

## History of Boyne City to US-31 Trail Efforts

In 1973, efforts were underway between Emmet and Charlevoix County to develop a non-motorized trail between Charlevoix and Petoskey. With Charlevoix County participating in this effort, the 1984 Charlevoix County Recreation Plan, which was adopted by the Charlevoix County Planning Commission, the Parks and Recreation Commission and the County Board of Commissioners in early 1984, contained a number of recommendations as to the development of potential bike paths and trails. That plan did not assign a priority or rate each of the potential trails, the plan did however, state that priorities would emerge over time based upon a number of factors.

In 2002, the portion of the Little Traverse Wheelway located in Charlevoix County (between Waller Road in Charlevoix Township and Townline Road in Hayes Township) was completed. Following that completion, efforts began to develop another trail in Charlevoix County that would link up with the Little Traverse Wheelway.

This effort in early 2003, was initiated by a group of interested citizens who live in the communities of Boyne City, Evangeline, Bay, Hayes, and Charlevoix Townships as well as the City of Charlevoix. This group functioned under the umbrella of the Top of Michigan Trails Council and is known as the Boyne City to US-31 Trail Committee (here after referred to as the Trail Committee).

A number of different trail location options were considered by the Trail Committee. The beginning point for the trail was to be located within the Boyne City limits. The question was where the trail should begin. Locations considered included City Hall and the old "stump dump" located at the corner of Court and Robinson Streets. If the trail started at City Hall, the route could follow along N. Lake Street, then along W. Michigan and then either along Glenwood Beach Drive (with the trail cutting through Young State Park) or continuing along W. Michigan and then paralleling the Boyne City/Charlevoix Road. The second consideration was for the trail to begin at the corner of Court and Robinson Streets with the intention of Boyne City to construct a trailhead, park, toilet facilities and a parking lot at that location. The Trail Committee felt that Boyne City would be the appropriate entity to determine where the trail would be located within Boyne City and that if they felt it was appropriate to change the route within the city limits, the Committee would have no problem with that occurring.

A number of trail routes were considered between Boyne City and US-31. Old Horton Bay Road to Camp Daggett to Sumner Road back to the Boyne City/Charlevoix Road was one route that was considered. Other routes included Old Horton Bay Road to Camp Daggett and then north to US-31 to join up with the Wheelway in Emmet County. Other routes considered took the trail from Horton Bay north to US-31 by Bay Shore

along Horton Bay Road North, Horton Creek Road to Church Road and then Pincherry Road to Bay Shore, or west along the Boyne City/Charlevoix Road to US-31 in Charlevoix Township. Another option would be to have the trail go north along See Road in Hayes Township and then go cross country via the acquisition of right-of-way to US-31 near the Charlevoix Rod and Gun Club. Following public meetings held in Boyne City and in other communities by the Trail Committee, as well as meetings held by the Northwest Michigan Council of Governments in both Boyne City and Charlevoix (in their development of the "Northwest Michigan Regional Non-Motorized Strategy dated 2008), the Trail Committee's decision was to proceed with the trail parallel to the Boyne City/Charlevoix Road up to Horton Bay and then from Horton Bay to US-31 with the option being available at a later point in time to proceed north on See Road and thence northwest from See Road to connect with US-31 in the vicinity of the Charlevoix Road and Gun Club and the Charlevoix Country Club.

A publicly noticed meeting was held in the auditorium in the Boyne City Hall on September 17, 2003, to discuss potential routes with the public. Articles regarding this meeting were published in both the Charlevoix Courier and the Petoskey New Review on September 10, alerting the public of this meeting. An article in the Petoskey News Review on September 16, 2003 also reported on efforts that were underway including the meeting that would be taking place on the 17th in Boyne City. At least one follow up story reporting on this meeting was published (Citizen-Journal, Sept. 24, 2003). Appendix A provides a partial list of news articles, editorials, and letters to the editor by newspaper and date.

