

**SUBSTITUTE FOR
HOUSE BILL NO. 5698**

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending sections 102, 151, 172, 173, 198, 210, 224a, 229, 242,
244, 255b, 256, 257, and 290 (MCL 560.102, 560.151, 560.172,
560.173, 560.198, 560.210, 560.224a, 560.229, 560.242, 560.244,
560.255b, 560.256, 560.257, and 560.290), section 102 as amended by
1996 PA 591 and section 224a as amended by 1996 PA 219.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:

2 (a) "Plat" means a map or chart of a subdivision of land.

3 (b) "Land" means all land areas occupied by real property.

4 (c) "Preliminary plat" means a map showing the salient
5 features of a proposed subdivision submitted to an approving
6 authority for purposes of preliminary consideration.

7 (d) "Division" means the partitioning or splitting of a parcel

1 or tract of land by the proprietor thereof or by his or her heirs,
2 executors, administrators, legal representatives, successors, or
3 assigns for the purpose of sale, or lease of more than 1 year, or
4 of building development that results in 1 or more parcels of less
5 than 40 acres or the equivalent, and that satisfies the
6 requirements of sections 108 and 109. Division does not include a
7 property transfer between 2 or more adjacent parcels, if the
8 property taken from 1 parcel is added to an adjacent parcel; and
9 any resulting parcel shall not be considered a building site unless
10 the parcel conforms to the requirements of this act or the
11 requirements of an applicable local ordinance.

12 (e) "Exempt split" means the partitioning or splitting of a
13 parcel or tract of land by the proprietor thereof or by his or her
14 heirs, executors, administrators, legal representatives,
15 successors, or assigns that does not result in 1 or more parcels of
16 less than 40 acres or the equivalent. For a property transfer
17 between 2 or more adjacent parcels, if the property taken from 1
18 parcel is added to an adjacent parcel, any resulting parcel shall
19 not be considered a building site unless the parcel conforms to the
20 requirements of this act or the requirements of an applicable local
21 ordinance.

22 (f) "Subdivide" or "subdivision" means the partitioning or
23 splitting of a parcel or tract of land by the proprietor thereof or
24 by his or her heirs, executors, administrators, legal
25 representatives, successors, or assigns for the purpose of sale, or
26 lease of more than 1 year, or of building development that results
27 in 1 or more parcels of less than 40 acres or the equivalent, and

1 that is not exempted from the platting requirements of this act by
2 sections 108 and 109. "Subdivide" or "subdivision" does not include
3 a property transfer between 2 or more adjacent parcels, if the
4 property taken from 1 parcel is added to an adjacent parcel; and
5 any resulting parcel shall not be considered a building site unless
6 the parcel conforms to the requirements of this act or the
7 requirements of an applicable local ordinance.

8 (g) "Parcel" means a continuous area or acreage of land which
9 can be described as provided for in this act.

10 (h) "Tract" means 2 or more parcels that share a common
11 property line and are under the same ownership.

12 (i) "Parent parcel" or "parent tract" means a parcel or tract,
13 respectively, lawfully in existence on the effective date of the
14 amendatory act that added this subdivision.

15 (j) "Accessible", in reference to a parcel, means that the
16 parcel meets 1 or both of the following requirements:

17 (i) Has an area where a driveway provides vehicular access to
18 an existing road or street and meets all applicable location
19 standards of the state transportation department or county road
20 commission under ~~Act No. 200 of the Public Acts of 1969, being~~
21 ~~sections 247.321 to 247.329 of the Michigan Compiled Laws 1969 PA~~
22 **200, MCL 247.321 TO 247.329**, and of the city or village, or has an
23 area where a driveway can provide vehicular access to an existing
24 road or street and meet all such applicable location standards.

25 (ii) Is served by an existing easement that provides vehicular
26 access to an existing road or street and that meets all applicable
27 location standards of the state transportation department or county

1 road commission under ~~Act No. 200 of the Public Acts of 1969-1969~~
2 **PA 200, MCL 247.321 TO 247.329**, and of the city or village, or can
3 be served by a proposed easement that will provide vehicular access
4 to an existing road or street and that will meet all such
5 applicable location standards.

