

Act No. 525
Public Acts of 2004
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STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004

Introduced by Senator Birkholz

ENROLLED SENATE BILL No. 1416

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 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 147, 161, 162, 163, 164, 165, 166, 167, 168, **169**, and 171 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.120, 560.131, 560.142, 560.147, 560.161, 560.162, 560.163, 560.164, 560.165, 560.166, 560.167, 560.168, 560.169, and 560.171), sections 117 and 169 as amended by 1998 PA 549, and by adding sections 112a and 167a; and to repeal acts and parts of acts.

The People of the State of Michigan enact.

See. 111. (1) Before making or submitting a final plat for approval, the proprietor shall make a preliminary plat and submit copies to authorities as provided in this section and sections 112 to 119. A preliminary plat shall show the name, location, and position of the subdivision and the subdivision plan and layout in sufficient detail on a topographic map to enable a determination of whether the subdivision meets requirements for lots, streets, roads, and highways including drainage and floodplains.

(2) The preliminary plat shall be drawn to a scale of not more than 200 feet to 1 inch and may be an original drawing or reproduction, on unbacked paper. It shall contain proper identification of the parcel of land to be divided, the name of the plat and proposed division of the land, the name and address of the proprietor and the name, address and seal of the surveyor who prepared it, all legibly printed or

typewritten. Additional preliminary land development plans may be made by other qualified persons to assist approving authorities to visualize the type and scope of the development planned.

(3) The proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the municipality and to each officer or agency entitled to review the preliminary plat under sections 113 to 118. A preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the preliminary plat under sections 113, 114, and 118, and a representative of the municipality. Representatives of each agency entitled to review the preliminary plat under sections 115 to 117 shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat.

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

(2) The governing body shall tentatively approve and note its approval on the copy of the preliminary plat, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:

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

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

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

(4) Tentative approval under this section confers upon the proprietor for a period of 1 year from date, approval of lot sizes, lot orientation, and street layout, and application of the then-current subdivision regulations. The tentative approval may be extended if applied for by the proprietor and granted by the governing body in writing.

Sec. 112a. After the tentative approval by the governing body under section 112, the proprietor shall submit copies of a preliminary plat to each officer or agency entitled to receive those copies under sections 113 to 118 for their simultaneous review and action within the 30-day time period prescribed in sections 113 to 118.

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

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

(3) The county road commission, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the county road commission shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 114 to 115 and 117 to 119.

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

(2) The county drain commissioner or, if there is no drain commissioner, the governing body may require a topographic map showing direction of storm water drainage both within the lands proposed to be subdivided and from the land as subdivided.

(3) The county drain commissioner or governing body, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the drain commissioner or governing body shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

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

(2) The state transportation department, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the department shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119

Sec. 116. (1) The proprietor shall submit 2 copies of the preliminary plat to the department of environmental quality for information purposes, if the land proposed to be subdivided abuts a take or stream or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected.

(2) The department, within 30 days after receipt of the preliminary plat, shall place the proprietor, the governing body of the municipality, and the county plat board on notice in writing if it has any objections or may furnish such information to each as may be helpful. or necessary in its opinion to adequately plan the development and secure approval of the final plat.

(3) Copies of the letters required under subsection (2) shall be sent to the department of labor and economic growth.

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 after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the department of environmental quality shall note its approval on the copy to be returned to the proprietor. If the department of environmental quality approves the preliminary plat subject to conditions or rejects the preliminary plat, the department shall give the reasons for rejection and requirements for approval in writing to the proprietor and to each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119. 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 45 1, MCL 324.30113.

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

(2) The health department, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject all or any portion of the proposed subdivision that is not suitable. If the preliminary plat is approved, the health department shall note its approval on the copy to be returned to the proprietor. If all or any portion of the preliminary plat is approved subject to conditions or is rejected, the health department shall give its reasons for rejection and requirements for approval in writing to the proprietor, the governing body, and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

Sec. 120. (1) After the preliminary plat is approved or is approved subject to conditions pursuant to sections 333 to 119, the proprietor shall do all of the following:

- (a) Submit to the clerk of the governing body of the municipality a list of all authorities required by sections 113 to 119 to review the preliminary plat, certifying that the list shows all authorities as required by sections 113 to 119.
- (b) Submit all written approvals to the clerk of the governing body.

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

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

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

(c) Instruct the clerk to note all proceedings in the minutes of the meeting which minutes shall be open for inspection.

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

Sec. 131. (1) Following final approval of the preliminary plat under section 120, the proprietor shall cause a survey and a true plat thereof to be made by a surveyor.

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

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

(4) A final plat received by the department of labor and economic growth more than I year following the date of approval of the city or county treasurer shall be returned to the city or county treasurer who shall make a new certificate currently dated, relative to paid or unpaid taxes, special assessments, and tax liens or titles.

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

Sec. 142. The proprietor shall provide a true copy of the final plat to each of the authorities named in sections 146 to 149. To entitle a final plat to be recorded, the following certificates, in the form prescribed by the department of labor and economic growth, lettered or printed legibly with black, durable ink or typed legibly with black ink shall appear on it and the certificates shall contain the statements and information and shall be signed and dated as prescribed in sections 141 to 151:

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

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

(c) A certificate of taxes by the treasurer of the county in which the plat is situated, as required by section 135 of the general property tax act, 1893 PA 206, MCL 211.135.

