

**Final Report**  
**August 15, 2022, General Membership Meeting**  
**Russell Beach Association (RBA)**  
**Property Definition Committee**

**Scope of Work:** define ownership of originally platted roads that abut RBA common areas that are not confirmed to be already public, i.e., under the authority of the Oakland County Road Commission, and confirm ownership of all common areas.

**1916**

Dedication of all roads are in the Russell Beach Subdivision plat (see Exhibit A and go to [RussellBeachAssociation.com](http://RussellBeachAssociation.com) to view the full original plat)

**1919**

Deed written by original plat owners and their heirs giving the RBA Lots 57, 60, 61, and 109 to be used as parks or for recreation with some restrictions (see Exhibit B)

There was no deed written giving the RBA Lot 194. Instead, it was attributed to the RBA by Oakland County sometime in 1919 or afterward.

**1922**

On August 8 under Act 84 of the Public Acts of 1921, the Russell Beach Association was created as a domestic non-profit corporation to acquire the title of Lots 57, 60, 61, and 109 and to maintain the Lots using finances from membership fees, annual dues, or assessments ..... to be determined and fixed by the Bylaws of this association. (See Exhibit C also available at [RussellBeachAssociation.com](http://RussellBeachAssociation.com), Residents Tab, LARA Filings)

**1931**

Act 84 of the Public Acts of 1921 was repealed and replaced by Act 327 of the Public Acts of 1931.

**1938**

The Michigan State Highway Commission certified the roads designated to the public in the original subdivision plat. On February 24, per Act 130 of the Public Acts of 1931, the Oakland County Road Commission took over jurisdiction of the three roads; modernly called Union Lake Road, Cooley Lake Road, and Cascade Street. (See Exhibit D)

**1963**

Sometime on or before this year, part of Maple Road abutting Lot 194 was dredged to open up the lagoon and make it a canal of Long Lake.

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**1980**

Part of Central Ave, modernly known as Cooley Lake Road, that runs north/south against the most northwest subdivision boundary line was abandoned and made part of Lot 38. (See yellow highlighted circle in Exhibit E)

**1983**

On January 1, Act 162 of the Public Acts of 1982 became effective and may be the current legislation in 2022 with our without amendments. Act 162 is viewable at:  
[https://www.legislature.mi.gov/\(S\(3cuf03fk0cp0cnnuat1wwskw\)\)/documents/mcl/pdf/mcl-act-162-of-1982.pdf](https://www.legislature.mi.gov/(S(3cuf03fk0cp0cnnuat1wwskw))/documents/mcl/pdf/mcl-act-162-of-1982.pdf)

On April 4, Act 336 of the Public Acts of 1974, was passed by the Oakland County Circuit Court making three roads public and adding them to the Road Commission of Oakland Country jurisdiction; modernly called Point St., Lagoon St., and Grinshaw. (See Exhibit F)

**2020**

In June, the Oakland County Equalization Department reassigned Lot 194 to water making it public and no longer attributed to the RBA. (See Exhibit G)

In October, the RBA's existence as a domestic nonprofit corporation was certified as perpetual by the Michigan Licensing and Regulatory Affairs Bureau ID #800867459 a.k.a., LARA (See Exhibit H also at RussellBeachAssociation.com, Residents Tab, LARA Filings)

**2021**

On June 23, updated Bylaws were approved at a Special General Membership Meeting. (See RussellBeachAssociation.com, Residents tab, then Member Documents then Bylaws)

Steve and Christine Potocsky initiated a legal action against the RBA claiming rights to Maple Rd. in a letter dated December 23 from Varnum Law. (See Exhibit I)

**2022**

In response to legal action initiated by Steve and Christine Potocsky, the RBA Board voted to establish the Property Definition Committee at the April 6, 2022, Board Meeting . (See Exhibit I)

A records error documenting RBA ownership of parcel E-17-01-209-017 a.k.a. Union Lake Lift Station on Vandell St. near Lagoon St. was discovered by the Committee. Commerce Township corrected the records with the Oakland County Register of Deeds and Oakland County Tax Assessment Department.

