



Michigan State University Extension

Michigan Statute

Land Division Act

Adopted: January 1, 1968
Last amended: March 13, 2018

Popular Name: Plat Act, Land Division Act, Subdivision Control

Amendment: 1969, Act 308, Imd. Eff. Aug. 14, 1969 (sections 104, 118, 120, 132, 142, 143, 145, 186, 192, 196, 203, 291; and added sections 107, 248, 249)

Amendment: Add. 1973, Act 94, Imd. Eff. Aug. 8, 1973 (added section 201a)

Amendment: 1976, Act 431, Imd. Eff. Jan. 11, 1977 (sections 201, 203; added section 201b)

Amendment: 1978, Act 367, Imd. Eff. July 22, 1978 (sections 221, 222, 223, 228, 229; added sections 224a, 227a; and repealed sections 224, 225, 226, 227)

Amendment: 1978, Act 556, Imd. Eff. Dec. 22, 1978; (sections 226, 256; and added sections 255a, 255b, 257)

Amendment: 1979, Act 184, Imd. Eff. Dec. 19, 1979; (section 224a)

Amendment: 1982, Act 529, Eff. Mar. 30, 1983; (Introduction, section 192, and added section 192a)

Amendment: 1990, Act 156, Imd. Eff. June 28, 1990; (section 102)

Amendment: 1991, Act 59, Imd. Eff. June 27, 1991; (Introduction, sections 169, 241)

Amendment: 1992, Act 185, Imd. Eff. Oct. 5, 1992; (section 244)

Amendment: 1992, Act 214, Imd. Eff. Oct. 9, 1992 (sections 186, 243)

Amendment: 1993, Act 67, Imd. Eff. June 21, 1993; (sections 169, 241; and repealed section 241a)

Amendment: 1993, Act 150, Eff. Sept. 30, 1993; (section 117)

Amendment: 1995, Act 172, Imd. Eff. Oct. 9, 1995; (section 117)

Amendment: 1996, Act 78, Imd. Eff. Feb. 27, 1996; (section 102)

Amendment: 1996, Act 219, Imd. Eff. May 28, 1996; (sections 224a, 226, 227a)

*“Commitment to the rule of law provides a basic assurance
that people can know what to expect whether
what they do is popular or unpopular at the time.”*

Sandra Day O'Connor

Michigan State University Extension – Michigan Statute

Amendment: 1996, Act 591, Eff. Mar. 31, 1997 (Introduction, sections 101, 102, 103, 105; and added sections 108, 109)

Amendment: 1997, Act 87, Imd. Eff. July 28, 1997 (sections 105, 109, 267; and added sections 109a, 109b)

Amendment: Repealed. 1993, Act 67, Eff. Oct. 1, 1998. (repealed section 169a)

Amendment: 1997, Act 87, Eff. Oct. 1, 1997 (section 264)

Amendment: 1998, Act 549, Imd. Eff. Jan. 20, 1999; (sections 117, 169, 241)

Amendment: 2002, Act 21, Imd. Eff. Mar. 4, 2002 (section 144, added section 222a)

Amendment: 2004, Act 590, Imd. Eff. Jan. 4, 2005 (section 222)

Amendment: 2004, Act 122, Imd. Eff. May 28, 2004; (section 183)

Amendment: 2004, Act 525, Eff. July 1, 2005 (sections 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 147, 161, 162, 163, 164, 165, 166, 167, 168, 169, 171; added section 112a, 167a; and repealed section 170.)

Amendment: 2006, Act 336, Imd. Eff. Aug. 15, 2006 (section 183)

Amendment: 2010, Act 63, Imd. Eff. May 6, 2010 (sections 102, 151, 172, 173, 198, 210, 224a, 229, 242, 224, 255b, 256, 257, 290)

Amendment: 2012, Act 525, Imd. Eff. Dec. 28, 2012; (sections 109, 182)

Amendment: 2016, Act 231, Eff. Oct. 1, 2016 (section 241)

Amendment: 2017, Act 117, Imd. Eff. July 27, 2017 (section 292)

Amendment: 2017, Act 196, Eff. Mar. 13, 2018 (section 109)

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LAND DIVISION ACT

Act 288 of 1967

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1982, Act 529, Eff. Mar. 30, 1983 ;-- Am. 1991, Act 59, Imd. Eff. June 27, 1991 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997

The People of the State of Michigan enact:

GENERAL PROVISIONS

560.101 Short title.

Sec. 101.

This act shall be known and may be cited as the “land division act”.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1996, Act 591, Eff. Mar. 31, 1997

Compiler's Notes: For transfer of powers and duties of the State Treasurer relative to subdivision control to the Department of Commerce, see E.R.O. No. 1980-1, compiled at MCL 16.732 of the Michigan Compiled Laws.

560.102 Definitions.

Sec. 102.

As used in this act:

- (a) "Plat" means a map or chart of a subdivision of land.
- (b) "Land" means all land areas occupied by real property.
- (c) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- (d) "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
- (e) "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
- (f) "Subdivide" or "subdivision" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of this act by sections 108 and 109. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.
- (g) "Parcel" means a continuous area or acreage of land which can be described as provided for in this act.
- (h) "Tract" means 2 or more parcels that share a common property line and are under the same ownership.
- (i) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.

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

- (i) 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 1969 PA 200, MCL 247.321 to 247.329, 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.
- (ii) 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 1969 PA 200, MCL 247.321 to 247.329, 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.

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

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

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

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

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

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

(o) "Proprietor" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

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

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

(r) "County plat board" means the register of deeds, who shall act as chairperson, the county clerk, who shall act as secretary, and the county treasurer. If the offices of county clerk and register of deeds have been combined, the chairperson of the board of supervisors shall be a member of the plat board and shall act as chairperson. In a county where a board of auditors is authorized by law such board may elect to serve on the county plat board by adopting a resolution so ordering. A copy of the recorded resolution shall be sent to the director of the department of energy, labor, and economic growth.

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

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

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

(v) "Surveyor" means a professional surveyor licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(w) "Engineer" means a civil engineer who is a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

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

(y) "Michigan coordinate system" means the system defined in 1964 PA 9, MCL 54.231 to 54.239.

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

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

(bb) "Public sewer" means a sewerage system as defined in section 4101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.4101.

(cc) "Public water" means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

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

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

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1990, Act 156, Imd. Eff. June 28, 1990 ;-- Am. 1996, Act 78, Imd. Eff. Feb. 27, 1996 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.103 Subdivisions of land; surveys and plats, requirements.

Sec. 103.

- (1) An exempt split is not subject to approval under this act so long as the resulting parcels are accessible. A division is not subject to the platting requirements of this act but subject to the requirements of sections 108 and 109. A subdivision is subject to the platting requirements of this act.
- (2) Plats of retracement or boundary surveys made by a department or agency of the United States or of state-owned lands made by a department or agency of the state for the retracement and division of public lands according to the survey instructions issued by the United States department of the interior may be recorded with the register of deeds of the county in which the lands represented on the plats are situated and need not otherwise comply with this act, except that plat size shall be as provided in section 132.
- (3) A survey and plat shall be made when any amendment, correction, alteration or revision of a recorded plat is ordered by a circuit court.

- (4) Urban renewal plats authorized by the governing body of a municipality as provided in Act No. 344 of the Public Acts of 1945, being sections 125.71 to 125.84 of the Michigan Compiled Laws, shall conform to this act.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1996, Act 591, Eff. Mar. 31, 1997

560.104 Replats; requirements; vacation of original plat.

Sec. 104.

A replat of all or any part of a recorded subdivision plat may not be approved or recorded unless proper court action has been taken to vacate the original plat or the specific part thereof, with the following exceptions:

- (a) When all the owners of lots which are to be part of the replat agree in writing thereto and record the agreement with the register of deeds, and proof that notice to the abutting property owners has been given by certified mail and the governing body of the municipality in which the land included in the recorded plat is situated, has adopted a resolution or other legislative enactment vacating all areas dedicated to public use within the proposed replat.
- (b) Assessors plats made, approved and recorded as provided for in sections 201 to 213.
- (c) (Urban renewal plats authorized by the governing body of a municipality, as provided in Act No. 344 of the Public Acts of 1945, as amended. Roads, streets, alleys and other public places shall be vacated in accordance with the provisions of law.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.105 Preliminary or final plat; approval; conditions.

Sec. 105.

Approval of a preliminary plat, or final plat shall be conditioned upon compliance with all of the following:

- (a) The provisions of this act.
- (b) Any ordinance or published rules of a municipality or county adopted to carry out the provisions of this act.
- (c) Any published rules of a county drain commissioner, county road commission, or county plat board adopted to carry out the provisions of this act.
- (d) The rules of the state transportation department relating to provisions for the safety of entrance upon and departure from the abutting state trunk line highways or connecting streets and relating to the provisions of drainage as required by the department's then currently published standards and specifications.
- (e) The rules of the department of consumer and industry services for the approval of plats, including forms, certificates of approval, and other required certificates, captioning of plats, and numbering of lots.
- (f) The rules of the department of environmental quality for the determination and establishment of floodplain areas of rivers, streams, creeks, or lakes, as provided in this act, as published in the state administrative code.