- (d) A certificate of taxes signed by the treasurer of the municipality in which the plat is located if the municipality does not return delinquent taxes to the state treasurer, as required by section 135 of the general property tax act, 1893 PA 206, MCL 211.135.
- (e) A certificate of approval of the county drain commissioner, if there is a county drain commissioner.
- (f) A certificate of approval of the board of county road commissioners, if public streets and roads shown on the plat are under its jurisdiction or to come under its jurisdiction and if any private streets or roads shown on the plat are in an unincorporated area.
- (g) A certificate of approval of the governing body of the municipality. The certificate of the governing body of the municipality may not be placed on the plat unless the proprietor has deposited with the clerk both the filing and recording fee required by section 241 and the fee permitted by section 246 by the municipality for review and approval of a plat.
- (h) A certificate of approval of the county plat board. The certificate may not be placed on the plat unless the filing and recording fee required by section 241 has been received by the chairperson or secretary of the county plat board.
- (i) A certificate of approval of the state transportation department when the subdivision includes or abuts state trunk line highways.
- (j) A certificate of approval of the department of labor and economic growth. The certificate of the department of labor and economic growth may not be placed on the plat unless the portion of the filing and recording fee due the state as provided by section 241 has been received by the department.

Sec. 147. (1) A certificate shall be signed by the chairperson of the board of county road commissioners.

(2) The certificate shall show the date on which the board met and approved the plat and the date the certificate was placed on the plat.

(3) The certificate shall signify both of the following:

(a) That the plat has been reviewed and conforms to the requirements of this act and the board's published rules and regulations relative to streets, alleys, roads, and highways under its jurisdiction.

(b) That the plat has the board's approval

Sec. 161. (1) The final plat shall be submitted in accordance with the procedure prescribed in this section and sections 162 to 173.

(2) The proprietor shall submit a true copy of the **final** plat to each of the following **officers** or agencies, as applicable, for their simultaneous review and action within the time periods prescribed in sections 163 to 167a:

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

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

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

(d) The state transportation department, if the department's approval was required on the preliminary plat.

(3) The sworn certificate of the surveyor who made the plat shall appear on each true copy of the final plat and shall state all of the following:

(a) A statement that the copy is a true copy of the **final** plat,

(b) A statement that the plat is subject to the approval of each of the officers and agencies whose approval is required under sections 162 to 169, with a list of those officers and agencies.

(c) The date of the certificate,

Sec. 162. The proprietor shall submit 1 true copy of the final plat to the drain commissioner, if his or her approval was required on the preliminary plat, or 2 true copies if the proprietor requests an additional copy to be returned to him or her.

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

(a) Approve the plat and notify the proprietor of his or her approval.

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

Sec. 164. The proprietor shall submit 1 true copy of the plat to the board of county road commissioners, when their approval was required on the preliminary plat.

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

(a) Approve the plat, instruct the chairperson to certify their approval on the final plat, and notify the proprietor of the board's approval.

- (b) Reject the plat, give their reasons in writing, and return it to the proprietor. The board of county road commissioners shall send a copy of the letter of rejection to the clerk of the governing body and the chairperson of the county plat board.

Sec. 166. The proprietor shall submit I true copy of the plat to the clerk of the governing body of the municipality, together with the filing fee required by section 241.

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

- (a) Approve the plat if it conforms to all of the provisions of this act and instruct the clerk to notify the proprietor of the governing board's approval and certify the governing body's approval, showing the date of the governing body's approval, the approval of the health department, when required, and the date thereof as shown as the approved preliminary plat.
- (b) Reject the plat, instruct the clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.

(2) The governing body shall instruct the clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county plat board.

Sec. 167a. Within IO days of receipt of the plat under section 161(2)(d), the state transportation department shall do I of the following:

- (a) Approve the plat and notify the proprietor of its approval.
- (b) Reject the plat and notify the proprietor directly, giving the reasons in writing. The commission shall send a copy of the letter of rejection to the chairperson of the county plat board.

Sec. 168. (1) Upon notice of each approval, the proprietor shall obtain the certificate on the final plat of each of the officers and agencies whose certificate is required by sections 145 to 148. The certificates and approvals may be obtained in any order. The proprietor shall then forward the final plat to the secretary of the county plat board, together with the filing and recording fee.

(2) Within 15 days of the date of receipt of the plat, a majority of the county plat board shall review the plat for conformance to all provisions of the act and do I of the following:

- (a) Certify their approval on the plat.
- (b) Reject the plat and notify the proprietor of the reasons in writing when returning the plat, and send a copy of the letter to the clerk of the governing body.

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

Sec. 171. Within 15 days after receipt of the plat the department of labor and economic growth shall review the plat and do I of the following:

(a) If the plat conforms to all of the provisions of this act, procure at least 4 exact copies at the surveyor's expense, approve the plat, and send the original final plat to the register of deeds for recording.

(b) Reject the plat and notify the proprietor in writing of the reasons.

Enacting section 1. Section 170 of the land division act, 1967 PA 288, MCL 560.170, is repealed.

Enacting section 2. This amendatory act takes effect July 1, 2005.

This act is ordered to take immediate effect.