6 (k) "Development site" means any parcel or lot on which exists
7 or which is intended for building development other than the
8 following:

9 (i) Agricultural use involving the production of plants and
10 animals useful to humans, including forages and sod crops; grains,
11 feed crops, and field crops; dairy and dairy products; poultry and
12 poultry products; livestock, including breeding and grazing of
13 cattle, swine, and similar animals; berries; herbs; flowers; seeds;
14 grasses; nursery stock; fruits; vegetables; Christmas trees; and
15 other similar uses and activities.

16 (ii) Forestry use involving the planting, management, or
17 harvesting of timber.

18 (l) "Forty acres or the equivalent" means 40 acres, a quarter-
19 quarter section containing not less than 30 acres, or a government
20 lot containing not less than 30 acres.

21 (m) "Lot" means a measured portion of a parcel or tract of
22 land, which is described and fixed in a recorded plat.

23 (n) "Outlot", when included within the boundary of a recorded
24 plat, means a lot set aside for purposes other than a development
25 site, park, or other land dedicated to public use or reserved to
26 private use.

27 (o) "Proprietor" means a natural person, firm, association,

1 partnership, corporation, or combination of any of them that holds
2 an ownership interest in land whether recorded or not.

3 (p) "Governing body" means the legislative body of a city or
4 village or the township board of a township.

5 (q) "Municipality" means a township, city, or village.

6 (r) "County plat board" means the register of deeds, who shall
7 act as chairperson, the county clerk, who shall act as secretary,
8 and the county treasurer. If the offices of county clerk and
9 register of deeds have been combined, the chairperson of the board
10 of supervisors shall be a member of the plat board and shall act as
11 chairperson. In a county where a board of auditors is authorized by
12 law such board may elect to serve on the county plat board by
13 adopting a resolution so ordering. A copy of the recorded
14 resolution shall be sent to the ~~state treasurer~~ **DIRECTOR OF THE**
15 **DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH.**

16 (s) "Public utility" means all persons, firms, corporations,
17 copartnerships, or municipal or other public authority providing
18 gas, electricity, water, steam, telephone, sewer, or other services
19 of a similar nature.

20 (t) "Caption" means the name by which the plat is legally and
21 commonly known.

22 (u) "Replat" means the process of changing, or the map or plat
23 which changes, the boundaries of a recorded subdivision plat or
24 part thereof. The legal dividing of an outlot within a recorded
25 subdivision plat without changing the exterior boundaries of the
26 outlot is not a replat.

27 (v) "Surveyor" means a professional surveyor licensed under

1 article 20 of the occupational code, ~~Act No. 299 of the Public Acts~~
2 ~~of 1980, being sections 339.2001 to 339.2014 of the Michigan~~
3 ~~Compiled Laws 1980 PA 299, MCL 339.2001 TO 339.2014.~~

4 (w) "Engineer" means a civil engineer who is a professional
5 engineer licensed under article 20 of the occupational code, ~~Act~~
6 ~~No. 299 of the Public Acts of 1980, being sections 339.2001 to~~
7 ~~339.2014 of the Michigan Compiled Laws 1980 PA 299, MCL 339.2001 TO~~
8 ~~339.2014.~~

9 (x) "Government survey" means the land surveyed, subdivided
10 and monumented by the United States public land survey.

11 (y) "Michigan coordinate system" means the system defined in
12 ~~Act No. 9 of the Public Acts of 1964, being sections 54.231 to~~
13 ~~54.239 of the Michigan Compiled Laws 1964 PA 9, MCL 54.231 TO~~
14 ~~54.239.~~

15 (z) "Alley" means a public or private right of way shown on a
16 plat which provides secondary access to a lot, block, or parcel of
17 land.

18 (aa) "Health department" means the department of environmental
19 quality, a city health department, a county health department, or a
20 district health department, whichever has jurisdiction.