- (g) The rules of the department of environmental quality relating to suitability of groundwater for on-site water supply for subdivisions not served by public water or to suitability of soils for subdivisions not served by public sewers. The department of environmental quality may authorize a city, county, or district health department to carry out the provisions of this act and rules promulgated under this act relating to suitability of groundwater for subdivisions not served by public water or relating to suitability of soils for subdivisions not served by public sewers. The department of environmental quality may require percolation tests and boring tests to determine suitability of soils. When such tests are required, they shall be conducted under the supervision of a registered engineer, registered land surveyor, or registered sanitarian in accordance with uniform procedures established by the department of environmental quality.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1996, Act 591, Eff. Mar. 31, 1997 ;-- Am. 1997, Act 87, Imd. Eff. July 28, 1997

560.106 Approving authorities; limitation on powers of approval or rejection.

Sec. 106.

No approving authority or agency having the power to approve or reject plats shall condition approval upon compliance with, or base a rejection upon, any requirement other than those included in section 105.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.107 Preliminary plat; submission, discretion.

Sec. 107.

- (1) Nothing contained in this act shall prohibit a proprietor from submitting a prepreliminary plat to a governing body for the proprietors information and review.
- (2) Nothing contained in this act shall allow a municipality, county, or state agency to require an approval of a preliminary plat or plan other than those provided for in sections 112 to 120.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.108 Parent parcel or parent tract; number of parcels resulting from division; limitations; requirements.

Sec. 108.

- (1) A division is not subject to the platting requirements of this act.
- (2) (Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:
 - (a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.
 - (b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.
 - (c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.
- (3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

- (a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.
 - (b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.
- (4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.
- (5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:
- (a) Not less than 10 years have elapsed since the parcel or tract was recorded.
 - (b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:
 - (i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.
 - (ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.
 - (c) The partitioning or splitting satisfies the requirements of section 109.
- (6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5).

History: Add. 1996, Act 591, Eff. Mar. 31, 1997

560.109 Approval or disapproval of proposed division; requirements; exemption from platting requirements; notice of transfer; form; sale of unplatted land; statement contained in deed; ordinance; approval not determination of compliance; effect of failure to comply.

Sec. 109.

- (1) A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official. However, 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. An application is complete if it contains information necessary to ascertain whether the requirements of section 108 and this section are met. The assessor or other municipally designated official, or the county official, having authority to approve or disapprove a proposed division, shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for disapproval. A complete application for a proposed division shall be approved if, in addition to the requirements of section 108, all of the following requirements are met:

- (a) 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, accessibility, and other requirements of this section and section 108. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.
 - (b) Each resulting parcel has a depth of not more than 4 times the width or, if an ordinance referred to in subsection (5) requires a smaller depth to width ratio, a depth to width ratio as required by the ordinance. The municipality or county having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required by this subdivision or an ordinance referred to in subsection (5). The greater depth to width ratio shall be based on standards set forth in the ordinance referred to in subsection (5). The standards may include, but are not required to include and need not be limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in subsection (5) provides otherwise, and do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.
 - (c) Each resulting parcel has a width not less than that required by an ordinance referred to in subsection (5).
 - (d) Each resulting parcel has an area not less than that required by an ordinance referred to in subsection (5).
 - (e) Each resulting parcel is accessible.
 - (f) The division meets all of the requirements of section 108.
 - (g) Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.
 - (h) The division does not isolate a cemetery so that it does not meet the requirements of either section 102(j)(i) or (ii).
- (2) The right to make divisions exempt from the platting requirements of this act under section 108 and this section can be transferred, but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. A proprietor transferring the right to make a division pursuant to this subsection shall within 45 days give written notice of the transfer to the assessor of the city or township where the property is located on a form prescribed by the state tax commission. The form shall include substantially the following questions in the mandatory information portion of the form:
- (a) "Did the parent parcel or parent tract have any unallocated divisions under the land division act, 1967 PA 288, MCL 560.101 to 560.293?"
 - (b) "Were any unallocated divisions transferred to the newly created parcel? If so, state whether all were transferred or, if not, how many?"
- (3) A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements of this act under this section and section 108 is proposed to be conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert "zero", a number, or "all"] division(s) under section 108 of the land division act, 1967 PA 288, MCL 560.108.". In the absence of a statement conforming to the requirements of this subsection, the right to make divisions under

section 108(2), (3), and (4) stays with the remainder of the parent tract or parent parcel retained by the grantor.

- (4) All deeds for parcels of unplatted land within this state executed after March 31, 1997 shall contain the following statement: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."
- (5) The governing body of a municipality or the county board of commissioners of a county having authority to approve or disapprove a division may adopt an ordinance setting forth the standards authorized in subsection (1)(b), (c), and (d). The ordinance may establish a fee for reviews under this section and section 108. The fee shall not exceed the reasonable costs of providing the services for which the fee is charged.
- (6) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- (7) Compliance with this section is not a requirement for a deed to be received for record or recorded by a register of deeds.

History: Add. 1996, Act 591, Eff. Mar. 31, 1997 ;-- Am. 1997, Act 87, Imd. Eff. July 28, 1997 ;-- Am. 2012, Act 525, Imd. Eff. Dec. 28, 2012 ;-- Am. 2017, Act 196, Eff. Mar. 13, 2018

560.109a Parcel less than 1 acre.

Sec. 109a.

- (1) (1) If a parcel resulting from a division is less than 1 acre in size, a building permit shall not be issued for the parcel unless the parcel has all of the following:
 - (a) Public water or city, county, or district health department approval for the suitability of an on-site water supply under the same standards as set forth for lots under rules described in section 105(g).
 - (b) Public sewer or city, county, or district health department approval for on-site sewage disposal under the health department standards as set forth for lots under rules described in section 105(g).
- (2) The municipality or county approving a proposed division resulting in a parcel less than 1 acre in size and its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in this section. A notice of approval of a proposed division resulting in a parcel of less than 1 acre in size shall include a statement to this effect.
- (3) A city, county, or district health department may adopt by regulation a fee for services provided under this section. The fees shall not exceed the reasonable costs of providing the services for which the fees are charged.

History: Add. 1997, Act 87, Imd. Eff. July 28, 1997

560.109b Parcels of 20 or more acres.

Sec. 109b.

- (1) An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval under this act if the parcel or tract is not accessible and 1 of the following applies:
 - (a) The parcel or tract was in existence on March 31, 1997.
 - (b) The parcel or tract resulted from an exempt split or other partitioning or splitting under this section.

- (2) (2) The proprietor shall provide the purchaser of a parcel resulting from an exempt split or other partitioning or splitting under subsection (1) with the following written statement before closing:

“This parcel is not accessible as defined in the land division act, 1967 PA 288, MCL 560.101 to 560.293.”.

History: Add. 1997, Act 87, Imd. Eff. July 28, 1997

PRELIMINARY PLATS

560.111 Preliminary plat; specifications; requirements; preapplication review meeting.

Sec. III.

- (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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.112 Preliminary plat; tentative approval; time period; extension.

Sec. II2.

- (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) (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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.112a Preliminary plat; submission of copies to officer or agency; review and action; time period.

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.

History: Add. 2004, Act 525, Eff. July 1, 2005

560.113 Preliminary plat; county road commissioner's approval or rejection.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.114 Preliminary plat; county drain commissioner's approval or rejection.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.115 Preliminary plat; state transportation department's approval or rejection.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.116 Preliminary plat; department of environmental quality's approval or rejection.

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 lake 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.117 Preliminary plat; approval or rejection; fees; disposition of fees.

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 451, MCL 324.30113.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1993, Act 150, Eff. Sept. 30, 1993 ;-- Am. 1995, Act 172, Imd. Eff. Oct. 9, 1995 ;-- Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.118 Preliminary plat; health department's approval or rejection.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.119 Preliminary plat; submission to county plat board and public utilities.

Sec. 119.

The proprietor shall submit 2 copies of the preliminary plat to the county plat board and to the public utilities serving the area for informational purposes.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.120 Final approval; proprietor's rights and duties; procedure; time period; extension.

Sec. 120.

- (1) After the preliminary plat is approved or is approved subject to conditions pursuant to sections 113 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;— Am. 2004, Act 525, Eff. July 1, 2005

SURVEYS

560.125 Survey requirements; monuments.

Sec. 125.

- (1) For every subdivision of land there shall be a survey complying with the requirements of this section and section 126.
- (2) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- (3) All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
- (4) Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature,

points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

- (5) If the required location of monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- (6) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
- (7) All required monuments shall be placed flush with the ground where practicable.
- (8) All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter, or other approved markers.
- (9) The governing body of the municipality may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the clerk of the municipality cash or a certified check, or irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total, except that lot corner markers shall be at the rate of not less than \$10.00 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the governing body shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.126 Survey accuracy.

Sec. 126.

- (1) The survey of all subdivisions shall be performed by a surveyor.
- (2) The relative error of closure of the surveyed land shall be less than the ratio of 1 part in 5,000.
- (3) Bearings shall be expressed in relation to the true meridian, or a previously established meridian or bearing and a statement by the surveyor on the plat stating the source of information in obtaining the bearings outlined.

History: 1967, Act 288, Eff. Jan. 1, 1968

FINAL PLATS

560.131 General survey requirements; date of expiration of approval.

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 1 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.132 Plats; specifications.

Sec. 132.

All plats shall be legibly prepared according to the following general requirements:

- (a) On 1 or more sheets, 18 inches wide by 24 inches long in size, leaving a 1 1/2 inch binding margin and a 1/2 inch margin on all other sides.
- (b) Of an approved material, according to published specifications of the department of the treasury.
- (c) Drawn or printed with nonfading black ink true to an adequate and plainly readable scale of not more than 100 feet to an inch.
- (d) The name of the plat shall not duplicate the name of any plat previously recorded in the same county unless it is an addition contiguous to the same, or which is a part of the same previously approved preliminary plat under section 120. The first subdivision bearing the name may be designated as number 1, and all additions to it shall be consecutively numbered, beginning with number 2.
- (e) Lots shall be numbered consecutively beginning with lot number 1 in the first subdivision bearing the name and continuing in consecutive order throughout the several additions.
- (f) A north point shall be properly located thereon.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.133 Final plat; caption.

