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STATE OF MICHIGAN

COURT OF APPEALS

CITY OF HOWELL,

Plaintiff/Counterdefendant-Appellant,

v

JAC ENTERPRISES, LLC,

Defendant/Counterplaintiff-Appellee,

and

AAREN CURRIE,

Defendant-Appellee.

UNPUBLISHED
August 14, 2026
10:00 AM

No. 374200
Livingston Circuit Court
LC No. 2024-032405-CK

Before: GADOLA, C.J., and RIORDAN and SWARTZLE, JJ.

PER CURIAM.

Plaintiff City of Howell appeals by leave granted[1] the trial court's order partially denying its motion for summary disposition under MCR 2.116(C)(8) (failure to state a claim) and partially granting summary disposition in favor of defendants JAC Enterprises, LLC, and its manager, Aaren Currie, under MCR 2.116(I)(2) (judgment in favor of opposing party).[2] For the reasons set forth, we reverse and remand to the trial court for further proceedings consistent with this opinion.

I. BACKGROUND

[1] *City of Howell v JAC Enterprises, LLC*, unpublished order of the Court of Appeals, April 4, 2025 (Docket No 374200).

[2] For ease of discussion, we generally refer to "defendants" collectively unless otherwise appropriate.

This case arises from a dispute over a 0.16-mile section of Old Pinckney Road in Marion Township. About 100 feet of this 0.16-mile section crosses property owned by JAC. The rest of Old Pinckney Road is within the City's municipal boundary but, again, the 0.16-mile section of disputed road is in Marion Township. The City alleges that the Livingston County Road Commission (LCRC), which previously had jurisdiction over the 0.16-mile section, transferred jurisdiction over the section to the City in 2006.

After becoming upset about traffic on Old Pinckney Road, defendants asserted that the disputed section was abandoned, now belonged to them, and placed a chain across Old Pinckney Road to block traffic. The City sued defendants in July 2024 for declaratory judgment (Count I), public nuisance (Count II), and trespass (Count III). In Count I, the City sought a declaratory judgment that the disputed section was under its jurisdiction and sought a permanent injunction to prevent defendants from blocking Old Pinckney Road in the future. Defendants countersued for a declaratory judgment that, under MCL 224.18, the LCRC had relinquished the disputed section not to the City, but to Marion Township, so the City had no jurisdiction over the disputed section (Count I). Defendants also sought injunctive relief that would have enjoined the City from asserting jurisdiction over the disputed section (Count II).

The City moved for summary disposition under MCR 2.116(C)(8), arguing that Count I of defendants' counterclaim fails as a matter of law because MCL 224.18 has been expressly superseded by the Transfer of Jurisdiction Over Highways Act ("the Transfer Act"), MCL 247.851 *et seq.*, and therefore does not apply in this case. The City further argued that Count II of defendants' counterclaim fails as a matter of law because injunctive relief is a remedy, not a cause of action. Defendants responded that they were entitled to summary disposition under MCR 2.116(I)(2) of the City's Count I because this Court held in *Acer Paradise, Inc v Kalkaska Co Rd Comm'n*, 262 Mich App 193; 684 NW2d 903 (2004), that MCL 224.18 was not superseded in its entirety, and because the Transfer Act only gave the LCRC authority to relinquish jurisdiction over a highway to the municipality in which the highway is located, which in the case at hand would have been Marion Township, not the City.

After a hearing, the trial court ruled that MCL 224.18 barred the City from acquiring jurisdiction over the disputed section because the disputed section was outside the City's municipal boundary. Thus, the trial court granted summary disposition in defendants' favor as to the City's Count I. However, the trial court granted summary disposition in the City's favor as to Count II of defendants' counterclaim because injunctive relief is a remedy, not an independent cause of action.

This interlocutory appeal followed.

II. DISCUSSION

The City argues that the trial court erred in its summary disposition rulings because MCL 224.18 has been superseded by the Transfer Act as to transfers of jurisdiction over a road between a county and a city, such as was the case here, so the 2006 transfer of jurisdiction over the disputed section presumptively was effective. We agree.

A. STANDARD OF REVIEW

This Court reviews de novo questions of law, such as whether summary disposition was properly granted and questions of statutory interpretation. *Rouch World, LLC v Dep't of Civil Rights*, 510 Mich 398, 410; 987 NW2d 501 (2022).