In 2003, resolutions of support for the development of this trail were passed by the Bay, Hayes, and Evangeline Township Planning Commissions as well as the City of Boyne City Planning Commission. In addition the Evangeline Township Board passed a resolution supporting the trail during that same year. No community along the trail route took action opposing the trail.

In 2003, the Trail Committee approached the Charlevoix County Road Commission and requested the ability to locate a non-motorized trail within the Boyne City/Charlevoix Road right-of-way. The Road Commission agreed to allow the use of the right-of-way provided the Road Commission would not be responsible for the maintenance or upkeep of the trail and further, that the trail would not be connected to the road itself (the trail would be located on the other side of the ditch from the road surface).

Fund raising efforts took place during the course of 2003 and 2004 (under the auspices of the Boyne City to US-31 Trail Committee and the Top of Michigan Trails Council) to have aerial photos taken of the Boyne City/Charlevoix Road for trail planning purposes.

In 2004, the Trail Committee approached the Charlevoix County Road Commission for financial assistance in the amount of \$3,000 to \$5,000 to assist in acquiring aerial imagery for use in developing the engineering plans for the trail. By financially participating, the Road Commission would be co-owner of the imagery and could use them in assisting with the reconstruction of the Boyne City/Charlevoix Road at such time as the Road Commission was financially in a position to rebuild the road.

The Road Commission responded that they were not in a financial position to contribute to this effort at this point in time but at some later date when funds were available to begin work on the road, funds would be available to acquire aerial imagery.

Following the acquisition of these photos from Ayres Associates in 2005, they were used to create two foot topographic contours of the road and some distance to each side of the road to be used in making both preliminary and detailed engineering plans for the construction of the Trail. The preliminary plans and cost estimates were developed by NDG (Northwest Design Group) located just outside of Petoskey. The above mentioned acquisition of photos, development of contour information and preliminary engineering plans and cost estimates ran approximately \$52,000. To cover these costs, funds were raised from foundations and other private sources, and paid out under the auspices of the Top of Michigan Trails Council.

On June 26, 2006, the Charlevoix County Road Commission passed a motion supporting the "bike path concept" in the Boyne City/Charlevoix right-of-way.

The Charlevoix County Board of Commissioners on September 13, 2006, passed a resolution agreeing to accept ownership and maintenance responsibility for a non-motorized trail from Boyne City to US-31.

When the 2009 grant applications were developed and submitted to the Michigan Natural Resources Trust Fund (by Charlevoix County) and to the Michigan Department of Transportation for Transportation Enhancement Act Funds (by the City of Boyne City as Charlevoix County was not an eligible applicant), the position of Boyne City was to begin the trail at the corner of Court and Robinson as the desire was to avoid running the trail through the major wetlands contained within the Park as would be necessary if the trail paralleled Glenwood Beach Road. The potential also existed that the grant could be amended to allow for a change of the route within Boyne City limits at a later date (prior to trail construction).

On March 31, 2009, the Road Commission Manager sent a letter to the County to be used as supporting documentation for the Natural Resources Trust Fund Grant application.

The estimated cost of the first phase of this trail was approximately \$1,350,000.00. This phase of the trail was proposed to begin within the Boyne City limits and would run parallel to the Boyne City/Charlevoix Road to the east side of Horton Bay (the section line between sections 5 and 6). Costs were proposed to be funded as follows:

<b><u>FUNDING SOURCE</u></b>	<b><u>AMOUNT</u></b>
Michigan Natural Resources Trust Fund	\$500,000
MDoT Administered Trans. Enhance Act Funds	\$743,400
City of Boyne City	\$11,072
Evangeline Township	\$33,216
Bay Township	\$ 9,012
Private Fund Raising (including Foundations)	\$53,300
Total	\$1,350,000

A grant application to the Michigan Natural Resources Trust Fund was first submitted in March of 2008 but was not funded at that time.