Sec. 133.

The caption of the final plat shall be printed at the top of the plat in large, bold letters, and shall include:

- (a) Name of the plat.
- (b) Part of section, number of section, town and range, municipality and county.
- (c) If a private claim, the number of the claim and the municipality in which the land is situated.
- (d) If a tract of land that is not a section or part of a section, the name by which the tract is legally known and the town and range and municipality in which the land is situated.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.134 Final plat; description of land.

Sec. 134.

There shall be typewritten or printed on the final plat, a full and detailed description of the land embraced in the subdivision by distances and bearings. The description shall also include:

- (a) The caption of the plat.
- (b) If a private claim, the number of the claim and the municipality in which the land is situated.
- (c) If a tract of land that is not a section or part of a section, the name by which the tract is legally known and the town and range and the municipality in which it is situated.
- (d) The name of the original plat and any part of it replatted.
- (e) A description by distances and bearings of each excepted parcel.
- (f) The number of lots, the number of outlots and the number of private parks.
- (g) The intermediate traverse line, if one is required on the plat.
- (h) The area within the existing right of way of any abutting street, county road or state trunk line highway, if such area has not previously been dedicated to public use and if it is the proprietor's land.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.135 Map and engineering requirements.

Sec. 135.

The map of the subdivision, as drawn on the final plat shall comply with sections 135 to 141. It shall contain sufficient information to completely define, for the purpose of a resurvey, the location of any boundary, corner or angle point within the plat. All land lying within the boundaries of the plat shall be shown thereon in such a manner that title to the area may be clearly established as to whether dedicated to public use or reserved to private use.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.136 Final plat; exterior boundaries; requirements, specifications.

Sec. 136.

The exterior boundaries of the subdivision as drawn on the plat shall include and correctly show:

- (a) The land surveyed and divided, with reference to a corner or corners established in the government survey and indicated by distances and bearings. The Michigan coordinate system may also be used for referencing such government survey points.
- (b) The exact length and bearings thereof.
- (c) Where the exterior boundary lines show bearings and distances which vary from those recorded in abutting plats the following note shall be placed along such lines, “recorded as (show recorded bearing or distance or both)”.
- (d) The area within the existing right of way of any abutting street, county road or state trunk line highway, if such area has not previously been dedicated to public use and if it is the proprietor's land.
- (e) When the subdivision is bounded by an irregular shoreline of a body of water, the bearings and distances of a closing intermediate traverse, extending across the plat so that it intersects the sidelines of the shore lots; the dimensions of the sidelines of the shore lots from the street line to the traverse line, and the distance from the traverse line to the water's edge as found at the time of the survey; distances along the traverse line between its intersections with the

sidelines of the lots; the location of monuments at all angle points of the intermediate traverse. All lots extending to the water's edge shall be noted accordingly on the plat. If the proprietor intends to retain possession of the area between the intermediate traverse and the water's edge, a statement to that effect shall be noted on the plat.

- (f) The location of all boundary monuments established in the field in their proper places.
- (g) When any part of the land being subdivided is not included in the government survey, boundaries shall be indicated by distances and bearings and related to a government survey corner or if in a private claim, to a private claim corner.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.137 Final plat; public and private grounds, streets, roads and alleys.

Sec. 137.

All public or private grounds, streets, roads and alleys included in the plat shall be shown as follows:

- (a) All public or private commons, parks and other grounds except streets and alleys, by their boundaries, bearings and distances and names.
- (b) All streets and roads by their bearings, widths and names.
- (c) All streets, roads or alleys not dedicated to public use shall be marked “private” and named.
- (d) All curved portions of streets, roads or alleys shall be defined by curve data including points of curvature, points of tangency, points of compound curvature, radii of curves, central angles and the length and bearing of its long chord.
- (e) Curve data may be shown by a curve data chart or table.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.138 Final plat; flood plains.

Sec. 138.

When any part of a subdivision lies within or abuts a floodplain area, the plat shall include and show the following:

- (a) The floodplain shall be shown within a contour line, established by the water resources commission, department of conservation.
- (b) The contour line shall intersect the side lines of the lots.
- (c) The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
- (d) The floodplain area shall be clearly labeled on the plat with the words “floodplain area”.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.139 Public utilities; easements.

Sec. 139.

All public utility easements included in the plat shall be shown as follows:

- (a) By their widths and relationship to the lot or street lines.

- (b) As at least 12 feet wide where the rear lines of lots are contiguous.
- (c) As at least 6 feet wide if a lot has no adjoining subdivisions.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.140 Lots and outlots; description.

Sec. 140.

All lots and outlots included in the plat shall be shown as follows:

- (a) All lots numbered consecutively.
- (b) All outlots lettered in alphabetical order.
- (c) The length and bearing of each side lot line.
- (d) The bearing of each front and rear lot line, except as otherwise provided in this section.
- (e) A note showing the front line of any lot fronting on 2 or more streets or a body of water except for lots served by public sewers and public water or available and accessible thereto.
- (f) The bearings and depths at each end of a tier of lots comprised of rectangles or parallelograms.
- (g) The width of lots at each end of a series of lots when the front and back lines are parallel. The intermediate lots may be marked with dittos.
- (h) The distance at the time of the survey from the traverse line to the water's edge.
- (i) All curved boundaries shall be shown by curve data as required for public grounds, streets, roads and alleys in section 137.
- (j) If a replat, outlines, numbers and other identification of lots of the previous survey shall be shown by dashed lines, figures or letters.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.141 Improvements.

Sec. 141.

When the plat includes or abuts certain improvements other than streets, alleys, roads or highways, such as county drains, lagoons, slips, waterways, lakes, bays or canals, which connect with or are proposed to connect with or enlarge public waters, the included or abutting portions of such proposed improvement shall be shown on the plat.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.142 Certificate required for recording.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.143 Surveyor's certificate.

Sec. 143.

The certificate of the surveyor who surveyed, divided and mapped the land; and if a firm of surveyors also by a partner or principal officer, shall give the following information, which shall have the same force and effect as an affidavit:

- (a) By whose direction he made the survey, subdivision and plat of the land described on the plat.
- (b) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.
- (c) A statement that he has prepared the description of the land shown on the plat and that he certifies to its correctness.
- (d) A statement that he has caused all of the monuments shown on the plat to be located in the ground, or that the required cash, certified check or irrevocable bank letter of credit has been deposited with the clerk of the municipality by the proprietor.
- (e) A statement that the accuracy and closure of survey are within the limits required by section 126.

- (f) A statement that the bearings shown on the plat are expressed as required by section 126.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.144 Proprietor's certificate.

Sec. 144.

- (1) The proprietor's certificate on the plat shall include the following:
- (a) The caption of the plat.
 - (b) A statement that the proprietor has caused the land described on the plat to be surveyed, divided, monumented, mapped, and dedicated as shown on the plat.
 - (c) A statement that the streets, alleys, parks, and other places shown on it that are usually public are dedicated to the use of the public.
 - (d) A statement that all public utility easements are private easements and that all other easements are reserved to the uses shown on the plat.
 - (e) The name of each street, park, or other place that is usually public and that is intended to be reserved to other than public use, and the character and purpose of that use.
 - (f) A statement that the plat includes all land to the water's edge.
- (2) (2) The proprietor's certificate shall be signed by the following, and each signature shall be acknowledged as deeds conveying lands are required to be acknowledged:
- (a) All persons holding the title by deed of the lands.
 - (b) All persons holding any other title of record.
 - (c) All persons holding title as mortgagee or vendee under land contract or who are in possession but are not renters.
 - (d) The spouses of persons named in subdivisions (a), (b), and (c).

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2002, Act 21, Imd. Eff. Mar. 4, 2002

560.145 County treasurer's certificate.

Sec. 145.

- (1) A certificate shall be signed and dated by the county treasurer relative to paid or unpaid taxes, special assessments and tax liens or titles, as required by section 135 of Act No. 206 of the Public Acts of 1893, as amended.
- (2) The certificate shall be signed and dated by the treasurer of the municipality, if the municipality does not return delinquent taxes to the state treasurer, as required by section 135 of Act No. 206 of the Public Acts of 1893, as amended.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.146 County drain commissioner's certificate.

Sec. 146.

A certificate shall be signed and dated by the drain commissioner or where there is no drain commissioner, the body having jurisdiction, signifying that the provisions of section 192 have been met and that the plat meets his approval.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.147 County road commissioner's certificate.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.148 Municipality governing board's certificate.

Sec. 148.

- (1) A certificate shall be signed by the clerk of the governing body of the municipality signifying the approval of the plat by the governing body which shall show the date of the meeting at which the approval was made and the date the certificate was signed by the clerk.
- (2) The certificate shall include a statement that the plat was reviewed by the governing body or that the review was made in part by persons authorized by the governing body and that the plat is in conformance with all applicable provisions of the act.
- (3) If a copy of the preliminary plat was required to be approved by the health department, a statement to the effect that such approval was made and the name of the health department and the date of its approval shall be included.
- (4) If the minimum lot width and area prescribed in this act has been waived and the subdivision is served by public sewers and public water or is accessible thereto, the certificate shall so state and shall also state that the municipality has legally adopted zoning and subdivision control ordinances which specify lot widths and areas.
- (5) If there is no county drain commissioner, a statement that the plat is in compliance with the provisions of section 192.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.149 County plat board's certificate.

