

1998 PUBLIC AND LOCAL ACTS

[No. 549]

(SB 130)

AN ACT to amend 1967 PA 288, entitled "An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts," by amending sections 117, 169, and 241 (MCL 560.117, 560.169, and 560.241), section 117 as amended by 1995 PA 172 and sections 169 and 241 as amended by 1993 PA 67.

The People of the State of Michigan enact:

560.117 Preliminary plat; approval or rejection; fees; disposition of fees. [M.S.A. 26.430(117)]

Sec. 117. (1) The proprietor shall submit 2 copies of the preliminary plat to the department of environmental quality, if any of the subdivision lies wholly or in part within the floodplain of a river, stream, creek, or lake. The department of environmental quality, within 30 days of receipt of the preliminary plat, shall approve it and note its approval on the copy to be returned to the proprietor, or reject it. If the department of environmental quality rejects the preliminary plat, the department shall give the reasons for rejection and requirements for approval in writing to the proprietor. The determination of a floodplain area shall be based on rules specified in section 105(f).

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

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

560.169 Forwarding approval and plat copies to state administrator. [M.S.A. 26.430(169)]

Sec. 169. Upon approval of the plat by a majority of the county plat board, the clerk of the board shall forward it with all copies of the plat to the state administrator.

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560.241 Submission of final plat; filing and recording; state plat review fee; disposition of fee. [M.S.A. 26.430(241)]

Sec. 241. (1) When a final plat is submitted to the clerk of the governing body of the municipality, the proprietor shall deposit with the plat both of the following:

(a) A filing and recording fee of \$20.00. The filing and recording fee is in addition to any fee the municipality may charge under this act.

(b) A state plat review fee of \$150.00, plus \$15.00 for each lot over 4 lots included in the plat. The state plat review fee shall be paid by check or money order payable to the state of Michigan.

(2) Upon approval of the plat by the governing body, the clerk shall send the filing and recording fee and the state plat review fee with the plat to the clerk of the county plat board.

(3) The clerk of the county plat board shall deposit the filing and recording fee in the county trust and agency fund for subsequent payment by county warrant from this fund to the county register of deeds in the amount of \$20.00, upon submission of proof to the clerk of the county plat board that the plat has been recorded in the office of the county register of deeds.

(4) If a final plat is forwarded to the state administrator, the clerk of the county plat board shall forward the state plat review fee with the plat.

(5) A state plat review fee collected by this state shall be deposited in the state treasury for use in the administration of this act. A fund in which state plat review fees shall be deposited is created in the state treasury. This fund is a revolving fund, and money remaining in the fund at the end of the fiscal year shall be carried over in the fund to the next and succeeding fiscal years for use in the administration of this act.

This act is ordered to take immediate effect.

Approved January 19, 1999.

Filed with Secretary of State January 20, 1999.