"A motion under MCR 2.116(C)(8) tests the legal sufficiency of a claim based on the factual allegations in the complaint." *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159-160; 934 NW2d 665 (2019) (emphasis omitted). The trial court must decide the motion on the pleadings alone, *id*. at 160, and it must accept all factual allegations as true, *Smith v Stolberg*, 231 Mich App 256, 258; 586 NW2d 103 (1998). "A motion under MCR 2.116(C)(8) may only be granted when a claim is so clearly unenforceable that no factual development could possibly justify recovery." *El-Khalil*, 504 Mich at 160.

"The trial court appropriately grants summary disposition to the opposing party under MCR 2.116(I)(2) when it appears to the court that the opposing party, rather than the moving party, is entitled to judgment as a matter of law." *BC Tile & Marble Co, Inc v Multi Bldg Co, Inc*, 288 Mich App 576, 590; 794 NW2d 76 (2010) (quotation marks and citation omitted).

B. MCL 224.18 AND THE TRANSFER ACT

MCL 224.18(3) of the County Road Law provides, in relevant part:

> The board of county road commissioners of any county that has adopted the county road system, at any time, may either relinquish jurisdiction of or absolutely abandon and discontinue any county road, or any part of a county road, by a resolution adopted by a majority vote. . . . After proceedings to relinquish jurisdiction have been had, *the jurisdiction and control of the road, or part of the road, except as otherwise provided in this section, shall revert to the municipality within which the road is situated*, and the county shall be relieved of the responsibility for the road. . . . [Emphasis added.]

Thus, if MCL 224.18(3) applies to the LCRC's 2006 relinquishment, i.e., transfer, of the disputed section of Old Pinckney Road, the relinquishment would have been ineffective as to the City because control of the disputed section would have "revert[ed] to the municipality within which the road is situated," MCL 224.18(3), which in this case would be Marion Township and not the City.

However, the Transfer Act sets forth a separate scheme concerning transfer of highways.[3] In this regard, MCL 247.852 of the Transfer Act provides:

> The provisions of any law to the contrary notwithstanding, a highway may not not [sic] be transferred from the jurisdiction of the state to a county, city or village or from a county to a city or village without the consent of both parties, except as provided by this act. The consent shall be evidenced by a written

[3] "Highway" is broadly defined by the Transfer Act as "a highway, road or street." MCL 247.851(b).

agreement entered into after approval by resolution of each highway authority that is party to the agreement. . . .

Notably, unlike MCL 224.18, the Transfer Act does not include a provision limiting transfer of highways to the municipality in which the highway is located. See *id*. Further, the Transfer Act, which was enacted years after MCL 224.18, includes a section providing that the Transfer Act supersedes MCL 224.18 in most relinquishment cases:

> The provisions for relinquishment of jurisdiction of a county road in [MCL 224.18], and for abandonment of a state trunk line highway in [MCL 250.114], are superseded except as provided in [MCL 247.860].[4] [MCL 247.861.]

In *Acer Paradise*, this Court explained that the Transfer Act "applies only to transfers from the state to a county, city, or village, or from a county to a city or village," while MCL 224.18 applies to "the transfer of a highway from a county to a township." *Acer Paradise*, 262 Mich App at 200. In this context, the word "county" includes a county road commission. See *id*.

As applied to the matter before us, the LCRC relinquished, i.e., transferred, the disputed section of Old Pinckney Road to the City in 2006. Therefore, under *Acer Paradise*, because the transferee of the disputed section was a city, not a township, the Transfer Act—not MCL 224.18—governs this case. See *Acer Paradise*, 262 Mich App at 200-201. See also MCL 247.861. Further, because the Transfer Act, unlike MCL 224.18, does not limit the transferee of the highway to the municipality in which the highway is located, it follows that the Transfer Act did not prohibit the LCRC from relinquishing the disputed section of Old Pinckney Road to the City in 2006. See *People v Peltola*, 489 Mich 174, 185; 803 NW2d 140 (2011) ("Courts cannot assume that the Legislature inadvertently omitted from one statute the language that it placed in another statute, and then, on the basis of that assumption, apply what is not there.") (cleaned up).

