

## Riparian Rights—Common Scenarios

Following are some common scenarios, often requiring legal advice:

1. **"Paper" road or walkway.** A new neighbor, likely a recent purchaser, begins to use a portion of your land, claiming that it is encumbered by a platted alley or road that exists on "paper" but is not otherwise apparent. Similarly, plats often contain dedications of land described as a walkway, promenade, park or access area. Those "dedications" may create certain rights in favor of others who own land within the plat or members of the general public.
2. **No good deed goes unpunished.** Historically, the nice couple across the street have crossed your yard, or land adjacent to yours, to gain access to the lake for swimming and related purposes. Those neighbors recently sold their home to an out-of-state family who claims they were told they had the "right" to cross your property to gain access to the lake, and perhaps even to maintain a dock or moor boats. If you provide permission for someone to use any portion of your land that agreement should be reduced to writing to avoid later disputes about whether the use was permissive or adverse.
3. **Dock wars.** The lake level is unusually low, and as a result, your neighbors' docks have been extended further into the lake. Those docks, and the adjacent boats and boat lifts, have made it difficult for you to enjoy your dock and riparian bottomlands for swimming and other purposes. A conflict may also be presented by new dock configurations to accommodate the ever increasing number of "water toys."
4. **New survey conflicts with reality.** Your long-time neighbor moves, and the new buyer obtains a survey and claims that she actually owns a portion of the land that you thought was yours. Though surveys seem official, courts are often reluctant to upset long-respected lines of occupation based upon recent surveys.
5. **Unauthorized use of platted areas.** You are aware that there is a platted walk-way, road-end or other dedicated land that encumbers or is adjacent to your property, that has been sporadically and lightly used over the years. The use has recently increased, and those who use the area have recently installed a dock or begun to moor boats in that area.
6. **Road-ends.** An actual or "paper road" terminates near the shore of your lake. A road which terminates at the water's edge is often presumed to provide public access to the lake. Though Michigan case law limits the lawful use of road-ends, abuses are common, enforcement is difficult and the appropriate use of road-ends remains the subject of often heated lawsuits.
7. **Parallel road.** Your home is separated from the lake by a public road, though you have always treated the land beyond the road as an extension of your yard. You pay taxes as though you own waterfront property, and have historically maintained a dock and beach area without objection. Your neighbor or the local road commission or similar public entity claims that you no longer have ownership or exclusive rights to use the waterfront property.

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8. **Easements.** An express easement may exist granting limited rights, such as ingress or egress, or lake access. Such limited grants do not typically convey riparian rights, such as the ability to erect a dock. If an easement is being used in excess of the rights expressly granted, there is a risk that such use could give rise to "prescriptive rights," undermining the limited grant in the easement itself.