

SUBSTITUTE FOR
SENATE BILL NO. 1416

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending sections 111, 112, 113, 114, 115, 116, 117, 118, 120,
131, 142, 147, 161, 162, 163, 164, 165, 166, 167, 168, 169, and
171 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116,
560.117, 560.118, 560.120, 560.131, 560.142, 560.147, 560.161,
560.162, 560.163, 560.164, 560.165, 560.166, 560.167, 560.168,
560.169, and 560.171), sections 117 and 169 as amended by 1998 PA
549, and by adding sections 112a and 167a; and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 111. (1) Before making or submitting a final plat for
2 approval, the proprietor shall make a preliminary plat and submit
3 copies to authorities as provided in **this section and** sections
4 ~~111~~ 112 to 119. A preliminary plat shall show the name,

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1 location, and position of the subdivision and the subdivision
2 plan and layout in sufficient detail on a topographic map to
3 enable a determination of whether the subdivision meets
4 requirements for lots, streets, roads, and highways including
5 drainage and floodplains.

6 (2) The preliminary plat shall be drawn to a scale of not
7 more than 200 feet to 1 inch and may be an original drawing or
8 reproduction, on unbacked paper. It shall contain proper
9 identification of the parcel of land to be divided, the name of
10 the plat and proposed division of the land, the name and address
11 of the proprietor and the name, address and seal of the surveyor
12 who prepared it, all legibly printed or typewritten. Additional
13 preliminary land development plans may be made by other qualified
14 persons to assist approving authorities to visualize the type and
15 scope of the development planned.

16 (3) The proprietor may request that a preapplication review
17 meeting take place by submitting a written request to the
18 chairperson of the county plat board and submitting copies of a
19 concept plan for the preliminary plat to the municipality and to
20 each officer or agency entitled to review the preliminary plat
21 under sections 113 to 118. A preapplication review meeting shall
22 take place not later than 30 days after the written request and
23 concept plan are received. The meeting shall be attended by the
24 proprietor, representatives of each officer or agency entitled to
25 review the preliminary plat under sections <<113, 114, and 118, and a
26 representative of the municipality. Representatives of each agency
27 entitled to review the preliminary plat under sections 115 to 117 shall
be informed of the meeting and may attend.>> The purpose of the meeting
is to conduct an

1 informal review of the proprietor's concept plan for the
2 preliminary plat.

3 Sec. 112. (1) The proprietor shall submit 4 but not more
4 than 10 copies of the preliminary plat and other data to the
5 clerk of the municipality.

6 (2) The governing body ~~—, within 90 days from the date of~~
7 ~~filing,~~ shall tentatively approve and note its approval on the
8 copy of the preliminary plat, **or tentatively approve it subject**
9 **to conditions and note its approval and conditions on the copy of**
10 **the preliminary plat,** to be returned to the proprietor, or set
11 forth in writing its reasons for rejection and requirements for
12 tentative approval, ~~—~~ **within the following time period, as**
13 **applicable:**

14 (a) Within 60 days after it was submitted to the clerk, if a
15 preapplication review meeting was conducted under section
16 111(3).

17 (b) Within 90 days after it was submitted to the clerk, if a
18 preapplication review meeting was not conducted under section
19 111(3).

20 (3) The governing body may require the submission of other
21 related data as it deems necessary, if the requirement for such
22 data has previously been adopted and published.

23 (4) Tentative approval under this section ~~shall confer~~
24 **confers** upon the proprietor for a period of 1 year from date,
25 approval of lot sizes, lot orientation, and street layout, **and**
26 **application of the then-current subdivision regulations.** ~~—Such~~
27 **The** tentative approval may be extended if applied for by the

1 proprietor and granted by the governing body in writing.

