

SENATE BILL No. 1416

September 21, 2004, Introduced by Senator BIRKHOLZ and referred to the Committee on Natural Resources and Environmental Affairs.

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, 161, 163, 165, 167, and 168 (MCL 560.111, 560.112,
560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.120,
560.131, 560.142, 560.161, 560.163, 560.165, 560.167, and
560.168), section 117 as amended by 1998 PA 549, and by adding
section 112a; 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,
5 location and position of the subdivision and the subdivision plan
6 and layout in sufficient detail on a topographic map to enable a

1 determination of whether the subdivision meets requirements for
2 lots, streets, roads, and highways including drainage and
3 floodplains.

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

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

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

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

10 (a) Within 60 days after it was submitted to the clerk, if a
11 preapplication review meeting was conducted under section
12 111(3).

13 (b) Within 90 days after it was submitted to the clerk, if a
14 preapplication review meeting was not conducted under section
15 111(3).

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

19 (4) Tentative approval under this section shall confer upon
20 the proprietor for a period of 1 year from date, approval of lot
21 sizes, lot orientation, and street layout. Such tentative
22 approval may be extended if applied for by the proprietor and
23 granted by the governing body in writing.

24 Sec. 112a. After the tentative approval by the governing
25 body under section 112, the proprietor shall submit copies of a
26 preliminary plat to each officer or agency entitled to receive
27 those copies under sections 113 to 118 for their simultaneous

1 review and action within the 30-day time period prescribed in
2 sections 113 to 118.

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

7 (2) The county road commission may also require to be
8 submitted with the preliminary plat a topographic map showing
9 direction of drainage and proposed widths of roads under its
10 jurisdiction or to come under its jurisdiction and private roads
11 in unincorporated areas.

12 (3) The county road commission, within 30 days ~~of~~ **after**
13 receipt of the preliminary plat, shall approve it, ~~and note its~~
14 ~~approval on the copy to be returned to the proprietor~~ **approve it**
15 **subject to conditions**, or reject it. **If the preliminary plat is**
16 **approved, the county road commission shall note its approval on**
17 **the copy to be returned to the proprietor. If the preliminary**
18 **plat is approved subject to conditions or rejected, the reasons**
19 **for rejection and requirements for approval shall be given** ~~the~~
20 ~~proprietor~~ **in writing to the proprietor and each of the other**
21 **officers and agencies to which the proprietor was required to**
22 **submit the preliminary plat under sections 114 to 119.**

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

26 (2) The county drain commissioner or, ~~governing body,~~ if
27 there is no drain commissioner, **the governing body** may require a

1 topographic map showing direction of storm water drainage both
 2 within the lands proposed to be subdivided and from the land as
 3 subdivided.

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

16 Sec. 115. (1) The proprietor shall submit 3 copies of the
 17 preliminary plat to the **state transportation** department, ~~of~~
 18 ~~state highways~~, if any of the proposed subdivision includes or
 19 abuts a state trunk line highway ~~—~~ or includes streets or roads
 20 that connect with or lie within the ~~right-of-way~~ **right-of-way**
 21 of state trunk line highways.

22 (2) The **state transportation** department, ~~of state highways~~,
 23 within 30 days ~~of~~ **after** receipt of the preliminary plat, shall
 24 approve it, ~~and note its approval on the copy to be returned to~~
 25 ~~the proprietor~~ **approve it subject to conditions**, or reject it.
 26 If the preliminary plat is approved, the department shall note
 27 its approval on the copy to be returned to the proprietor. If the

1 preliminary plat is approved subject to conditions or rejected,
2 the reasons for rejection and requirements for approval shall be
3 given ~~the proprietor~~ in writing to the proprietor and each of
4 the other officers and agencies to which the proprietor was
5 required to submit the preliminary plat under sections 113 to
6 119.

7 Sec. 116. (1) The proprietor shall submit 2 copies of the
8 preliminary plat to the ~~conservation~~ department of natural
9 resources for information purposes, if the land proposed to be
10 subdivided abuts a lake or stream — or abuts an existing or
11 proposed channel or lagoon affording access to a lake or stream
12 where public rights may be affected.

13 (2) The department, within 30 days ~~of~~ after receipt of the
14 preliminary plat, shall place the proprietor, the governing body
15 of the municipality, ~~and~~ the county plat board, and each of the
16 other officers and agencies to which the proprietor was required
17 to submit the preliminary plat under section 113 to 119 on notice
18 in writing if it approves or has any objections or may furnish
19 such information to each as may be helpful or necessary in its
20 opinion to adequately plan the development and secure approval of
21 the final plat.

22 (3) Copies of ~~such~~ the letters required under subsection
23 (2) shall be sent to the ~~state treasurer~~ department of labor
24 and economic growth.

25 Sec. 117. (1) The proprietor shall submit 2 copies of the
26 preliminary plat to the department of environmental quality, if
27 any of the subdivision lies wholly or in part within the

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

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

25 (3) The department of environmental quality shall forward
26 fees collected under this section to the ~~state treasurer~~
27 **department of labor and economic growth** for deposit in the land

1 and water management permit fee fund created in section 30113 of
2 the natural resources and environmental protection act, 1994 PA
3 451, MCL 324.30113.