21 (bb) "Public sewer" means a sewerage system as defined in
22 section 4101 of ~~part 41 (sewerage systems) of the natural resources~~
23 ~~and environmental protection act, Act No. 451 of the Public Acts of~~
24 ~~1994, being section 324.4101 of the Michigan Compiled Laws 1994 PA~~
25 ~~451, MCL 324.4101.~~

26 (cc) "Public water" means a system of pipes and structures
27 through which water is obtained and distributed to the public,

1 including wells and well structures, intakes, and cribs, pumping
2 stations, treatment plants, reservoirs, storage tanks and
3 appurtenances, collectively or severally, actually used or intended
4 for use for the purpose of furnishing water to the public for
5 household or drinking purposes.

6 (dd) "Topographical map" means a map showing existing physical
7 characteristics, with contour lines at sufficient intervals to
8 permit determination of proposed grades and drainage.

9 (ee) "Flood plain" means that area of land adjoining the
10 channel of a river, stream, water course, lake, or other similar
11 body of water which will be inundated by a flood which can
12 reasonably be expected for that region.

13 Sec. 151. (1) A certificate shall be signed and dated by the
14 ~~state treasurer~~ **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND**
15 **ECONOMIC GROWTH**, or may be signed and dated for him by an officer
16 of the department of ~~treasury~~ **ENERGY, LABOR, AND ECONOMIC GROWTH**,
17 if authorized by the ~~state treasurer~~ **DIRECTOR OF THE DEPARTMENT OF**
18 **ENERGY, LABOR, AND ECONOMIC GROWTH**.

19 (2) The certificate shall signify that:

20 (a) The plat conforms, in his **OR HER** opinion, to all of the
21 requirements of this act and to the published rules and regulations
22 of the department of ~~treasury~~ **ENERGY, LABOR, AND ECONOMIC GROWTH**,
23 relative to plats.

24 (b) The plat has the ~~state treasurer's~~ approval **OF THE**
25 **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**.

26 Sec. 172. Upon receipt of the plat from the ~~state treasurer~~
27 **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**

1 the register of deeds shall:

2 (a) Certify on the plat the time of recording and the book and
3 page where recorded. He **OR SHE** shall not accept a plat for
4 recording unless it is sent to him **OR HER** by the ~~state treasurer~~
5 **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**
6 and bears ~~his~~**A** certificate of approval **OF THE DIRECTOR OF THE**
7 **DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH.**

8 (b) Note on the record the time when made.

9 (c) Record the book and page number of any building
10 restrictions noted on or filed with the plat.

11 (d) Certify and promptly forward to the ~~state treasurer~~
12 **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH** on
13 a form specified by him **OR HER** that the plat has been recorded.

14 Sec. 173. When notification of recording of 1 copy of plat has
15 been received by the ~~state treasurer~~**DIRECTOR OF THE DEPARTMENT OF**
16 **ENERGY, LABOR, AND ECONOMIC GROWTH**, he **OR SHE** shall:

17 (a) Transcribe the certificate of recording on all other
18 copies.

19 (b) Retain 1 copy for his **OR HER** files.

20 (c) Mail 1 copy of the plat to the county treasurer, 1 copy to
21 the clerk of the municipality in which the plat is located, 1 copy
22 to the county road commission or the city planning commission, and
23 1 copy to the proprietor if he has submitted an extra copy for
24 certification and mailing.

25 Sec. 198. Subject to review and approval at a meeting of the
26 county plat board of the county in which the subdivision is
27 located, an affidavit by the surveyor who certified the plat may be

1 recorded in the office of the register of deeds in which the plat
2 is recorded but only for the purpose of correcting minor and
3 typographical errors in distances, angles, directions, bearings,
4 chords, lot numbers, street numbers or other details shown on a
5 recorded plat as follows:

6 (a) The affidavit shall explain the purpose, exact nature, and
7 details of the correction.

8 (b) If the county plat board rejects the request for recording
9 of the affidavit, it shall give its reasons in writing.

10 (c) The register of deeds, after approval of the county plat
11 board, shall note on the plat a reference to the book and page in
12 which the affidavit is recorded and shall send a certified copy to
13 the ~~state treasurer~~ **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR,**
14 **AND ECONOMIC GROWTH**, who shall note or reference it on his copy of
15 the plat. The ~~state treasurer~~ **DIRECTOR OF THE DEPARTMENT OF ENERGY,**
16 **LABOR, AND ECONOMIC GROWTH** shall send copies to all agencies which
17 received a copy of the plat.