2 **Sec. 112a. After the tentative approval by the governing**
3 **body under section 112, the proprietor shall submit copies of a**
4 **preliminary plat to each officer or agency entitled to receive**
5 **those copies under sections 113 to 118 for their simultaneous**
6 **review and action within the 30-day time period prescribed in**
7 **sections 113 to 118.**

8 **Sec. 113. (1) The proprietor shall submit 3 copies of the**
9 **preliminary plat to the engineer or chairman of the county road**
10 **commission if the proposed subdivision includes or abuts roads**
11 **under the commission's jurisdiction.**

12 **(2) The county road commission may also require to be**
13 **submitted with the preliminary plat a topographic map showing**
14 **direction of drainage and proposed widths of roads under its**
15 **jurisdiction or to come under its jurisdiction and private roads**
16 **in unincorporated areas.**

17 **(3) The county road commission, within 30 days ~~of~~ after**
18 **receipt of the preliminary plat, shall approve it, ~~and note its~~**
19 **~~approval on the copy to be returned to the proprietor~~ approve it**
20 **subject to conditions, or reject it. If the preliminary plat is**
21 **approved, the county road commission shall note its approval on**
22 **the copy to be returned to the proprietor. If the preliminary**
23 **plat is approved subject to conditions or rejected, the reasons**
24 **for rejection and requirements for approval shall be given ~~the~~**
25 **~~proprietor~~ in writing to the proprietor and each of the other**
26 **officers and agencies to which the proprietor was required to**
27 **submit the preliminary plat under sections 114 to 115 and 117 to**

1 119.

2 Sec. 114. (1) The proprietor shall submit 3 copies of the
3 preliminary plat to the county drain commissioner, if there is a
4 county drain commissioner.

5 (2) The county drain commissioner or, ~~governing body,~~ if
6 there is no drain commissioner, **the governing body** may require a
7 topographic map showing direction of storm water drainage both
8 within the lands proposed to be subdivided and from the land as
9 subdivided.

10 (3) The county drain commissioner or governing body, within
11 30 days ~~of~~ **after** receipt of the preliminary plat, shall approve
12 it, ~~and note its approval on the copy to be returned to the~~
13 ~~proprietor~~ **approve it subject to conditions**, or reject it. If
14 **the preliminary plat is approved, the drain commissioner or**
15 **governing body shall note its approval on the copy to be returned**
16 **to the proprietor. If the preliminary plat is approved subject to**
17 **conditions or** rejected, the reasons for rejection and
18 requirements for approval shall be given ~~the proprietor~~ in
19 **writing to the proprietor and each of the other officers and**
20 **agencies to which the proprietor was required to submit the**
21 **preliminary plat under sections 113 to 115 and 117 to 119.**

22 Sec. 115. (1) The proprietor shall submit 3 copies of the
23 preliminary plat to the **state transportation** department, ~~of~~
24 ~~state highways,~~ if any of the proposed subdivision includes or
25 abuts a state trunk line highway ~~—~~ or includes streets or roads
26 that connect with or lie within the ~~right-of-way~~ **right-of-way**
27 of state trunk line highways.

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1 (2) The **state transportation** department, ~~of state highways,~~
2 within 30 days ~~of~~ **after** receipt of the preliminary plat, shall
3 approve it, ~~and note its approval on the copy to be returned to~~
4 ~~the proprietor~~ **approve it subject to conditions**, or reject it.
5 If the preliminary plat is approved, the department shall note
6 its approval on the copy to be returned to the proprietor. If the
7 preliminary plat is approved subject to conditions or rejected,
8 the reasons for rejection and requirements for approval shall be
9 given ~~the proprietor~~ in writing **to the proprietor and each of**
10 **the other officers and agencies to which the proprietor was**
11 **required to submit the preliminary plat under sections 113 to 115**
12 **and 117 to 119.**

13 Sec. 116. (1) The proprietor shall submit 2 copies of the
14 preliminary plat to the ~~conservation~~ department **of <<environmental**
15 **quality >>** for information purposes, if the land proposed to be
16 subdivided abuts a lake or stream ~~—~~ or abuts an existing or
17 proposed channel or lagoon affording access to a lake or stream
18 where public rights may be affected.

19 (2) The department, within 30 days ~~of~~ **after** receipt of the
20 preliminary plat, shall place the proprietor, the governing body
21 of the municipality, and the county plat board on notice in
22 writing if it ~~approves or~~ has any objections or may furnish
23 such information to each as may be helpful or necessary in its
24 opinion to adequately plan the development and secure approval of
25 the final plat.

