

# SENATE BILL No. 1485

November 9, 2006, Introduced by Senators JOHNSON and KUIPERS and referred to the Committee on Transportation.

A bill to amend 1931 PA 246, entitled

"An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges,"

by amending sections 1 and 1a (MCL 41.271 and 41.271a).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. Whenever the owners of more than ~~51%~~ 75% of the  
2 lineal frontage of lands outside of the corporate limits of any  
3 city or village fronting or touching upon any public highway or  
4 portion ~~thereof~~ **OF THE PUBLIC HIGHWAY**, desire a pavement or  
5 sidewalks built ~~thereon~~ **ON THE PUBLIC HIGHWAY**, they may file an

1 application for ~~such~~ **THE** improvement with the county road  
2 commissioners of the county in which ~~such~~ **THE** pavement or  
3 sidewalk is proposed to be built. No application for the paving of  
4 any highway, or portion ~~thereof~~ **OF THE HIGHWAY**, shall be  
5 considered unless at least 75% of the lands fronting ~~thereon~~ **THE**  
6 **HIGHWAY** have been subdivided into parcels having a frontage of not  
7 more than 300 feet each on ~~such~~ **THE** highway or there shall be an  
8 average of at least 1 building, including buildings under  
9 construction, located along the portion of ~~such~~ **THE** highway  
10 proposed to be paved for every 300 lineal feet ~~thereof~~ **OF THE**  
11 **PUBLIC HIGHWAY**, according to a survey thereof to be made by the  
12 commissioners. The eligibility of signers to any application  
13 ~~hereby authorized~~ may be determined by their interest of record in  
14 the office of the register of deeds or in the probate court of the  
15 county in which ~~such~~ **THE** lands are situated at the time the  
16 petition is presented or by other satisfactory proof of interest  
17 presented to the commissioners. ~~Such~~ **THE** petition shall be  
18 accompanied by a description of the land fronting or touching on  
19 the highway owned by each signer and by a certificate of the county  
20 treasurer, showing the taxes or special assessments, if any,  
21 against such lands which appear delinquent on his **OR HER** books. →  
22 ~~no~~ **NO** name of any signer on the petition shall be considered valid  
23 whose land fronting or touching on the highways shows delinquent  
24 assessments or taxes on such certificate. Any petition ~~so~~  
25 received by the commissioners or presented to them under the  
26 provisions of this act — shall be deemed to confer full authority  
27 to cause ~~such~~ work to be done in order that the proper proportion

1 of the expense ~~thereof~~ may be met accordingly. The commissioners  
2 shall have all the power of laying out and establishing all ~~such~~  
3 pavements or sidewalks. ~~The words~~

4 (2) AS USED IN THIS ACT, "highway" or "public highway" ~~as~~  
5 ~~used in this act mean~~ **MEANS** any road, street, or alley taken over  
6 by and under the jurisdiction of the board of county road  
7 commissioners.

8 Sec. 1a. (1) Any township board, by resolution, may make  
9 application to the board of county road commissioners for the  
10 improvement of a county road or portion thereof located within the  
11 township. The resolution when received and accepted by the county  
12 road commissioners shall confer the same authority to cause an  
13 improvement to be made and benefits assessed as if a petition were  
14 filed in accordance with the provisions of section 1. The petition  
15 shall not be considered unless it complies with the subdivision and  
16 building requirements set forth in section 1 relating to  
17 applications by property owners. **ADDITIONALLY, UNLESS THE OWNERS OF**  
18 **MORE THAN 75% OF THE LINEAL FRONTAGE OF LANDS CONCUR IN WRITING**  
19 **WITH THE TOWNSHIP BOARD, THE PETITION SHALL NOT BE CONSIDERED.**

20 (2) A declaration of necessity shall be made by resolution of  
21 the board of county road commissioners who shall thereafter hold a  
22 public hearing at the township hall upon the declaration of  
23 necessity in the same manner as if an application had been filed by  
24 property owners as set forth in section 1. After the date of the  
25 public hearing on the declaration of necessity, the property owners  
26 of 51% or more of the lineal frontage along the proposed  
27 improvement may submit ~~within~~ **NO LATER THAN 45 days AFTER THE**

1 **PUBLIC HEARING** a petition to the board of county road commissioners  
2 requesting that the project be discontinued. The project shall be  
3 discontinued if, upon examination, the owners of 51% or more of the  
4 lineal frontage along the improvement have signed the petition. If  
5 no petition is filed ~~within~~ **NO LATER THAN** 45 days **AFTER THE**  
6 **PUBLIC HEARING**, the project shall proceed in the same manner as if  
7 inaugurated by property owners.