

New Michigan Court of Appeals Decision Regarding Riparian Boundary Lines

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On July 1, 2008, the Michigan Court of Appeals released a new published opinion which discusses how to ascertain riparian boundary lines (*i.e.*, where the bottomlands of one riparian property ends and that of another begins). That case is *Heeringa v Petroelje*, ____ Mich App ____ (2008). Prior to the *Heeringa* opinion, it had been many years since a Michigan appellate court had squarely addressed riparian boundary line issues.

In order to determine a riparian boundary line, the Court of Appeals succinctly stated as follows:

Briefly, the proper method for determining riparian boundary lines involving irregularly-shaped bodies of water is: first, to draw a 'thread' line through the geographic middle (as opposed to the deepest point) of the body of water; second to determine where the riparian landowners' surface property lines intersect with the water; and third, to draw lines from the thread at as close to right-angles as possible *as measured at the thread line* to the 'landward terminus points.' The thread line must be determined on the basis of the shape of the 'original' shoreline, referring to the date the United States government parted with title to the property.

(Slip Opinion at 2.)

Although surveyors, engineers and attorneys can give opinions (orally or in writing) as to where a particular riparian boundary is located, those opinions are not binding. Only a court with appropriate jurisdiction can definitively determine where common a riparian boundary line is located for two adjoining riparian properties.