26 (3) Copies of ~~such~~ **the letters required under subsection**
27 **(2)** shall be sent to the ~~state treasurer~~ **department of labor**

1 **and economic growth.**

2 Sec. 117. (1) The proprietor shall submit 2 copies of the
3 preliminary plat to the department of environmental quality, if
4 any of the subdivision lies wholly or in part within the
5 floodplain of a river, stream, creek, or lake. The department of
6 environmental quality, within 30 days ~~of~~ **after** receipt of the
7 preliminary plat, shall approve it, ~~and note its approval on the~~
8 ~~copy to be returned to the proprietor~~ **approve it subject to**
9 **conditions**, or reject it. **If the preliminary plat is approved,**
10 **the department of environmental quality shall note its approval**
11 **on the copy to be returned to the proprietor.** If the department
12 of environmental quality **approves the preliminary plat subject to**
13 **conditions** or rejects the preliminary plat, the department shall
14 give the reasons for rejection and requirements for approval in
15 writing to the proprietor **and to each of the other officers and**
16 **agencies to which the proprietor was required to submit the**
17 **preliminary plat under sections 113 to 115 and 117 to 119.** The
18 determination of a floodplain area shall be based on rules
19 specified in section 105(f).

20 (2) The preliminary plat submittal to the department of
21 environmental quality under subsection (1) shall be accompanied
22 by a fee of \$500.00 to cover the administrative cost of the
23 department's preliminary plat review. If the department of
24 environmental quality determines that engineering computations
25 are required to establish the limits of the floodplain on a
26 preliminary plat, the department shall assess an additional fee
27 of \$1,500.00 to cover the department's cost of establishing those

1 limits.

2 (3) The department of environmental quality shall forward
3 fees collected under this section to the state treasurer for
4 deposit in the land and water management permit fee fund created
5 in section 30113 of the natural resources and environmental
6 protection act, 1994 PA 451, MCL 324.30113.

7 Sec. 118. (1) The proprietor shall submit 3 copies of the
8 preliminary plat to the health department having jurisdiction, if
9 public water and public sewers are not available and accessible
10 to the land proposed to be subdivided.

11 (2) The health department, within 30 days ~~of~~ **after** receipt
12 of the preliminary plat, shall approve it, ~~and note its approval~~
13 ~~on the copy to be returned to the proprietor~~ **approve it subject**
14 **to conditions**, or reject all or ~~such~~ **any** portion of the
15 proposed subdivision that is not suitable. **If the preliminary**
16 **plat is approved, the health department shall note its approval**
17 **on the copy to be returned to the proprietor.** If all or any
18 portion of the preliminary plat is approved subject to conditions
19 or is rejected, ~~it~~ **the health department** shall give its reasons
20 for rejection and requirements for approval ~~to the proprietor~~
21 ~~and governing body~~ **in writing to the proprietor, the governing**
22 **body, and each of the other officers and agencies to which the**
23 **proprietor was required to submit the preliminary plat under**
24 **sections 113 to 115 and 117 to 119.**

25 Sec. 120. ~~(1) Final approval of the preliminary plat~~
26 ~~approval under this section shall confer upon the proprietor for~~
27 ~~a period of 2 years from date of approval, the conditional right~~

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1 ~~that the general terms and conditions under which preliminary~~
2 ~~approval was granted will not be changed. The 2 year period may~~
3 ~~be extended if applied for by the proprietor and granted by the~~
4 ~~governing body in writing. Written notice of the extension shall~~
5 ~~be sent by the governing body to the other approving~~
6 ~~authorities. The~~

7 **(1) After the preliminary plat is approved or is approved**
8 **subject to conditions pursuant to sections 113 to 119, the**
9 **proprietor shall do all of the following:**

10 ~~(a) Submit a preliminary plat to all authorities as required~~
11 ~~by sections 112 to 119.~~

12 **(a) ~~(b)~~ Submit to the clerk of the governing body of the**
13 **municipality a list of all ~~such~~ authorities ~~to the clerk of~~**
14 **~~the governing body of the municipality~~ required by sections 113**
15 **to 119 to review the preliminary plat,** certifying that the list
16 shows all authorities as required by sections ~~112~~ **113** to 119.

