special lake quality improvement projects. Yes, it is true that our organization is one of the most active lake organizations in the state. We have members who are dedicated to preserving the lake and are willing to volunteer their time, skills and money in accomplishing our goals.

Our positions on the following issues are:

Use of public road ends- The HLPOA has been accused of trying to close down the road ends and privatizing the lake for themselves. We are seeking to open up the road ends for all to access the lake. Those placing their boats/hoists at roadends are using public property for their own private use, when they have no legal right to do so. This issue has been resolved with finality by the Michigan Court of Appeals and the Supreme Court. Our Association will enforce this ruling and believes that local government has an obligation to regulate road ends in compliance with the courts’ rulings.

State Legislation on Road End Use- HLPOA supports version six (6) of House Bill 4141. This version states that ingress and egress to the lake cannot be obstructed in any manner. It prohibits the placing of boat hoists and overnight mooring of boats at roadends. This amended version of the Bill allows for activities, such as swimming, supervising children and viewing sunsets.

Boat ramps- We understand there is a problem for residents being unable to launch boats at public launch sites on busy weekends in the summer. We do not believe that placing boat ramps at multiple roadends is the solution to the problem. Regarding the Townline Rd. ramp, Lyon Township made no effort to seek input from or listen to objections by adjacent or neighborhood property owners in the planning of this facility. Furthermore, no evaluation was done to assess the site, including traffic patterns and parking, safety issues, neighborhood aesthetics and negative environmental effects on the lake. A safety plan for operation of the ramp, liability issues, regular maintenance and the costs for all of the above should have also been investigated and revealed to the public before the project moved forward.

Vandalism and threatening behavior- A Lyon Township official recently voiced at a public meeting that he had suspicions that HLPOA leadership was behind the vandalism of boats at a Higgins Lake road end and of making threatening phone calls to his home. HLPOA leadership does not condone vandalism of any kind, nor threatening behavior. Such tactics would get us nowhere; we only work in a civil and professional approach when dealing with issues of concern to us.

Litigation-A Lyon Township official has publicly called the HLPOA Board “zealots and bullies who use lawsuits and threats of lawsuits to limit access to Higgins Lake .” Again, the HLPOA is not trying to limit access to the lake. It is asking for enforcement of court decisions and protection of the rights of riparians who are property owners in both Gerrish and Lyon Townships . HLPOA members believe that both Township Boards should uphold the oath of office they took when elected, to “support the Constitution of Michigan and faithfully discharge the duties of their office”.

“Local” control of road ends-The Michigan Constitution gives townships the authority for reasonable control of their roads (Art. VII, Sec. 29). It also states that local government has the power to adopt ordinances and resolutions, subject to the constitution and law (Art. VII, Sec. 22). Regarding road end use, the appellate court decisions are final. Neither state legislation nor a local ordinance can change the court ruling.

In summary, the HLPOA Board and its members would applaud an end to the controversy over road ends. It is time for all to accept the realities of the situation and move on to much more productive work to be done in our townships and for our precious Higgins Lake . The HLPOA will continue to protect, preserve and enhance Higgins Lake and its surrounding watershed.

HLPOA Board of Directors

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