Sec. 149.

- (1) A certificate shall be signed and dated by the majority of the county plat board, signifying its approval of the plat.

- (2) The certificate shall include a statement that the plat was reviewed for conformance to all applicable provisions of this act by the county plat board, by the county plat engineer, or both.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.150 State highway commission's certificate.

Sec. 150.

- (1) A certificate shall be signed and dated by the state highway commission or by an official of the department of state highways, authorized by the commission to certify its approval on plats.
- (2) The certificate shall signify that:
- (a) The plat has been reviewed and conforms to the requirements of this act and the commission's published rules and regulations relative to streets, roads and highways under its jurisdiction.
 - (b) The plat has the commission's approval.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.151 Certificate signed by director of department of energy, labor, and economic growth; approval of plat.

Sec. 151.

- (1) A certificate shall be signed and dated by the director of the department of energy, labor, and economic growth, or may be signed and dated for him by an officer of the department of energy, labor, and economic growth, if authorized by the director of the department of energy, labor, and economic growth.
- (2) The certificate shall signify that:
- (a) The plat conforms, in his or her opinion, to all of the requirements of this act and to the published rules and regulations of the department of energy, labor, and economic growth, relative to plats.
 - (b) The plat has the approval of the director of the department of energy, labor, and economic growth.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.161 Approval; general requirements.

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 1 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.162 Drain commissioner; number of copies.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.163 Drain commissioner; approval procedure.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.164 Board of county road commissioners; submission of plat.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2004, Act 525, Eff. July 1, 2005

560.165 Board of county road commissioners; approval procedure.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.166 Municipality governing body; submission of plat.

Sec. 166.

The proprietor shall submit 1 true copy of the plat to the clerk of the governing body of the municipality, together with the filing fee required by section 241.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.167 Municipality governing body; approval procedure.

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 1 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.167a State transportation department; receipt of plat.

Sec. 167a.

Within 10 days of receipt of the plat under section 161(2)(d), the state transportation department shall do 1 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.

History: Add. 2004, Act 525, Eff. July 1, 2005

560.168 Forwarding to county plat board; procedure of 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 1 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.169 Forwarding approval and plat copies to state administrator.

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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1991, Act 59, Imd. Eff. June 27, 1991 ;-- Am. 1993, Act 67, Imd. Eff. June 21, 1993 ;-- Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.169a

Repealed. 1993, Act 67, Eff. Oct. 1, 1998. Compiler's Notes: The repealed section pertained to forwarding approved plat to state administration.

560.170

Repealed. 2004, Act 525, Eff. July 1, 2005. Compiler's Notes: The repealed section pertained to procedures to be followed by state treasurer upon receipt of plat.

560.171 Department of labor and economic growth; plat approval or rejection; recording.

Sec. 171.

Within 15 days after receipt of the plat the department of labor and economic growth shall review the plat and do 1 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 525, Eff. July 1, 2005

560.172 Register of deeds; recordings; notice to director of department of energy, labor, and economic growth.

Sec. 172.

Upon receipt of the plat from the director of the department of energy, labor, and economic growth the register of deeds shall:

(a) Certify on the plat the time of recording and the book and page where recorded. He or she shall not accept a plat for recording unless it is sent to him or her by the director of the

department of energy, labor, and economic growth and bears a certificate of approval of the director of the department of energy, labor, and economic growth.

- (b) Note on the record the time when made.
- (c) Record the book and page number of any building restrictions noted on or filed with the plat.
- (d) Certify and promptly forward to the director of the department of energy, labor, and economic growth on a form specified by him or her that the plat has been recorded.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.173 Director of department of energy, labor, and economic growth; procedure following notice of recording.

Sec. 173.

When notification of recording of 1 copy of plat has been received by the director of the department of energy, labor, and economic growth, he or she shall:

- (a) Transcribe the certificate of recording on all other copies.
- (b) Retain 1 copy for his or her files.
- (c) Mail 1 copy of the plat to the county treasurer, 1 copy to the clerk of the municipality in which the plat is located, 1 copy to the county road commission or the city planning commission, and 1 copy to the proprietor if he has submitted an extra copy for certification and mailing.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.181 Final plat; streets, alleys, roads and highways; general requirements.

Sec. 181.

All streets, alleys, roads and highways shown, or required to be shown on a plat shall comply with the requirements of sections 181 to 185 as a condition of approval of the final plat.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.182 Final plat; streets, alleys, and roads; municipal requirements; deposit; rebate; rejection of plat; circumstances.

Sec. 182.

- (1) (1) The governing body of a municipality in which the subdivision is situated may require the following as a condition of approval of a final plat, for all public and private streets, alleys, and roads in its jurisdiction:
 - (a) Conformance to the general plan, conformance to width and location requirements that it may have adopted and published, or greater width than shown on a county or state plan. However, the governing body shall not require conformance to a municipal plan that conflicts with a general plan adopted by the county or state for the location and width of certain streets, roads, and highways.
 - (b) Proper drainage, grading, and construction of approved materials of a thickness and width provided in its current published construction standards.
 - (c) Installation of bridges and culverts where it considers necessary.

- (d) Submission of complete plans for grading, drainage, and construction to be prepared and sealed by a civil engineer registered in the state.
 - (e) Completion of all required improvements relative to streets, alleys, and roads or a deposit by the proprietor with the clerk of the municipality in the form of cash, a certified check, or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the governing body, in an amount sufficient to insure completion within the time specified.
- (2) As a condition of approval of the plat, the governing body may require a deposit to be made in the same manner as provided in subsection (1)(e), to insure performance of any of the obligations of the proprietor to make required improvements.
- (3) The governing body shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.
- (4) The governing body shall reject a plat in any of the following circumstances:
- (a) The plat is isolated from or isolates other lands from existing public streets, unless suitable access is provided.
 - (b) The plat shows a street or road name duplicating one already in use in the municipality, except in continuing a street or road.
 - (c) 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.
 - (d) The plat isolates a cemetery so that it does not meet the requirements of either section 102(j)(i) or (ii).

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2012, Act 525, Imd. Eff. Dec. 28, 2012

560.183 Final plat; highways, streets, and alleys; private roads; county road commission requirements; “county road commission” defined.

Sec. 183.

- (1) The county road commission may require the following as a condition of approval of final plat for all highways, streets, and alleys in its jurisdiction or to come under its jurisdiction and also for all private roads in unincorporated areas:
- (a) Conformance to the general plan, width, and location requirements that the board may have adopted and published.
 - (b) Adequate provision for traffic safety in laying out drives which enter county roads and streets, as provided in the board's current published construction standards.
 - (c) Proper drainage, grading, and construction of approved materials of a thickness and width provided in its current published construction standards.
 - (d) Submission of complete plans for grading, drainage, and construction, to be prepared and sealed by a civil engineer registered in this state.
 - (e) Installation of bridges, culverts, and drainage structures where the board considers necessary.

The board may regulate cul-de-sacs and may approve or deny cul-de-sacs on an individual basis, but shall not adopt a policy or rule prohibiting cul-de-sacs.

- (2) If all improvements required under subsection (1) are not made before the final plat is submitted to the board for approval, the board nonetheless shall promptly approve the final plat if the final plat otherwise meets the requirements of this act and if the proprietor posts a deposit with the board in an amount that the board determines to be sufficient to ensure performance of the proprietor's obligation to make the required improvements within the time specified. Regardless of the deposit amount, the actual cost to complete all of the improvements remains the responsibility of the proprietor or its surety agent.
- (3) The deposit required under subsection (2) shall be in the form of cash, a certified check which the board shall promptly convert to cash, or an irrevocable letter of credit, as selected by the proprietor, or a surety bond as prequalified by the state transportation department and acceptable to the board. Any surety bond shall be underwritten by a surety acceptable to the board.
- (4) The board shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.
- (5) The board shall reject a final plat isolating other lands of the proprietor within or adjoining the plat from existing public streets or roads unless the proprietor provides suitable access by easement or suitable access dedicated to public use.
- (6) As used in this section, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2004, Act 122, Imd. Eff. May 28, 2004 ;-- Am. 2006, Act 336, Imd. Eff. Aug. 15, 2006

560.184 State highways; dedication; other highways and streets.

Sec. 184.

- (1) The department of state highways may require, where a plat abuts a state trunk line highway, if the existing right of way was not previously dedicated to public use or acquired in fee simple, that there be included within the plat boundary and description the area within the existing right of way and that such area be dedicated to public use if it is the proprietor's land. The department of state highways may also require the following as a condition of approval for highways and streets shown on the final plat:
 - (a) Conformance in width and location to the plan on file at its main and district offices for state trunk line highways.
 - (b) Adequate provision for traffic safety in laying out roads, streets and alleys which enter state trunk line highways, as provided in the department's then currently published standards and specifications.
 - (c) That those portions of connecting streets and roads within state trunk line highway right of way be graded and surfaced in accordance with the department's then currently published standards and specifications.
 - (d) Completion of all required improvements, or a deposit by the proprietor with the department in the form of cash, a certified check or irrevocable bank letter of credit, whichever the

proprietor selects, or a surety bond acceptable to the department, in an amount sufficient to insure completion of all required improvements within the time specified.