Grant applications were submitted to MDNR (now MDNRE) in (March of 2009) and MDoT ( of 2009) for their consideration. The City of Boyne City and Evangeline Township both passed resolutions committing to their designated portion of the funding. Bay Township discussed the matter at a number of meetings, but never formally acted upon the request for funding. Private fund raising efforts under way by the Top of Michigan Trails Council resulted in verbal commitments by a number of foundations to provide in excess of \$40,000 toward this effort. Plans were also underway to contact additional foundations as well as year round and seasonal residents of the County for contributions.

In the summer of 2009, concerns were raised by a number of landowners along the Boyne City/Charlevoix Road as to whether or not the County Road Commission had the legal right to allow the development of a non-motorized trail within their right-of-way based upon the language contained in the legal documents used (by the Road Commission) to acquire additional right-of-way in the 1950's. Based upon these concerns, the Road Commission directed their legal counsel to research the issue. Based upon this research, legal counsel indicated that the Road Commission cannot be assured that it would prevail in judicial challenges involving properties along a portion of the right-of-way. Based upon this advice from their legal counsel, the Road Commission at their meeting on August 10, 2009, indicated that they "find it advisable to support right -of-way usage for non-motorized purposes only along paved shoulder of the road to be reconstructed along this route". Further meetings between the Trails

Committee and the Road Commission resulted in the Road Commission agreeing to give the Trails Committee additional time to research the issue.

On September 18, 2009, the Road Commission Manager submitted a letter to the County Board of Commissioners regarding a bike lane (attached trail, more commonly viewed as a five foot paved shoulder) grant application proposal and requested that no action be taken until after October 26, 2009 to allow the Top of Michigan Trails Council attorney to examine the deed language and perform a title search of affected properties along the trail.

The County Board of Commissioners, at their meeting on September 23, 2009, authorized the Road Commission to apply for a Transportation Enhancement Act Grant for the purpose of adding 5 foot paved shoulders to each side of the Boyne City/Charlevoix Road between Nelson and Sumner Roads with the costs of developing the grant application to be paid for by the County Board of Commissioners.

Based upon the information that more than one grant application was submitted or was going to be submitted for a trail along the Boyne City/Charlevoix Road between Nelson and Sumner Roads, MDoT did not act upon the application that had been submitted by the City of Boyne City at their (MDoT's) October grant funding meeting. Their next meeting was in mid-December, after the Natural Resources Trust Fund would be acting upon applications submitted to the MDNR. Given that a major source of the match was the Enhancement Act funds which had not been approved by MDoT by the beginning of December, the Trust Fund Board had no option but to deny the Trust Fund Grant due to a lack of the required matching funds.

Appendix A

<u>Date</u>	<u>Newspaper</u>	<u>Article</u>	<u>Letter to Editor</u>	<u>Editorial</u>
09-01-03	Chx. Courier	X		
09-01-03	Pet. News Review	X		
09-19-03	Pet. News Review	X		
09-24-03	Citizen Journal			X
04-16-04	Pet. News Review	X		
04-21-04	Chx. Courier	X		
04-28-04	Citizen Journal		X	
04-28-04	Chx Courier		X	
05-04-04	Pet. News Review			X
05-04-04	Pet. News Review		X	
06-18-04	Pet. News Review	X		
06-27-06	Pet. News Review	X		
08-15-06	Pet. News Review		X	
08-16-06	Citizen Journal		X	
08-16-06	Citizen Journal	X		
08-22-06	Pet. News Review			X
08-23-06	Chx. Courier	X		
09-13-06	Pet. News Review		X	
09-14-06	Pet. News Review	X		
04-02-08	Chx. Courier	X		
06-12-08	Pet. News Review	X		
06-18-08	Pet. News Review	X		
06-23-09	Pet. News Review	X		
07-29-08	Pet. News Review			X
08-11-09	Pet. News Review	X		
09-01-09	Pet. News Review		X	
09-15-09	Pet. News Review		X	
09-22-09	Pet. News Review		X	
09-24-09	Pet. News Review	X		
10-14-09	Pet. News Review		X	
10-29-09	Pet. News Review	X		
12-10-09	Pet. News Review		X	

Summary prepared by Larry Sullivan, Planning Director