17 **(b) ~~(c)~~ Submit all ~~approved copies~~ written approvals to**
18 **the clerk of the governing body. ~~, after all necessary approvals~~**
19 **~~have been secured.~~**

20 **(2) The governing body of the municipality, after receipt of**
21 **the necessary approved copies of the preliminary plat, shall do**
22 **all of the following:**

23 **(a) Consider and review the preliminary plat at its next**
24 **meeting, or within 20 days from the date of submission, and**
25 **approve it if the proprietor has met all conditions laid down <<by the**
26 **municipality>> for**
27 **approval of the preliminary plat.**

27 **(b) Instruct the clerk to promptly notify the proprietor of**

1 approval or rejection in writing ~~—~~ and, if rejected, to give
2 the reasons.

3 (c) Instruct the clerk to note all proceedings in the minutes
4 of the meeting which minutes shall be open for inspection.

5 (3) **Final approval of the preliminary plat under this section**
6 **confers upon the proprietor for a period of 2 years from date of**
7 **approval the conditional right that the general terms and**
8 **conditions under which preliminary plat approval was granted will**
9 **not be changed. The 2-year period may be extended if applied for**
10 **by the proprietor and granted by the governing body in writing.**
11 **Written notice of the extension shall be sent by the governing**
12 **body to the other approving authorities.**

13 Sec. 131. (1) Following final approval of the preliminary
14 plat ~~by the governing body~~ **under section 120**, the proprietor
15 shall cause a survey and ~~—5— a true —plats—~~ **plat** thereof to be
16 made by a surveyor.

17 (2) All approvals made on the preliminary plat shall expire
18 as provided in section 120.

19 (3) A final plat shall not be accepted after the date of
20 expiration of the preliminary plat approval.

21 (4) A final plat received by the ~~—state treasurer—~~ **department**
22 **of labor and economic growth** more than 1 year following the date
23 of approval of the city or county treasurer shall be returned to
24 the **city or county** treasurer who shall make a new certificate
25 currently dated, relative to paid or unpaid taxes, special
26 assessments, and tax liens or titles.

27 (5) All final plats of subdivided land shall comply with the

1 provisions of **this section and sections ~~131~~ 132 to 151.**

2 Sec. 142. **The proprietor shall provide a true copy of the**
 3 **final plat to each of the authorities named in sections 146 to**
 4 **149.** To entitle a final plat to be recorded, the following
 5 certificates, in the form prescribed by the ~~state treasurer~~
 6 **department of labor and economic growth**, lettered or printed
 7 legibly with black, durable ink or typed legibly with black
 8 ~~ribbon~~ **ink** shall appear on it and the certificates shall
 9 contain the statements and information and shall be signed and
 10 dated as prescribed in sections 141 to ~~150~~ **151:**

11 (a) A surveyor's certificate of compliance with the statute.

12 (b) A certificate of the proprietor submitting the plat.

13 (c) A certificate of taxes by the treasurer of the county in
 14 which the plat is situated, as required by section 135 of ~~Act~~
 15 ~~No. 206 of the Public Acts of 1893, as amended~~ **the general**
 16 **property tax act, 1893 PA 206, MCL 211.135.**

17 (d) A certificate of taxes signed by the treasurer of the
 18 municipality in which the plat is located if the municipality
 19 does not return delinquent taxes to the state treasurer, as
 20 required by section 135 of ~~Act No. 206 of the Public Acts of~~
 21 ~~1893, as amended~~ **the general property tax act, 1893 PA 206, MCL**
 22 **211.135.**

23 (e) A certificate of approval of the county drain
 24 commissioner, if there is a county drain commissioner.

25 (f) A certificate of approval of the board of county road
 26 commissioners, if public streets and roads shown on the plat are
 27 under its jurisdiction or to come under its jurisdiction and if

1 any private streets or roads shown on the plat are in an
2 unincorporated area.

3 (g) A certificate of approval of the governing body of the
4 municipality. The certificate of the governing body of the
5 municipality may not be placed on the plat unless the proprietor
6 has deposited with the clerk both the filing and recording fee
7 required by section 241 and the fee permitted by section 246 by
8 the municipality for review and approval of a plat.

