



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5589 (Substitute H-1 as passed by the House)
Sponsor: Representative Kate Ebli
House Committee: Intergovernmental, Urban, and Regional Affairs
Senate Committee: Local, Urban and State Affairs

Date Completed: 4-22-08

CONTENT

The bill would amend the Land Division Act to prohibit a division from isolating a cemetery so that it was not accessible, and require the governing body of a municipality to reject a plat if it isolated a cemetery so that it was not accessible.

Under the Act, a municipality must approve or disapprove a proposed division of land within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official. A municipality with a population of 2,500 or less may enter into an agreement with a county to transfer to the county authority to approve or disapprove a division. A complete application for a proposed division must be approved if each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, public utility easements, and accessibility; has a depth, width, and area as provided for in the Act; has adequate easements for public utilities from the parcel to existing public utility facilities; and meets other requirements in the Act.

Under the bill, a proposed division also could not isolate a cemetery so that it was not accessible, as that term is defined in the Act.

(In reference to a parcel, "accessible" means that the parcel meets one or both of the following requirements:

- Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or county road commission under Public Act 200 of 1969 (which regulates driveways, banners, and parades on highways), and of the city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the State Transportation Department or county road commission under Public Act 200 and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.)

The Land Division Act requires the governing body of a municipality to reject a plat in any of the following circumstances:

- The plat is isolated from or isolates other land from existing public streets, unless suitable access is provided.
- The plat shows a street or road name duplicating one already in use in the municipality, except in continuing a street or road.
- The plat shows the name of a new street, alley, or road that is so similar to the one already in existence in the municipality that permitting that use in the subdivision may be confusing for purposes of assessing, mail delivery, and locating by the public.

Under the bill, the governing body also would have to reject a plat if it isolated a cemetery so that it was not accessible.

MCL 560.109 & 560.182

Legislative Analyst: Craig Laurie

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.