- (2) Following approval of the final plat, the department may require a deposit to be made in the same manner as provided in subdivision (d) of subsection (1), to insure performance of any of the obligations of the proprietor to make required improvements. If a cash deposit is required, the department shall rebate to the proprietor, as the work progresses, an amount of cash equal to the ratio of the work completed to the entire project.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.186 Final plat; lots and outlots; waiver; applicability of subsection (3); maintaining recorded plat.

Sec. 186.

- (1) Except as otherwise provided in this section, as a condition of approval of the final plat, all lots and outlots subdivided as defined in section 102 shall comply with all of the following:
 - (a) Lots shall be numbered consecutively. If more than 1 subdivision is intended to be known by the same name or caption, the lots in those subdivisions shall be numbered consecutively throughout the several subdivisions bearing the same name.
 - (b) A residential lot shall not be less than 65 feet wide at the distance of 25 feet from its front line. If a lot diminishes in width from front to rear, it shall not be less than 65 feet wide at a distance of 50 feet from its front line.
 - (c) A residential lot shall not have an area of less than 12,000 square feet.
 - (d) If required by the governing body outlots designated on the plat shall be of a size, extent, and location that will not impair the intent of this act or any applicable municipal rules, regulations or policies for land development adopted and published by the governing body.
 - (e) Each lot and outlot shown on a plat shall have direct access to a street or road or assured permanent access is provided for in accordance with a local subdivision control ordinance or a zoning ordinance with subdivision control provisions.
- (2) Minimum width and area requirements provided for in subsection (1) for residential lots may be waived in any subdivision if connection to a public water and a public sewer system is available and accessible or if the proprietor before approval of the plat posts security with the clerk of the municipality as provided in section 182, and if the municipality in which the subdivision is proposed has legally adopted zoning and subdivision control ordinances that include minimum lot width and lot area provisions for residential buildings.
- (3) The minimum width and area requirements provided for in subsection (1) for a residential lot may be waived if all of the following requirements are met:
 - (a) The residential lot has a public sewer system available and accessible and the sewer system will serve that residential lot.
 - (b) The residential lot consists of an area of not less than 7,200 square feet.
 - (c) The municipality in which the subdivision is proposed has legally adopted zoning and subdivision control ordinances that include minimum lot width and lot area provisions for residential buildings.

- (d) The ground water supply on that residential lot meets or exceeds the water supply rules of the department of public health for subdivisions not served by public water.
- (e) Except for a plat approved pursuant to subsection (5), the plat for the proposed subdivision in which the residential lot is located is submitted to the state for final plat approval before January 1, 1993.

(4) Subsection (3) does not apply to a final plat approved after December 31, 1994.

(5) Notwithstanding subsection (4), a waiver shall be granted under subsection (3) for a plat that meets the criteria in subsection (3)(a) through (d) and is contiguous to and, since September 1, 1992 has been owned by the same person as a plat that has received a waiver under subsection (3).

(6) The register of deeds shall maintain the recorded plat pursuant to section 243.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;— Am. 1992, Act 214, Imd. Eff. Oct. 9, 1992

560.188 Improvements.

Sec. 188.

- (1) If the subdivision includes or abuts certain improvements other than streets and alleys, such as county drains, lagoons, slips, waterways, lakes, bays or canals, which connect with or are proposed to connect with or enlarge public waters and such improvements are not in existence at the time of consideration by the governing body of the municipality, it may require, as a condition of approval of the final plat, the proprietor to enter into an agreement to construct such improvements within a reasonable time.
- (2) The governing body may require a cash deposit, certified check or irrevocable bank letter of credit whichever the proprietor selects, or surety bond acceptable to the municipality, covering the estimated cost of construction, to be deposited with the clerk of the municipality to insure the faithful performance of the agreement. Outlots or parks used as buffer strips, if between the boundary of the subdivision and such improvements, shall not alter the requirements of this section.
- (3) Any municipality may provide by ordinance for the installation of other improvements in addition to those required by this act. The governing body of the municipality, as a condition of approval of the plat, may require the proprietor to enter into an agreement, as provided in this section.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.190 Public utility easements.

Sec. 190.

The proprietor shall provide public utility easements in accordance with the provisions of section 139. The following shall apply to all public utility easements included in a subdivision:

- (a) Easements intended for use of public utilities shall not be deemed to be dedicated to the public but shall be private easements for public utilities and shall be equitably shared among such utilities.
- (b) The public utilities first using an easement shall be reimbursed by later users for all rearrangement or relocation costs.
- (c) Permanent structures may not be erected within easement limits by the owner of the fee but he shall have the right to make any other use of the land not inconsistent with the rights of public utilities, or the other uses as noted on the plat.

- (d) The public utilities shall have the right to trim or remove trees that interfere with their use of easements.
- (e) Nothing in this act shall be construed to limit any regulatory powers possessed by municipalities with respect to public utilities.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.192 Storm water drainage requirements as condition of final plat approval.

Sec. 192.

The county drain commissioner or the governing body of the municipality in which the subdivision is situated, whichever has jurisdiction, shall require the following as a condition of approval of the final plat:

- (a) That the proprietor provide for adequate storm water facilities within the lands proposed for platting and outlets thereto.
- (b) If adequate storm water facilities within the land proposed for platting are not installed before approval of the final plat, the proprietor shall enter into an agreement with the governing body or county drain commissioner and shall post a cash deposit, certified check or irrevocable bank letter of credit whichever the proprietor selects, or a surety bond acceptable to the approving authority, in an amount sufficient for the faithful performance of the agreement. A rebate shall be made to the proprietor, as the work progresses, of amounts of any cash deposits equal to the ratio of the work completed to the entire project.
- (c) The county drain commissioner, or where there is no drain commissioner the body having jurisdiction shall require the proprietor at his or her expense to establish a county or intercounty drain according to the procedure provided in Act No. 40 of the Public Acts of 1956, as amended, being sections 280.1 to 280.630 of the Michigan Compiled Laws, if deemed necessary to insure adequate maintenance of storm water outlet facilities.
- (d) That the proprietor provide adequate storm water retention basins where deemed necessary for all or a specified part of the lands proposed for platting and, if approved by the municipality in which these lands are located, that the municipality assume the cost of operation and maintenance of the retention basins.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 1982, Act 529, Eff. Mar. 30, 1983

560.192a Operation and maintenance of retention basins; annual appropriation; creation of special assessment district; establishment of boundaries; hearing on creation of district; duties of governing body creating district; hearing on objections to cost, roll, or spreading of assessment; manner and time assessments due, collected, and returned; notice of hearing; exclusion.

Sec. 192a.

- (1) If approval of the final plat was conditioned pursuant to section 192 upon the operation and maintenance of retention basins for all or a portion of the area encompassed by the final plat, the cost of which may be defrayed by special assessments against the property benefited by the retention basins, the municipality in which this area is located may provide annually for the appropriation of funds for this purpose and create a special assessment district pursuant to subsection (2).
- (2) The governing body of a municipality electing to defray the cost of operating and maintaining a retention basin by means of a special assessment shall establish, by resolution, the boundaries of the

special assessment district and fix a day for a hearing on the question of creation of the special assessment district and on defraying the cost of operating and maintaining a retention basin by special assessment on the property benefited thereby.

- (3) If, after the hearing conducted pursuant to subsection (2), a special assessment district is created, the governing body creating the district shall determine the annual cost of the operation and maintenance of the retention basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district. Before approval of the special assessment roll the governing body shall hold a hearing on objections to the cost, roll, or spreading of the special assessment on the roll. After the hearing, the governing body, at the same or a subsequent meeting, shall confirm or amend, or revise and then confirm, the cost projections on which the roll was developed and the spread of special assessments pursuant to this cost, and the special assessment roll.
- (4) Special assessments imposed pursuant to this section shall become due, be collected, and be returned for nonpayment in the same manner and at the same time as ad valorem property tax levies of the municipality imposing the special assessment.
- (5) Notice for any hearing held or required pursuant to this act shall be given pursuant to Act No. 162 of the Public Acts of 1962, being sections 211.741 to 211.745 of the Michigan Compiled Laws.
- (6) Any property encompassed by the final plat for which adequate storm water facilities have been provided or extended to include, shall be excluded from a special assessment district created under this act.

History: Add. 1982, Act 529, Eff. Mar. 30, 1983

560.194 Flood plains; prohibit occupancy; alterations.

Sec. 194.

If any part of a proposed subdivision lies within the floodplain of a river, stream, creek or lake, approval of the final plat shall be conditioned on the following:

- (a) No buildings for residential purposes and occupancy shall be located on any portion of a lot lying within a floodplain, unless approved in accordance with the rules of the water resources commission of the department of conservation.
- (b) Restrictive deed covenants shall be filed and recorded with the final plat that the floodplain area will be left essentially in its natural state.
- (c) The natural floodplain may be altered if its original discharge capacity is preserved and the stream flow is not revised so as to affect the riparian rights of other owners.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.196 Subdivision names; consecutive numbering of additions.

Sec. 196.

The following shall apply to all subdivisions as a condition of approval:

- (a) The name of a subdivision as included in the caption of the plat shall not use the name of a previously recorded subdivision within the same county unless it is an addition thereto.
- (b) The first subdivision bearing the name may be numbered 1 and all additions shall be numbered consecutively beginning with number 2.

- (c) A plat duplicating the name of any existing subdivision within the same county shall be rejected by the governing body or county plat board.
- (d) The governing body or county plat board may also reject plats submitted with subdivision names so closely approximating previously recorded plats that such use might easily lead to misunderstanding or confusion for purposes such as assessment and description of land.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.198 Correction of errors; surveyor's affidavit.

