

STATE OF MICHIGAN
COURT OF APPEALS

TIMOTHY J. HANLON,

Plaintiff-Appellee,

v

CRAIG M. WALDRON,

Defendant/Third-Party
Plaintiff-Appellant,

v

CHEBOYGAN COUNTY ROAD
COMMISSION,

Third-Party Defendant-Appellee.

UNPUBLISHED

January 3, 1997

No. 179329

LC No. 92-003355-CH

Before: MacKenzie, P.J., and Markey and J.M. Batzer,* JJ.

PER CURIAM.

Defendant appeals as of right from the trial court's order granting plaintiff a permanent injunction against defendant to prevent him from erecting a boat well on accreted waterfront property at the end of a public street. We affirm.

Defendant challenges the trial court's findings of fact that Prospect Street extended to the Indian River in 1880 because testimony showed that the 1880 plat map was inaccurate, and defendant also challenges whether accretion altered the Indian River's north bank since 1880 given his expert's testimony that the Indian River bank had remained relatively constant over the years. Defendant cites no case law, statute, or public policy in support of his position. Accordingly, defendant has abandoned this issue on appeal. *Roberts v Vaughn*, 214 Mich App 625, 630; 543 NW2d 79 (1995). Nevertheless, we find that defendant's arguments lack merit because we are not left with a definite and

* Circuit judge, sitting on the Court of Appeals by assignment.

firm conviction that the trial court erred in its factual findings. MCR 2.613(C); *Arco Industries Corp v American Motorists Ins Co*, 448 Mich 395, 410; 531 NW2d 168 (1995).

Defendant also argues that when Gratiot Street, the street intersecting Prospect Street at its terminus with the Indian River, was vacated in 1969, all public access to the Indian River via Prospect Street was eliminated, thereby effectively ending Prospect Street thirty-three feet east of the section line between sections twenty-four and nineteen. Again, because defendant has failed to cite authority in support of this position, we will not search for any in order to sustain or reject defendant's position. *Roberts, supra*. This issue is therefore abandoned. Nevertheless, we believe that defendant's assertions are without merit. See 2 Cameron, Michigan Real Property Law (2d ed), Roads and Highways, § 25.21, pp 1173-1175.

Finally, defendant argues that the trial court committed clear error in extending the full width of Prospect Street eastward to the current bank of the Indian River, rather than determining the width and angle of the street's intersection with the river. According to defendant, the court failed to determine how much of the accretion, if any, extended Prospect Street. Defendant also abandoned this argument on appeal by failing to cite any supporting authority. *Roberts, supra*. Regardless, we believe that defendant's assertions lack merit. See *Thies v Howland*, 424 Mich 282, 295; 380 NW2d 463 (1985); *Cass County Park Trustees v Wendt*, 361 Mich 247, 250-252; 105 NW2d 138 (1960) (Black, J., concurring); *Jacobs v Lyon Twp (After Remand)*, 199 Mich App 667, 671-672; 502 NW2d 382 (1993).

Affirmed.

/s/ Jane E. Markey

/s/ James M. Batzer