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VIA EMAIL

hundleyd@michigan.gov

AND FIRST CLASS MAIL

Donald M. Hundley
MDOT – Bay City Transportation Service Center
Permits/Traffic & Safety/Materials
2590 E. Wilder Rd.
Bay City, MI 48706

RE: Purported Limited Access Right-of-Way – Bay City Road, Midland, Michigan
Proposed Access Drive – 5221 Bay City Road

Dear Mr. Hundley:

We represent a prospective purchaser of the property located at 5221 Bay City Road in Midland, Michigan (the "Property") in connection with a proposed access drive off Bay City Road intended to serve the Property and adjacent parcels.

As you know, a civil engineer was retained to design the proposed access drive and the plans were submitted to the City of Midland. The City circulated the plans for comment, including to the Michigan Department of Transportation, and the City subsequently approved the design after receiving no objection.

Following that approval, MDOT asserted that this segment of Bay City Road is subject to a "Limited Access Right-of-Way" along the north side of Bay City Road extending from the expressway to the Valley Plaza entrance and further indicated that approval of any new access would require a traffic study and installation of a traffic control signal.

In an effort to evaluate MDOT's position, we have undertaken the following:

1. Title Review: A title search conducted by Superior Title of Midland does not identify any recorded easement, deed restriction or other instrument establishing a limited access right-of-way affecting the Property.
2. Right-of-Way Map: We reviewed the MDOT right-of-way map dated 05-07-13 (Project No. 16555). While the map references "LA ROW" in other areas, there is no clear depiction of a limited access right-of-way affecting the frontage of the Property.
3. Abandoned Alignment: The same map references an "OLD (ABANDONED)" roadway, suggesting that portions of the prior configuration of Bay City Road were discontinued or abandoned.

Based on the foregoing, it is not clear that the Property is subject to a limited access right of way.

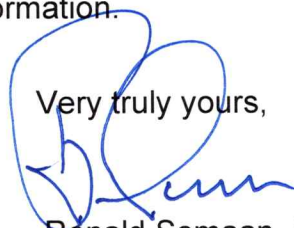
Accordingly, we respectfully request that MDOT provide the following:

1. Formal Limited Access Right of Way Documentation: Documentation establishing the designation of this segment of Bay City Road as a limited access right of way, including any resolutions, orders or other documentation.
2. Location of Limited Access Right of Way: Identification of the location of the Limited Access Right of Way applicable to the Property frontage.
3. Supporting Acquisition Documents: Copies of any deeds, easements, condemnation judgments or other instruments imposing access restrictions on the Property or adjacent parcels.
4. Basis for Traffic Signal Requirement: The basis for requiring installation of a traffic control signal at this location.

Our client remains willing to work with MDOT. However, before proceeding with a traffic study or considering substantial off-site improvements, it is necessary to confirm the legal and factual basis for the restrictions.

We would welcome the opportunity to meet with MDOT to discuss this matter further upon receipt of the requested information.

Very truly yours,



Ronald Semaan, P.C.

RS/sm
Copy to Client