Sec. 198.

Subject to review and approval at a meeting of the county plat board of the county in which the subdivision is located, an affidavit by the surveyor who certified the plat may be recorded in the office of the register of deeds in which the plat is recorded but only for the purpose of correcting minor and typographical errors in distances, angles, directions, bearings, chords, lot numbers, street numbers or other details shown on a recorded plat as follows:

- (a) The affidavit shall explain the purpose, exact nature, and details of the correction.
- (b) If the county plat board rejects the request for recording of the affidavit, it shall give its reasons in writing.
- (c) The register of deeds, after approval of the county plat board, shall note on the plat a reference to the book and page in which the affidavit is recorded and shall send a certified copy to the director of the department of energy, labor, and economic growth, who shall note or reference it on his copy of the plat. The director of the department of energy, labor, and economic growth shall send copies to all agencies which received a copy of the plat.
- (d) A recorded affidavit, or a certified copy thereof, shall be prima facie evidence of the facts therein stated.
- (e) Affidavits of correction may not be used to change the boundaries or shape of lots, outlots or parcels of land in a subdivision.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2010, Act 63, Imd. Eff. May 6, 2010

ASSESSOR'S PLATS

560.201 Assessor's plat; compliance; conditions for ordering; resolution; report; estimated cost.

Sec. 201.

- (1) An assessor's plat shall comply with sections 201 to 213 and may be ordered if any 1 of the following conditions exist:
 - (a) When a parcel or tract of land is owned by 2 or more persons.
 - (b) When the description of 1 or more of the different parcels within the area cannot be made sufficiently certain and accurate, or are deemed excessively complicated by the governing body, for the purposes of assessment and taxation without a survey or resurvey.
- (2) The governing body of a municipality by adoption of a resolution may cause a plat to be made for purposes described in subsection (1) after a report from the assessor or supervisor bringing to its

attention an area of land in which the stated conditions exist. It shall include in the resolution the estimated cost assessable to each parcel of land to be included in the plat for the purpose of immediate assessment, subject to final adjustment in accordance with section 203.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1976, Act 431, Imd. Eff. Jan. 11, 1977

560.201a Assessor's plat; additional conditions for ordering.

Sec. 201a.

Notwithstanding the conditions specified in sections 201(1) (a) and (b), an assessor's plat, complying with sections 201 to 213, may also be ordered if there is a person in possession under a lease agreement relating to a parcel or tract of land and all of the following conditions are met:

- (a) There is in effect a lease which was executed prior to January 1, 1968.
- (b) The area of the land affected by the lease is smaller than the minimum lot size or configuration required by this act, or by local ordinance, as the case may be, or if the land is of proper size and configuration but at least 75% of the portion of the boundary not abutted by streets is abutted by lands of insufficient size or configuration.
- (c) The leasehold premises has been improved with a permanent structure.

History: Add. 1973, Act 94, Imd. Eff. Aug. 8, 1973

560.201b Assessor's plat; additional conditions for ordering.

Sec. 201b.

Notwithstanding the conditions specified in section 201(1), an assessor's plat complying with sections 201 to 213 may also be ordered by the governing body of a municipality if all of the following conditions are met:

- (a) When a parcel or tract of land had been improved by 4 or more permanent residential structures before January 1, 1968.
- (b) When division of the parcel or tract into lots for the purpose of selling or leasing the permanent residential structures thereon would result in a lot size or configuration smaller than required by this act or by local ordinance.
- (c) Each lot be serviced by a sewage disposal and water supply system approved by the local health department having jurisdiction.

History: Add. 1976, Act 431, Imd. Eff. Jan. 11, 1977

560.202 Name and boundary description; plat made by surveyor.

Sec. 202.

- (1) The plat shall be called an assessor's plat and given a name. It shall plainly define the boundary of each parcel, each street, alley or road and dedication to public or private use, as such, shall be evidenced by the records of the register of deeds.
- (2) The plat shall be made by a surveyor.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.203 Assessor's plat; payment of costs and expenses; cost charged to land.

Sec. 203.

The actual and necessary costs and expenses of making assessor's plats shall be paid out of the general fund of the city, incorporated village, or township whose governing body ordered the plat. All of the cost may be charged to the land so platted. Of the cost charged to the land so platted, 1/2 shall be based on the proportion that the area of each parcel bears to the total area of the plat and 1/2 shall be charged equally to each parcel included in the assessor's plat, as a special assessment on the land, in the manner provided in Act No. 67 of the Public Acts of 1961, being sections 41.921 to 41.925 of the Michigan Compiled Laws.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969 ;-- Am. 1976, Act 431, Imd. Eff. Jan. 11, 1977

560.204 Survey requirements; setting of monuments.

Sec. 204.

- (1) The surveyor making the plat shall survey and lay out the boundaries of each parcel, street, alley or road and dedication to public or private use, according to the records of the register of deeds and whatever other evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication.
- (2) The surveyor shall also:
 - (a) Set temporary monuments to show the results of the survey.
 - (b) Make a map of the proposed plat to the scale of not more than 100 feet to 1 inch.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.205 Notice to proprietors.

Sec. 205.

The proprietors of record of lands in the plat shall be notified by registered mail to their last known address, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.206 Reconciliation of boundaries within plat.

Sec. 206.

- (1) The surveyor making the plat shall reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body shall be in conformity with the records of the register of deeds as nearly as is practicable.
- (2) When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the proprietors of record or in possession, such lines may be the true boundaries for all purposes thereafter, even though they vary from the metes and bounds descriptions previously of record. The written agreements shall be recorded in the office of the register of deeds.
- (3) When reconciliation has been completed, the temporary monuments shall be replaced with permanent monuments meeting the specifications and provisions of this act for monuments.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.207 Boundaries and numbering of lots within plat.

Sec. 207.

- (1) On every assessor's plat, as certified to the governing body, shall appear the bearings and distances of lines of each parcel recorded in the office of the register of deeds, and each lot shall also be numbered as provided in this act for final plats.
- (2) The provisions of this act as to surveys and monuments and as to form and procedure, insofar as they are applicable to the purposes of assessor's plats shall apply.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.208 Surveyor's certificate.

Sec. 208.

The sworn certificate of the surveyor who made the plat and, if a firm of surveyors also by a partner or principal officer, shall appear on the plat and shall state the following:

- (a) The name of the governing body by whose order the plat was made, and the date of the order.
- (b) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and each parcel or lot thereof.
- (c) A statement that he has fully complied with the provisions of this act in filing the plat.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.209 Filing; county road commission approval; publication; action to correct plat.

Sec. 209.

- (1) When completed, the assessor's plat shall be filed with the clerk of the governing body that ordered the plat. In unincorporated areas, the certificate of the county road commission shall first be secured, stating that the public roads shown on the plat were in existence at the time the plat was made.
- (2) The clerk shall promptly give notice thereof by publication for 3 successive weeks in a newspaper of general circulation in the city, village, township or county, or if there is none, in a newspaper published in the adjoining county and having general circulation in the locality where the plat is situated.
- (3) The plat shall remain on file in the clerk's office for 30 days after the first publication. At any time within the 30-day period any person or public body having an interest in any lands affected by the plat may bring a suit to have such plat corrected.
- (4) If no such suit is brought within such time, the plat may be approved by the governing body.
- (5) If suit is brought, approval shall be withheld until it is decided. If necessary, the plat shall be revised in accordance with such decision, then approved by the governing body.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.210 Local authorities approval; acknowledgment; review by director of energy, labor, and economic growth; recording.

Sec. 210.

The plat, when completed and certified as provided in this act with the exception of the certification by the county plat board and when approved by the governing body and in unincorporated areas by the board of county road commissioners, shall be acknowledged by the clerk thereof. When so approved and acknowledged, all copies of the plat shall be forwarded to the director of the department of energy, labor, and economic growth together with the recording fee specified in this act for all plats. The director of the department of energy, labor, and economic growth shall review the plat for adherence to the provisions of this act, or may reject it giving his or her reasons in writing. Upon approval, the director of the department of energy, labor, and economic growth shall forward the plat to the register of deeds for recording. On return of the proof of recording the required recording fee shall be sent to the register of deeds and the director of the department of energy, labor, and economic growth shall distribute the copies as required for all other final plats.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.211 Recording; notification of local authorities; apportionment of taxes.

Sec. 211.

When an assessor's plat is recorded, the register of deeds shall notify the county treasurer. The county treasurer shall notify the assessor if any part of the lands included in the plat are delinquent for taxes or special assessments for any year prior to the date of recording. The assessor or supervisor shall apportion such taxes or assessments against the individual or several lots in the plat. The apportionment of delinquent taxes and special assessments shall be governed by the provisions of section 53 of Act No. 206 of the Public Acts of 1893, as amended. The apportioned taxes and special assessment shall thereafter become a lien against the individual or several lots in the plat and treated in the same manner as taxes of the year of the original assessment for the purpose of collection and sale for delinquent taxes as provided by Act No. 206 of the Public Acts of 1893, as amended.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.212 References to plat descriptions; use; plats as evidence.

Sec. 212.