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

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

22 Sec. 120. ~~-(1) Final approval of the preliminary plat~~
23 ~~approval under this section shall confer upon the proprietor for~~
24 ~~a period of 2 years from date of approval, the conditional right~~
25 ~~that the general terms and conditions under which preliminary~~
26 ~~approval was granted will not be changed. The 2-year period may~~
27 ~~be extended if applied for by the proprietor and granted by the~~

~~1 governing body in writing. Written notice of the extension shall~~
~~2 be sent by the governing body to the other approving~~
~~3 authorities. The~~

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

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

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

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

17 **(2) The governing body of the municipality, after receipt of**
18 **the necessary approved copies of the preliminary plat, shall do**
19 **all of the following:**

20 **(a) Consider and review the preliminary plat at its next**
21 **meeting, or within 20 days from the date of submission, and**
22 **approve it if the proprietor has met all conditions laid down for**
23 **approval of the preliminary plat.**

24 **(b) Instruct the clerk to promptly notify the proprietor of**
25 **approval or rejection in writing ~~, and, if rejected,~~ to give**
26 **the reasons.**

27 **(c) Instruct the clerk to note all proceedings in the minutes**

1 of the meeting which minutes shall be open for inspection.

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

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

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

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

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

25 (5) All final plats of subdivided land shall comply with the
26 provisions of **this section and sections ~~131~~ 132 to 151.**

27 Sec. 142. **The proprietor shall provide a copy of the final**

1 plat to each of the authorities named in sections 143 to 151. To
2 entitle a final plat to be recorded, the following certificates,
3 in the form prescribed by the ~~state treasurer~~ **department of**
4 **labor and economic growth**, lettered or printed legibly with
5 black, durable ink or typed legibly with black ~~ribbon~~ **ink** shall
6 ~~appear on it and the~~ **accompany a copy of the final plat. The**
7 certificates shall contain the statements and information and
8 shall be signed and dated as prescribed in sections ~~141~~ **143** to
9 150:

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

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

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

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

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

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

1 unincorporated area.

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

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

13 (i) A certificate of approval of the state highway commission
14 when the subdivision includes or abuts state trunk line
15 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. 161. (1) The final plat shall be submitted in
23 accordance with the procedure prescribed in **this section and**
24 sections 162 to 173.

25 (2) **The proprietor shall submit 1 of the 5 true copies of the**
26 **final plat to each of the following officers or agencies, as**
27 **applicable:**

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

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

5 (c) The clerk of the governing body of the municipality,
6 together with the filing and recording fee required by section
7 241.

8 (d) The chairperson of the county plat board.

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

12 (a) Certify his or her written approval ~~on all copies~~ of
13 the plat on a separate written certificate and ~~return it to the~~
14 ~~proprietor, or~~ send the plat and certificate to the chairperson
15 of the county plat board.

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

20 Sec. 165. Within 15 days after the date of receiving the
21 plat under section 161(2) (b), a majority of the board of county
22 road commissioners shall do 1 of the following:

23 (a) Certify their written approval ~~on all copies~~ of the
24 plat on a separate written certificate and ~~return it to the~~
25 ~~proprietor, or~~ send the plat and certificate to the county plat
26 board.

27 (b) Reject the plat, give their reasons in writing, and

1 return it to the proprietor. ~~—(e) Send~~ **The board of county road**
2 **commissioners shall send** a copy of the letter of rejection to the
3 ~~clerk of the governing body~~ **chairperson of the county plat**
4 **board.**

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

9 (a) Approve the plat if it conforms to all of the provisions
10 of this act and instruct the clerk to certify ~~on the plat to~~
11 the governing body's approval **on a separate written certificate,**
12 showing the date of the governing body's approval, **and** the
13 approval of the health department, when required, and the date
14 ~~thereof as shown as the approved preliminary plat, or of the~~
15 **health department's approval.**

16 (b) Reject the plat, instruct the clerk to give the reasons
17 in writing as set forth in the minutes of the meeting, and return
18 the plat to the proprietor.

19 (2) ~~—(e) Instruct~~ **The governing body shall instruct** the
20 clerk to record all proceedings in the minutes of the meeting,
21 which shall be open for inspection.

22 (3) **If the governing body approves the plat, the clerk shall**
23 **promptly forward the plat and the certificate of approval to the**
24 **clerk of the county plat board, together with the filing and**
25 **recording fee.**

26 Sec. 168. ~~—(1) When approved by the governing body, the~~
27 ~~clerk shall promptly forward all copies of the plat to the clerk~~

1 ~~of the county plat board, together with the filing and recording~~
2 ~~fee.~~

3 (1) ~~—(2)—~~ Within 15 days ~~of~~ **after** the date of ~~receipt of~~
4 **receiving a copy of the plat under section 161(2)(d) and all**
5 **copies of the plat sent under sections 163, 165, and 167, a**
6 majority of the county plat board shall **do 1 of the following:**

7 (a) Review the plat for conformance to all provisions of the
8 act and certify their approval on ~~all copies, or~~ **a separate**
9 **written certificate.**

10 (b) Reject the plat and notify the proprietor of the reasons
11 in writing when returning the plat, also sending a copy of the
12 letter to the clerk of the governing body.

13 (2) **Upon approval of the plat by a majority of the county**
14 **plat board, the chairperson of the county plat board shall verify**
15 **that the copies of the true plat submitted to the board are**
16 **identical and shall forward to the state administrator 1 true**
17 **copy of the plat with all original certificates of approval**
18 **attached to it.**

19 Enacting section 1. Sections 162, 164, 166, and 169 of the
20 land division act, 1967 PA 288, MCL 560.162, 560.164, 560.166,
21 and 560.169, are repealed.