

**RBA Board Meeting**  
**Wednesday, June 26, 2024**  
**6:30 pm @ Commerce Township Library**

Scott Obrec, President,  
Saifee Oraha, Vice President – (Absent)  
Melissa Bullion, Treasurer  
Greg Strzempek, Secretary

Lori Christopher  
Carlo Ginotti  
Levi Fishman - (Absent)  
Tony Sorge  
Heidi Wilson

1. **Determining that a quorum exists, Scott called the meeting to order at 6:33 pm.** He motioned to approve the May 8, 2024, Board meeting minutes, seconded by Carlo, and carried. Two guests were introduced:
  - a. Linda Obrec, a resource for subdivision property details, whom the Board acknowledged and thanked for all the time she volunteered investigating physical documents in the city/county archives with some well over 100 years old to aid in the identification of RBA lot ownership and assigned stewardship.
  - b. Attorney Bruce Hug, an estate planning and real estate transaction specialist that everyone on the Board who voted agreed to hire (*note: see Board E Vote button on the website*). *The Board also thanked attorney Hug for generously charging the RBA a reduced rate.*

For reference, hard copies of the following documents were given to all attendees: RBA Articles of Incorporation, RBA Bylaws, and the Maple Road Partial Sale of 40' north of Lot 130 report written by Linda (*note: see Resident's Tab on website*).

**2. All present discussed the following:**

- a. The legal status of **Oak Street located off Cascade Street between Lot #2 and #3** is a private road owned by all lot owners, including business lots, dedicated in the 1916 subdivision plat as an ***easement*** for all lot owners to travel on. Signs can and should be posted on this road defining the edges and stating it is a subdivision private road. This road is legally protected by stub road laws and water access rights of the subdivision. It is currently used to put kayaks in and can be formally made into a boat access point which is presumed by the plat that is its intended usage. Oak Street is a very important Cooley Lake access point for Russell Beach Subdivision residents as there is no public boat launch to the lake. Residents currently use the launch across the lake inside the Cooley Beach subdivision.
- b. The legal status of **Maple Road abutting Lot 130** is a private road owned by all lot owners, including business lots, dedicated in the 1916 subdivision plat as an easement for all lot owners to travel on. In 1933, a 40' wide piece of land that includes all of Maple Road abutting Lot 130 was rightfully sold to the Ross Family and their heirs. **However, the easement as a road for all lot owners to travel on remains.** Furthermore, because it is an easement, it is not buildable. Bruce suggested that the greenspace be called Maple Road Park.
- c. When asked about the **additional land located between Maple Road Park deeded to the Ross Family and the water's edge of the canal**, Bruce explained the law of accretion that covers all lake front properties in the State of Michigan. This includes Maple Road Park and the canal owners since all these lots are a part of Long Lake. All deeded properties include the land up to the water's edge.

- d. How much land is included may change during seasons and over years as the water levels rise or recede, especially when it comes to waterfront Lots on the Great Lakes.
- e. When asked about **Lot 194**, Bruce explained that nobody owns anything under the water in a public lake in Michigan. Lot 194 was never owned by anyone. It is a rough drawing on the subdivision plat to acknowledge and estimate the water that used to be a lagoon.
- f. **Since no individual or entity owns the private roads in the subdivision, no one has a legal obligation to maintain them.** We can continue to use and maintain private roads needed such as Oak Street and all of Maple Road to continuously demonstrate the easement rights are necessary. However, activities such as picnicking, installing docks or structures should not happen on any of the private roads.
- g. There is a **legal distinction** between the Russell Beach Subdivision lot owner rights outlined in the plat and the Russell Beach Association. The Lot owners in the Russell Beach Subdivision plat have easement rights to all the private roads. **The Russell Beach Association was incorporated to accept the deed to the parks and collect annual dues to maintain the deeded parks.**

**3. Board members present agreed to the following:**

- h. The **RBA is a volunteer driven organization** so parts of private roads are maintained by volunteers and other parts are not.
- i. Independent of the RBA Board and without any funding from RBA dues, **Carlo volunteered to lead an effort to have the mouth of the Long Lake canal dredged.** This includes obtaining a permit in his name, securing funding for the cost from private individuals, soil testing as needed, recruiting volunteers to help, and ensuring the Maple Road greenspace is returned to its pre-project condition.
- j. The **RBA will not stand in the way** or participate in the dredging project.
- k. **Tony**, independently of the RBA and without the authority to commit the RBA to participate in related details for the dredging project, **volunteered limited involvement** as his personal time allows.
- l. It was **debated, and not agreed, if shoreline remediation** would be a beneficial post-project. No one volunteered to, independently from the RBA Board, lead a possible shoreline remediation effort that would be separate from the dredging project. How the funds for possible shoreline remediation would be raised was discussed and undetermined.

**4. Motions to approve recommendations with estimated costs**

Given current laws protecting easements dedicated to all subdivision lot owners, it was agreed that the **RBA does not need to take legal actions** to protect easement rights. The RBA will aggressively protect all easement rights in the subdivision should any claims to take easement rights away be initiated.

**5. Motions to approve other related Board actions including possible changes to RBA Association Documents**

Piecemeal changes such as further defining the word “nuisance” in the Bylaws, putting a smaller limit on the amount the Board can spend for Special Assessments without a general membership vote, and applying liens to delinquent Lots were discussed. **No changes were made but it was agreed that**, with the help of Attorney Bruce Hug, and the Bylaws Committee, **a modernization of the Bylaws and the**

**Articles of Incorporation should be investigated in the future** particularly since the Bylaws were approved without the knowledge of the Property Deed to the parks.

6. The **meeting adjourned** at 8:23 pm

Respectfully submitted,  
Greg Strzempek, Secretary, RBA