Reference to any land, as it appears on a recorded assessor's plat is sufficient for purposes of assessment and taxation. Conveyance may be made by reference to the plat and shall be as effective to pass title to the land so described as it would be if the premises had been described by metes and bounds. The plat or record thereof shall be received in evidence in all courts and places as correctly describing the several parcels of land therein designated. After an assessor's plat has been made and recorded with the register of deeds, all conveyances of lands included in the assessor's plat shall be by reference to the plat. Any instrument dated and acknowledged after January 1, 1968, purporting to convey or mortgage any such lands except by reference to such assessor's plat may not be recorded by the register of deeds.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.213 Plat recorded after tax day; substitution of plat description; certification of acquisition of public lands.

Sec. 213.

(1) Whenever a parcel of land has been subdivided and platted and the plat recorded after the tax day, the assessing officer shall substitute the recorded plat for the description of the parcel of land on the tax roll of the succeeding tax year, and shall utilize for tax purposes descriptions of property within

the platted area by lot number instead of by metes and bounds in carrying out his duties as provided in section 53 of Act No. 206 of the Public Acts of 1893, as amended.

- (2) The assessing officer shall certify under his hand and seal that the municipality has acquired the title to the highways, streets, alleys and public places shown on the assessor's plat by reason of purchase, dedication, condemnation or adverse possession for public use, and if there are any roads, streets, alleys or other such places to which the municipality has not acquired title for public use the extent of their use shall be plainly stated in the dedication, and the plat shall be signed and acknowledged by the officer.

History: 1967, Act 288, Eff. Jan. 1, 1968

PLAT CHANGES

560.221 Vacation, correction, or revision of plat.

Sec. 221.

The circuit court may, as provided in sections 222 to 229 vacate, correct, or revise all or a part of a recorded plat.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978

560.222 Complaint; filing.

Sec. 222.

Except as provided in section 222a, to vacate, correct, or revise a recorded plat or any part of a recorded plat, a complaint shall be filed in the circuit court by the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality in which the subdivision covered by the plat is located.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 2004, Act 590, Imd. Eff. Jan. 4, 2005

560.222a Public utility easement as part of recorded plat; relinquishment by written agreement; parties; requirements.

Sec. 222a.

- (1) Notwithstanding section 222, a public utility easement that is part of a recorded plat may be relinquished without filing an action in circuit court if a written agreement for that purpose is entered into among all of the following parties:
 - (a) Each public utility or municipal entity that has the right to use the recorded easement.
 - (b) The owner or owners of record of each platted lot or parcel of land subject to the easement.
 - (c) A two-thirds majority of the owners of record of each platted lot or parcel of land within 300 feet of any part of the recorded easement.
 - (d) The governing board of the municipality in which the subdivision covered by the plat is located.
- (2) An agreement described in subsection (1) shall meet all applicable requirements for recordation and is effective upon being recorded with the register of deeds and filed with the department of labor and

economic growth. The register of deeds and the department of labor and economic growth shall cross-reference the document to the affected plat.

History: Add. 2004, Act 590, Imd. Eff. Jan. 4, 2005

560.223 Complaint; contents.

Sec. 223.

The complaint shall set forth:

- (a) The part or parts, if any, sought to be vacated and any other correction or revision of the plat sought by the plaintiff.
- (b) The plaintiff's reasons for seeking the vacation, correction, or revision.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;— Am. 1978, Act 367, Imd. Eff. July 22, 1978

560.224

Repealed. 1978, Act 367, Imd. Eff. July 22, 1978. Compiler's Notes: The repealed section pertained to notice of petition.

560.224a Joinder of parties defendant.

Sec. 224a.

- (1) The plaintiff shall join as parties defendant each of the following:
 - (a) The owners of record title of each lot or parcel of land included in or located within 300 feet of the lands described in the petition and persons of record claiming under those owners.
 - (b) The municipality in which the subdivision covered by the plat is located.
 - (c) The director of the department of energy, labor, and economic growth.
 - (d) The drain commissioner and the chairperson of the board of county road commissioners having jurisdiction over any of the land included in the plat.
 - (e) Each public utility which is known to the plaintiff to have installations or equipment in the subdivision or which has a recorded easement or franchise right which would be affected by the proceedings.
 - (f) The director of the state transportation department and the director of the department of natural resources if any of the subdivision includes or borders a state highway or federal aid road.
 - (g) If the requested action may result in a public highway or a portion of a public highway that borders upon, crosses, is adjacent to, or ends at a lake or the general course of a stream being vacated or altered in such a manner as would result in the loss of public access, the director of the department of natural resources and, if the subdivision is located in a township, the township. The department of natural resources and, if applicable, the township shall review the application and determine within 30 days whether the property should be retained by the state or township as an ingress and egress point, and shall convey that decision to the court.
- (2) Service of process upon the joined parties defendant shall be made in accord with the general rules governing service of process in civil actions except that the parties defendant specified in subsection (1)(b), (f), or (g) may be served by registered mail and the parties defendant specified in subsection

(1)(a) may be served by registered mail if there are more than 20 persons that must be joined pursuant to subsection (1)(a).

History: Add. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 1979, Act 184, Imd. Eff. Dec. 19, 1979 ;-- Am. 1996, Act 219, Imd. Eff. May 28, 1996 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.225

Repealed. 1978, Act 367, Imd. Eff. July 22, 1978. Compiler's Notes: The repealed section pertained to service.

560.226 Trial and hearing; order to vacate, correct, or revise recorded plat; exceptions; plat recording resulting in loss of public access to lake or stream; reservation of easement; operation and maintenance of property by state or local unit; effect of noncompliance with subsection (4); closure of road ending; proceedings.

Sec. 226.

- (1) Upon trial and hearing of the action, the court may order a recorded plat or any part of it to be vacated, corrected, or revised, with the following exceptions:
 - (a) A part of a state highway or federal aid road shall not be vacated, corrected, or revised except by the state transportation department.
 - (b) A part of a county road shall not be vacated, corrected, or revised except by the county road commission having jurisdiction pursuant to chapter IV of Act No. 283 of the Public Acts of 1909, being sections 224.1 to 224.32 of the Michigan Compiled Laws.
 - (c) A part of a street or alley under the jurisdiction of a city, village, or township and a part of any public walkway, park, or public square or any other land dedicated to the public for purposes other than pedestrian or vehicular travel shall not be vacated, corrected, or revised under this section except by both a resolution or other legislative enactment duly adopted by the governing body of the municipality and by court order. However, neither this section nor any other section shall limit or restrict the right of a municipality under sections 256 and 257 to vacate the whole or any part of a street, alley, or other land dedicated to the use of the public.
- (2) If a circuit court determines pursuant to this act that a recorded plat or any part of it that contains a public highway or portion of a public highway that borders on, crosses, is adjacent to, or ends at any lake or the general course of any stream, should be vacated or altered in a manner that would result in a loss of public access, it shall allow the state and, if the subdivision is located in a township, the township to decide whether it wants to maintain the property as an ingress and egress point. If the state or township decides to maintain the property, the court shall order the official or officials to either relinquish control to the state or township if the interest is nontransferable or convey by quitclaim deed whatever interest in the property that is held by the local unit of government to the state or township. The township shall have first priority to obtain the property or control of the property as an ingress and egress point. If the township obtains the property or control of the property as an ingress and egress point and later proposes to transfer the property or control of the property, it shall give the department of natural resources first priority to obtain the property or control of the property. If the state obtains the property or control of the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property was purchased from restricted fund revenue, money obtained from sale of the property shall be returned to that restricted fund.

- (3) A judgment under this section vacating, correcting, or revising a highway, road, street, or other land dedicated to the public and being used by a public utility for public utility purposes shall reserve an easement therein for the use of public utilities, and may reserve an easement in other cases.
- (4) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (2), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue noise, and congestion as necessary.
- (5) If a person shows substantial noncompliance with the requirements of subsection (4), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for a period of up to 30 days.
- (6) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for up to 30 days under subsection (5), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 90 days.
- (7) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 90 days under subsection (6), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 180 days.
- (8) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 180 days under subsection (7), the circuit court shall order the local unit or this state to show cause why the road ending should not be permanently closed in a manner to prevent ingress and egress to the body of water. Subject to subsection (9), the circuit court shall permanently close the road ending unless the local unit or this state shows cause why the road ending should not be closed.
- (9) After a road ending is closed under subsection (8), and unless the property has been conveyed or relinquished to the adjacent landowners under subsection (10), the local unit or this state may petition the circuit court to reopen the road ending. The circuit court may order the road ending reopened if the local unit or this state presents a management plan to and posts a performance bond with the circuit court, and the circuit court finds that the management plan and performance bond are adequate to ensure compliance with subsection (4).
- (10) After a road ending is closed by the circuit court under subsection (8), 1 or more of the adjacent landowners may petition the circuit court to order the local unit or this state to convey any interest in the property that the local unit or this state holds to the adjacent landowners, or, if the interest is nontransferable, to relinquish control over the property to the adjacent landowners.
- (11) Proceedings under subsection (5), (6), (7), or (8) shall be initiated by application of 7 owners of record title of land in the local unit who own land within 1 mile of the road ending to the circuit court for the county in which the road ending is located. The applicants in proceedings under subsection (5), (6), (7), (8), (9), or (10) shall give the persons described in section 224a notice of the application by registered mail.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978 ;-- Am. 1996, Act 219, Imd. Eff. May 28, 1996

560.227

Repealed. 1978, Act 367, Imd. Eff. July 22, 1978. Compiler's Notes: The repealed section pertained to vesting of vacated part.

560.227a Vesting of title upon vacation of plat, street, or alley; legal description of abutting lot.

Sec. 227a.