18 (d) A recorded affidavit, or a certified copy thereof, shall
19 be prima facie evidence of the facts therein stated.

20 (e) Affidavits of correction may not be used to change the
21 boundaries or shape of lots, outlots or parcels of land in a
22 subdivision.

23 Sec. 210. The plat, when completed and certified as provided
24 in this act with the exception of the certification by the county
25 plat board and when approved by the governing body and in
26 unincorporated areas by the board of county road commissioners,
27 shall be acknowledged by the clerk thereof. When so approved and

1 acknowledged, all copies of the plat shall be forwarded to the
2 ~~state treasurer~~ **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND**
3 **ECONOMIC GROWTH** together with the recording fee specified in this
4 act for all plats. The ~~state treasurer~~ **DIRECTOR OF THE DEPARTMENT**
5 **OF ENERGY, LABOR, AND ECONOMIC GROWTH** shall review the plat for
6 adherence to the provisions of this act, or may reject it giving
7 his **OR HER** reasons in writing. Upon approval, the ~~state treasurer~~
8 **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**
9 shall forward the plat to the register of deeds for recording. On
10 return of the proof of recording the required recording fee shall
11 be sent to the register of deeds and the ~~state treasurer~~ **DIRECTOR**
12 **OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH** shall
13 distribute the copies as required for all other final plats.

14 Sec. 224a. (1) The plaintiff shall join as parties defendant
15 each of the following:

16 (a) The owners of record title of each lot or parcel of land
17 included in or located within 300 feet of the lands described in
18 the petition and persons of record claiming under those owners.

19 (b) The municipality in which the subdivision covered by the
20 plat is located.

21 (c) The ~~state treasurer~~ **DIRECTOR OF THE DEPARTMENT OF ENERGY,**
22 **LABOR, AND ECONOMIC GROWTH.**

23 (d) The drain commissioner and the chairperson of the board of
24 county road commissioners having jurisdiction over any of the land
25 included in the plat.

26 (e) Each public utility which is known to the plaintiff to
27 have installations or equipment in the subdivision or which has a

1 recorded easement or franchise right which would be affected by the
2 proceedings.

3 (f) The director of the state transportation department and
4 the director of the department of natural resources if any of the
5 subdivision includes or borders a state highway or federal aid
6 road.

7 (g) If the requested action may result in a public highway or
8 a portion of a public highway that borders upon, crosses, is
9 adjacent to, or ends at a lake or the general course of a stream
10 being vacated or altered in such a manner as would result in the
11 loss of public access, the director of the department of natural
12 resources and, if the subdivision is located in a township, the
13 township. The department of natural resources and, if applicable,
14 the township shall review the application and determine within 30
15 days whether the property should be retained by the state or
16 township as an ingress and egress point, and shall convey that
17 decision to the court.

18 (2) Service of process upon the joined parties defendant shall
19 be made in accord with the general rules governing service of
20 process in civil actions except that the parties defendant
21 specified in subsection (1)(b), (f), or (g) may be served by
22 registered mail and the parties defendant specified in subsection
23 (1)(a) may be served by registered mail if there are more than 20
24 persons that must be joined pursuant to subsection (1)(a).

25 Sec. 229. (1) If the court orders a plat to be vacated,
26 corrected, or revised in whole or in part, the court shall also
27 direct plaintiff to prepare, in the form required by this act for a

1 final plat, either a new plat of the part of the subdivision
2 affected by the judgment or a new plat of the entire subdivision if
3 the court's judgment affects a major part of the subdivision.

4 (2) Five true copies of the new plat, accompanied by a copy of
5 the court's judgment, shall be filed with the ~~state treasurer~~
6 **DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**.
7 The caption of the new plat shall include a statement that it is a
8 corrected or revised plat of all or part of the same subdivision
9 covered by the original plat.

10 (3) After the ~~state treasurer~~**DIRECTOR OF THE DEPARTMENT OF**
11 **ENERGY, LABOR, AND ECONOMIC GROWTH** has examined the new or amended
12 plat for compliance with the court judgment and the provisions of
13 this act for the making and filing of original final plats and has
14 approved the new or amended plat, the ~~state treasurer~~**DIRECTOR OF**
15 **THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH** shall
16 distribute 1 copy each to the register of deeds, clerk of the
17 municipality, county treasurer, and county road commission. One
18 copy shall be filed in the office of the ~~state treasurer~~**DIRECTOR**
19 **OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**.