9 (h) A certificate of approval of the county plat board. The
10 certificate may not be placed on the plat unless the filing and
11 recording fee required by section 241 has been received by the
12 ~~clerk~~ **chairperson or secretary** of the county plat board.

13 (i) A certificate of approval of the state ~~highway~~
14 ~~commission~~ **transportation department** when the subdivision
15 includes or abuts state trunk line highways.

16 (j) A certificate of approval of the ~~state treasurer~~
17 **department of labor and economic growth**. The certificate of the
18 ~~state treasurer~~ **department of labor and economic growth** may not
19 be placed on the plat unless the portion of the filing and
20 recording fee due the state as provided by section 241 has been
21 received by ~~him~~ **the department**.

22 Sec. 147. (1) A certificate shall be signed by the
23 ~~majority~~ **chairperson** of the board of county road
24 commissioners.

25 (2) The certificate shall show the date on which the board
26 met and approved the plat and the date the certificate was placed
27 on the plat.

1 (3) The certificate shall signify ~~that~~ both of the
2 following:

3 (a) ~~The~~ That the plat has been reviewed and conforms to the
4 requirements of this act and the board's published rules and
5 regulations relative to streets, alleys, roads, and highways
6 under its jurisdiction.

7 (b) ~~The~~ That the plat has the board's approval.

8 Sec. 161. (1) The final plat shall be submitted in
9 accordance with the procedure prescribed in this section and
10 sections 162 to 173.

11 (2) The proprietor shall submit 1 true copy of the final plat
12 to each of the following officers or agencies, as applicable, for
13 their simultaneous review and action within the time periods
14 prescribed in sections 163 to 167a:

15 (a) The drain commissioner, if the drain commissioner's
16 approval was required on the preliminary plat.

17 (b) The board of county road commissioners, if the board's
18 approval was required on the preliminary plat.

19 (c) The clerk of the governing body of the municipality,
20 together with the filing and recording fee required by section
21 241.

22 (d) The state transportation department, if the department's
23 approval was required on the preliminary plat.

24 (3) The sworn certificate of the surveyor who made the plat
25 shall appear on each true copy of the final plat and shall state
26 all of the following:

27 (a) A statement that the copy is a true copy of the final

1 plat.

2 (b) A statement that the plat is subject to the approval of
3 each of the officers and agencies whose approval is required
4 under sections 162 to 169, with a list of those officers and
5 agencies.

6 (c) The date of the certificate.

7 Sec. 162. The proprietor shall submit ~~5~~ 1 true ~~copies~~
8 copy of the final plat to the drain commissioner, if his or her
9 approval was required on the preliminary plat, or ~~6~~ 2 true
10 copies if the proprietor requests an additional copy to be
11 returned to him or her.

12 Sec. 163. Within 10 days after the date of receiving the
13 plat under section 161(2) (a), the drain commissioner shall do 1
14 of the following:

15 (a) ~~Certify his approval on all copies of the plat and~~
16 ~~return it to the proprietor, or~~ Approve the plat and notify the
17 proprietor of his or her approval.

18 (b) Reject the plat, give his or her reasons in writing, and
19 return it to the proprietor. ~~(c) Send~~ The drain commissioner
20 shall send a copy of the letter of rejection to the clerk of the
21 governing body and the chairperson of the county plat board.

22 Sec. 164. ~~When the plat has been approved by the drain~~
23 ~~commissioner, the~~ The proprietor shall submit ~~all copies~~ 1
24 true copy of the plat to the board of county road commissioners,
25 when their approval was required on the preliminary plat.