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**Additional Findings:**

1. All other roads not noted above are private roads dedicated in the original plat to all Lot owners who are individual residential and individual business Lot owners of the Russell Beach **Subdivision**.
2. A Summary Map created by the committee's investigator that defines current ownership of all roads, private undeveloped roads transitioned into green spaces, parks owned by the **Association**, and State-owned public property was created for this report. Also created for this report is a Map Showing Possible Corrections Needed on the Guaranty Survey Co. Map of Maple Road Abutting Lot 130 that is included in the Potosky legal claim. (See Exhibit J)
3. It is possible that language in the Bylaws regarding ownership of private roads and deeded parks in the subdivision may or may not need to be amended to be consistent with the language in the Dedication in the plat and the Articles of Incorporation. This issue is outside the scope of the committee.
4. The Michigan DNR closed the Union Lake Boat launch, parcel E-17-01-212-00, Lots 162 and 163. Ownership of that parcel transferred to Commerce Township in the first half of 2022. (See Exhibit K)
5. Not in the Russell Beach Subdivision is a boat launch to Cooley Lake; parcel Y-12-36-452-014 owned by White Lake Township, Cooley Beach Sub Community Lot. (See Exhibit L). Maintaining the dedication of originally platted Oak St. to the use of all Lot owners is necessary to insure membership access to Cooley Lake into perpetuity.
6. Not in the Russell Beach Subdivision is a Michigan DNR boat launch to Long Lake. Since the DNR closes boat launches, maintaining the dedication of originally platted Maple to the use of all Lot owners is necessary to insure membership access to Long Lake into perpetuity.

**Property Definition Committee Members:**

Scott Obrec, Committee Chair and RBA President

Tony Sorge, Co-Chair of the Parks Committee and RBA Director

Carlo Ginotti, Co-Chair of the Parks Committee and RBA Director

Linda Obrec, Volunteer Investigator

**Exhibits Attached:**

- A. Russell Beach Subdivision original plat Dedication language, and photo of original plat – 2 pages
- B. Oakland County Clerk's Office Liber image and Property Deed for Lots 57, 60, 61 and 109 (regular and reverse font versions) – 3 pages
- C. Articles of Incorporation of Russell Beach Association – 4 pages
- D. Minutes of the February 24, 1938, Oakland County Road Commission Meeting – 3 pages
- E. Map of Public Roads created by the Oakland County Road Commission Legal Department – 2 pages
- F. Minutes of the April 4, 1984, Oakland Country Road Commission Meeting – 1 page

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- G. Minutes of the June 9, 2020, Russell Beach Association Board Meeting and the Oakland County LAMS report showing the Lot 194 split date of June 26, 2020 – 5 pages
- H. RBA Perpetual Existence Filing with LARA – 1 page
- I. Varnum Law letter, and outline of the Property Definition Committee – 4 pages
- J. Property Definition Committee Summary Map, Notes of June 2022, Conversations with Guaranty Survey Co., Possible Corrections Needed on the Guaranty Survey Co. Map of Maple Road Abutting Lot 130, Surveyors Certificate on original plat, picture of Maple Rd. original plat, Circuit Court order Case #83 261850 CZ for the end of Point St. when made public – 6 pages
- K. Oakland County Summer 2022 Tax Statement for parcel E-17-01-212-00 – 1 page
- L. Oakland County Summer 2022 Tax Statement for parcel Y-12-36-452-014 – 1 page

**Disclaimer:**

This report was prepared by RBA member in good standing, Linda Obrec, acting as a volunteer with best intentions to further everyone's understanding of property in the Russell Beach Subdivision. This report is not a legal document, and no committee member or RBA Board Member can be legally bound to the information in the report. Linda is not a lawyer and does not represent any interest of any member in the subdivision. The committee is under no obligation to legally defend this report or conduct further research. This report completes the scope of work of the Property Definition Committee.

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