Nonetheless, defendants assert as a general proposition that highway authorities cannot relinquish jurisdiction over a highway to a city where the relinquished highway is not within that city's corporate boundary. In support of this proposition, defendants cite *City of Lake Angelus v Oakland Co Rd Comm'n*, 194 Mich App 220, 226-227; 486 NW2d 64 (1992), in which this Court held that a county road commission could not relinquish part a road to a city under MCL 224.18 where part of the road was outside of that city's municipal boundary. However, *Lake Angelus* involved the interpretation of MCL 224.18, which does not apply in this case, and *Lake Angelus* did not reference or discuss the Transfer Act. Thus, *Lake Angelus* does not control here.

We are unaware of any authority providing that a geographic restriction applies to the Transfer Act. The Transfer Act allows for transfers of jurisdiction "from *a* county to *a* city or village" and does not specify that the highway being transferred must be within the municipal boundary of the transferee. See MCL 247.852. Again, it is a well-settled principle of statutory interpretation that "courts may not read into [a] statute a requirement that the Legislature has seen fit to omit." *LaFever v Matthews*, 336 Mich App 651, 663; 971 NW2d 672 (2021) (quotation

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[4] The exceptions to the Transfer Act's supersession of MCL 224.18 generally concern unincorporated areas and do not apply in this case. See MCL 247.860.

marks and citation omitted). Thus, we cannot read a geographic restriction into the Transfer Act where it is not present in the language of that statute, nor apply the geographic restriction from MCL 224.18 to the Transfer Act.[5]

For these reasons, the City was entitled to summary disposition of Count I of defendants' counterclaim under MCR 2.116(C)(8). Count I of the counterclaim sought a declaratory judgment that "pursuant to MCL 224.18, the City of Howell does not have, and cannot have, jurisdiction over" the disputed section of Old Pinckney Road. As explained, however, MCL 224.18 does not apply to the transfer of that section. Accordingly, the City was entitled to summary disposition as to Count I of defendants' counterclaim.

Similarly, the trial court erred when it granted defendant-appellees partial summary disposition under MCR 2.116(I)(2) of Count I of the City's complaint. Count I of the City's complaint sought a declaratory judgment that the disputed section was under the City's jurisdiction. In support of Count I, the City alleged that the LCRC was the transferor and the City was the transferee of the disputed section in 2006, and both parties consented to the transfer via resolutions. The City also alleged that the parties entered a written agreement memorializing the transfer. Those materials were amended to the complaint. Thus, the City showed facts that satisfied the requirements for a valid transfer of jurisdiction under the Transfer Act.[6] As discussed, MCL 224.18 did not apply to the transfer and there is no geographic restriction in the Transfer Act. Thus, the City stated a viable claim that it was entitled to declaratory judgment that it had jurisdiction over the disputed section. Accordingly, the trial court erred when it granted partial summary disposition in defendants' favor as to Count I of the City's complaint.[7]

III. CONCLUSION

For the reasons stated above, we reverse the trial court's denial of the City's motion for summary disposition of Count I of defendants' counterclaim and its grant of defendants' motion

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[5] While defendants imply that the City's interpretation of the Transfer Act would lead to absurd results, "arguments that a statute is unwise or results in bad policy should be addressed to the Legislature." *People v Kirby*, 440 Mich 485, 493-494; 487 NW2d 404 (1992). In any event, we note that highways do not always neatly follow municipal boundaries and may wind back and forth through numerous jurisdictions. Nevertheless, to ensure proper maintenance and improvement of a highway for its citizens, a city might reasonably decide to assume jurisdiction over such a meandering highway notwithstanding that portions pass through different jurisdictions.

[6] In particular, each party was a "highway authority" under the statutory definition of that term in MCL 247.851(a), and the 2006 transfer was evidenced by a written agreement to the transfer adopted by consent and resolution of both parties. See MCL 247.852.

[7] On appeal, defendants argue that there are fact questions remaining as to whether the Transfer Act was satisfied. For example, defendants assert that "there is no evidence and has been no factual development to suggest that anyone from the [LCRC] or the City in any way had contact with any decision maker in Marion Township in relation to the alleged transfer of jurisdiction at issue[.]" The trial court may address such arguments on remand, as our opinion does not preclude those arguments.

for summary disposition of Count I of the City's complaint, and we remand to that court for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Michael F. Gadola
/s/ Michael J. Riordan
/s/ Brock A. Swartzle