20 (4) Fees for recording and filing documents as required by
21 this section shall be the same as for an original final plat.

22 Sec. 242. (1) The ~~state treasurer~~**DIRECTOR OF THE DEPARTMENT**
23 **OF ENERGY, LABOR, AND ECONOMIC GROWTH** shall maintain a permanent
24 file of plats and the index shall contain all pertinent information
25 necessary to facilitate reference.

26 (2) A fee established by the ~~state treasurer~~**DIRECTOR OF THE**
27 **DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH** shall be collected

1 for copies of plats.

2 Sec. 244. (1) If the proprietor of a subdivision desires to
3 retain a copy of the final plat, he **OR SHE** shall forward a sixth
4 copy of it to the ~~state treasurer~~**DIRECTOR OF THE DEPARTMENT OF**
5 **ENERGY, LABOR, AND ECONOMIC GROWTH** for certification as an exact
6 copy of the approved and recorded plat.

7 (2) The true copy requested may be made upon tracing linen or
8 some similar material.

9 (3) No charge shall be made for certification of the sixth
10 copy.

11 Sec. 255b. (1) Ten years after the date the plat is first
12 recorded, land dedicated to the use of the public in or upon the
13 plat shall be presumed to have been accepted on behalf of the
14 public by the municipality within whose boundaries the land lies.

15 (2) The presumption prescribed in subsection (1) shall be
16 conclusive of an acceptance of dedication unless rebutted by
17 competent evidence before the circuit court in which the land is
18 located, establishing either of the following:

19 (a) That the dedication, before the effective date of this act
20 and before acceptance, was withdrawn by the plat proprietor.

21 (b) That notice of the withdrawal of the dedication is
22 recorded by the plat proprietor with the office of the register of
23 deeds for the county in which the land is located and a copy of the
24 notice was forwarded to the ~~state treasurer~~**DIRECTOR OF THE**
25 **DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**, within 10 years
26 after the date the plat of the land was first recorded and before
27 acceptance of the dedicated lands.

1 Sec. 256. Subject to the restrictions prescribed in section
2 255a, when the governing body of a municipality by resolution or
3 ordinance opens or vacates a street or alley or a portion of a
4 street or alley, or extends, widens, or changes the name of an
5 existing street or alley, the clerk of the municipality within 30
6 days shall record a certified copy with the register of deeds,
7 giving the name of the plat or plats affected, and shall send a
8 copy to the ~~state treasurer~~**DIRECTOR OF THE DEPARTMENT OF ENERGY,**
9 **LABOR, AND ECONOMIC GROWTH.** Until recorded, the ordinance or
10 resolution shall not have force or effect.

11 Sec. 257. (1) Subject to the restrictions prescribed in
12 section 255a, when the governing body of a municipality determines
13 that it is necessary for the health, welfare, comfort, and safety
14 of the people of the municipality to discontinue an existing
15 street, alley, or other public land shown on a plat, by resolution
16 or ordinance, the governing body may reserve an easement in the
17 street, alley, or land for public utility purposes and other public
18 purposes within the right of way of the street, alley, or other
19 public land vacated.

20 (2) The resolution or ordinance shall be recorded within 30
21 days with the register of deeds and a copy shall be sent to the
22 ~~state treasurer~~**DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND**
23 **ECONOMIC GROWTH.**

24 Sec. 290. The employee in direct charge of the plat section in
25 the ~~office of the state treasurer which~~**DEPARTMENT OF ENERGY,**
26 **LABOR, AND ECONOMIC GROWTH THAT** performs services for the ~~state~~
27 ~~treasurer~~**DIRECTOR OF THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC**

1 **GROWTH** under this act, and ~~such~~ **THAT** employee's chief assistant,
2 shall **EACH** be a ~~registered land surveyor registered~~ **PROFESSIONAL**
3 **SURVEYOR LICENSED** in this state.