26 Sec. 165. Within 15 days after the date of receiving the
27 plat under section 161(2) (b), a majority of the board of county

1 road commissioners shall **do 1 of the following:**

2 (a) ~~Certify their approval on all copies of the plat and~~
 3 ~~return it to the proprietor; or~~ **Approve the plat, instruct the**
 4 **chairperson to certify their approval on the final plat, and**
 5 **notify the proprietor of the board's approval.**

6 (b) Reject the plat, give their reasons in writing, and
 7 return it to the proprietor. ~~-(e) Send~~ **The board of county road**
 8 **commissioners shall send** a copy of the letter of rejection to the
 9 clerk of the governing body **and the chairperson of the county**
 10 **plat board.**

11 Sec. 166. ~~When the plat has been approved by the drain~~
 12 ~~commissioner and the county road commissioners, the~~ **The**
 13 proprietor shall submit ~~all copies~~ **1 true copy** of the plat to
 14 the clerk of the governing body of the municipality, together
 15 with the filing fee required by section 241.

16 Sec. 167. **(1)** At its next regular meeting, or at a meeting
 17 called within 20 days ~~of~~ **after** the date of ~~submission~~
 18 **receiving the plat under section 161(2)(c),** the governing body
 19 shall **do 1 of the following:**

20 (a) Approve the plat if it conforms to all of the provisions
 21 of this act and instruct the clerk to **notify the proprietor of**
 22 **the governing board's approval and** certify ~~on the plat to~~ the
 23 governing body's approval, showing the date of the governing
 24 body's approval, the approval of the health department, when
 25 required, and the date thereof as shown as the approved
 26 preliminary plat. ~~—, or~~

27 (b) Reject the plat, instruct the clerk to give the reasons

1 in writing as set forth in the minutes of the meeting, and return
2 the plat to the proprietor.

3 (2) ~~—(c) Instruct~~ **The governing body shall instruct** the
4 clerk to record all proceedings in the minutes of the meeting,
5 which shall be open for inspection, **and to send a copy of the**
6 **minutes to the county plat board.**

7 **Sec. 167a. Within 10 days of receipt of the plat under**
8 **section 161(2)(d), the state transportation department shall do 1**
9 **of the following:**

10 **(a) Approve the plat and notify the proprietor of its**
11 **approval.**

12 **(b) Reject the plat and notify the proprietor directly,**
13 **giving the reasons in writing. The commission shall send a copy**
14 **of the letter of rejection to the chairperson of the county plat**
15 **board.**

16 **Sec. 168. (1) ~~When approved by the governing body, the~~**
17 **~~clerk~~ Upon notice of each approval, the proprietor shall obtain**
18 **the certificate on the final plat of each of the officers and**
19 **agencies whose certificate is required by sections 145 to 148.**
20 **The certificates and approvals may be obtained in any order. The**
21 **proprietor shall ~~promptly then forward all copies of~~ the**
22 **final plat to the ~~clerk~~ secretary of the county plat board,**
23 **together with the filing and recording fee.**

24 **(2) Within 15 days of the date of receipt of the plat, a**
25 **majority of the county plat board shall ~~—(a) Review~~ review**
26 **the plat for conformance to all provisions of the act and**
27 **~~certify~~ do 1 of the following:**

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1 (a) **Certify** their approval on ~~all copies, or~~ the plat.

2 (b) Reject the plat and notify the proprietor of the reasons
3 in writing when returning the plat, ~~also sending~~ and send a
4 copy of the letter to the clerk of the governing body.

5 Sec. 169. Upon approval of the plat by a majority of the
6 county plat board, the ~~clerk~~ **chairperson** of the board shall
7 forward it with all copies of the plat to the state
8 administrator.

9 Sec. 171. Within 15 days after receipt of the plat ~~, or~~
10 ~~within 25 days if the plat requires the approval of the state~~
11 ~~highway commission, the state treasurer~~ **the department of labor**
12 **and economic growth** shall **review the plat and do 1 of the**
13 **following:**

14 (a) ~~Review the plat and when it~~ **If the plat** conforms to all
15 of the provisions of this act, ~~he shall~~ **procure at least 4**
16 **exact copies at the surveyor's expense**, approve ~~it~~ the plat,
17 and send ~~1 copy of~~ the **original final** plat to the register of
18 deeds for recording. ~~, or~~

19 (b) Reject the plat and notify the proprietor in writing of
20 the reasons.

21 Enacting section 1. Section 170 of the land division act,
22 1967 PA 288, MCL 560.170, is repealed.

<<Enacting section 2. This amendatory act takes effect July 1,
2005.>>