- (1) Title to any part of the plat vacated by the court's judgment, other than a street or alley, shall vest in the rightful proprietor of that part. Title to a street or alley the full width of which is vacated by the court's judgment shall vest in the rightful proprietors of the lots, within the subdivision covered by the plat, abutting the street or alley. Title to a public highway or portion of a public highway that borders on, is adjacent to, or ends at a lake or the general course of a stream may vest in the state subject to section 226.
- (2) If the lots abutting the vacated street or alley on both sides belong to the same proprietor, title to the vacated street or alley shall vest in that proprietor. If the lots on opposite sides of the vacated street or alley belong to different proprietors, title up to the center line of the vacated street or alley shall vest in the respective proprietors of the abutting lots on each side.
- (3) If only part of the width of a street or alley, not extending beyond the center line, is vacated, title to the vacated part of the street or alley shall vest in the proprietor of the lots abutting the same.
- (4) When title to any part of a vacated street or alley vests in an abutting proprietor, any future legal description of the abutting lot or lots shall include that part of the vacated street or alley.

History: Add. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 1996, Act 219, Imd. Eff. May 28, 1996

560.228 Recording of judgment.

Sec. 228.

Within 30 days after entry of judgment, for vacation, correction, or revision of a plat, plaintiff shall record the judgment in the office of the register of deeds. The register of deeds shall place on the original plat the date, liber, and page of the record of the court's judgment.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978

560.229 Preparation and form of new plat; filing copies; caption; approval; distribution of copies; fees.

Sec. 229.

- (1) If the court orders a plat to be vacated, corrected, or revised in whole or in part, the court shall also direct plaintiff to prepare, in the form required by this act for a final plat, either a new plat of the part of the subdivision affected by the judgment or a new plat of the entire subdivision if the court's judgment affects a major part of the subdivision.
- (2) Five true copies of the new plat, accompanied by a copy of the court's judgment, shall be filed with the director of the department of energy, labor, and economic growth. The caption of the new plat shall include a statement that it is a corrected or revised plat of all or part of the same subdivision covered by the original plat.
- (3) After the director of the department of energy, labor, and economic growth has examined the new or amended plat for compliance with the court judgment and the provisions of this act for the making and filing of original final plats and has approved the new or amended plat, the director of the department of energy, labor, and economic growth shall distribute 1 copy each to the register of deeds,

clerk of the municipality, county treasurer, and county road commission. One copy shall be filed in the office of the director of the department of energy, labor, and economic growth.

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

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 367, Imd. Eff. July 22, 1978 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

FEES AND ADMINISTRATION

560.241 Submission of final plat; filing and recording fee; state plat review fee; disposition of fee.

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 in an amount equal to the fee for entering and recording a real estate mortgage under section 2567 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567. 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 the filing and recording fee, 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.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1991, Act 59, Imd. Eff. June 27, 1991 ;-- Am. 1993, Act 67, Imd. Eff. June 21, 1993 ;-- Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999 ;-- Am. 2016, Act 231, Eff. Oct. 1, 2016

560.241a

Repealed. 1993, Act 67, Eff. Oct. 1, 1998. Compiler's Notes: The repealed section pertained to submission of final plat and fees.

560.242 Director of department of energy, labor, and economic growth; records and indexing; fees.

Sec. 242.

- (1) The director of the department of energy, labor, and economic growth shall maintain a permanent file of plats and the index shall contain all pertinent information necessary to facilitate reference.
- (2) A fee established by the director of the department of energy, labor, and economic growth shall be collected for copies of plats.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.243 Register of deeds; maintaining permanent file; expense; fee.

Sec. 243.

- (1) The register of deeds shall maintain a permanent file of recorded plats.
- (2) The expense of maintaining the file, such as for binders, cabinets, supplies, and reproduction pursuant to the records media act, Act No. 116 of the Public Acts of 1992, being sections 24.401 to 24.403 of the Michigan Compiled Laws, shall be provided from the general fund of the county.
- (3) A fee of not less than \$1.00 per sheet shall be collected by the register of deeds for copies of plats recorded in his or her office.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1992, Act 185, Imd. Eff. Oct. 5, 1992 ;-- Am. 1992, Act 214, Imd. Eff. Oct. 9, 1992

560.244 Proprietor's copy.

Sec. 244.

- (1) If the proprietor of a subdivision desires to retain a copy of the final plat, he or she shall forward a sixth copy of it to the director of the department of energy, labor, and economic growth for certification as an exact copy of the approved and recorded plat.
- (2) The true copy requested may be made upon tracing linen or some similar material.
- (3) No charge shall be made for certification of the sixth copy.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.245 Abstract of title or title policy; attorney's opinion in lieu of abstract.

Sec. 245.

The proprietor submitting the plat for approval shall furnish to the governing body an abstract of title certified to date of the proprietor's certificate to establish recorded ownership interests and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision. The governing body, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion based on the abstract of title as to ownership and marketability of title of the land.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.246 Governing body; fees.

Sec. 246.

- (1) The governing body of a municipality may adopt by ordinance a reasonable schedule of fees, based on the number of lots in the proposed subdivision. The fee charged shall be in addition to the filing and

recording fee, and shall be for the examination and inspection of plats and the land proposed to be subdivided, and related expenses.

- (2) A proprietor submitting a plat for approval shall be required to deposit the established fee with the clerk of the municipality and until the fee is paid, the plat shall not be considered or reviewed.
- (3) The governing body may employ a surveyor as an assistant. If it is deemed more practical in a county for the county to employ a surveyor to assist governing bodies of municipalities within the county, then the board of supervisors, by resolution, may employ the surveyor and may establish a reasonable schedule of fees for his services to be charged to the governing body receiving his assistance.
- (4) Until an ordinance is adopted by the governing body establishing a schedule of fees, the governing body may require the payment of a fee not to exceed \$100.00.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.247 County plat board; compensation.

Sec. 247.

- (1) Each member of the county plat board shall be paid compensation and mileage for attendance at plat board meetings equal to compensation and mileage paid to supervisors for attendance at meetings of the board of supervisors. The compensation shall be payable from the general fund of the county.
- (2) The duties of the county plat board shall not be considered as being a part of the duties of the regular offices of the members thereof.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.248 County road commission; fees.

Sec. 248.

The county road commission may adopt as part of the published rules by resolution, a reasonable schedule of fees, to be charged proprietors seeking approval of plats. The fee shall be for the examination of those plat features which require approval of the county road commission as provided in section 183, and plans and inspection of highways, streets and alleys, together with bridges, culverts, drainage structures or other improvements constructed in connection with the plat and related expenses.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.249 Board of supervisors; fees.

Sec. 249.

The county board of supervisors may adopt a reasonable schedule of fees to be charged proprietors seeking approval of plats to compensate the county drain commissioner for his examination of those plat features which require approval of the county drain commissioner as provided in section 192 and plans and inspection of drainage facilities constructed by the proprietor or existing on the plat site.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.251 Recorded plats; evidence.

Sec. 251.

A certified copy of the recorded plat in the register of deeds office shall be received in all courts in this state as prima facie evidence of the making and recording of the plat in conformity with the provisions of this act.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.252 Instruments affecting title; prohibit recording unless plat recorded.

Sec. 252.

The register of deeds shall not accept for record any instrument purporting to convey or encumber lots designated by number in a subdivision of land unless a plat showing such lots has previously been recorded.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.253 Dedication of plats; reservation of mineral rights.

Sec. 253.

- (1) When a plat is certified, signed, acknowledged and recorded as prescribed in this act, every dedication, gift or grant to the public or any person, society or corporation marked or noted as such on the plat shall be deemed sufficient conveyance to vest the fee simple of all parcels of land so marked and noted, and shall be considered a general warranty against the donors, their heirs and assigns to the donees for their use for the purposes therein expressed and no other.
- (2) The land intended for the streets, alleys, commons, parks or other public uses as designated on the plat shall be held by the municipality in which the plat is situated in trust to and for such uses and purposes.
- (3) A reservation or an ownership interest in mineral rights or underground gas storage rights in land shall not constitute the holding of title for the purpose of signing the proprietor's certificate.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.254 Restrictions; enforcement.

Sec. 254.

Any restriction required to be placed on platted land by a public body given the authority to review or approve plats by the provisions of this act or which names the public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction in a court of competent jurisdiction against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing but only by the public body having the right of enforcement.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.255 Lot numbers use.

Sec. 255.

When a subdivision plat has been recorded, the lots in that plat shall be described by the caption of the plat and the lot number for all purposes, including those of assessment, taxation, sale and conveyance.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.255a Land revised, altered, or vacated by order of circuit court in county in which land situated.

Sec. 255a.

Land in a subdivision dedicated to the use of the public for purposes other than pedestrian or vehicular travel, or land dedicated for a public way which is under the jurisdiction of a municipality, a portion of which public way is within 25 meters of a lake or the general course of a stream, shall not be revised, altered, or vacated except by order of the circuit court in the county in which the land is situated.

History: Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978

560.255b Presumption of acceptance of land dedicated to use of public; rebuttal.

Sec. 255b.

- (1) Ten years after the date the plat is first recorded, land dedicated to the use of the public in or upon the plat shall be presumed to have been accepted on behalf of the public by the municipality within whose boundaries the land lies.
- (2) The presumption prescribed in subsection (1) shall be conclusive of an acceptance of dedication unless rebutted by competent evidence before the circuit court in which the land is located, establishing either of the following:
 - (a) That the dedication, before the effective date of this act and before acceptance, was withdrawn by the plat proprietor.
 - (b) That notice of the withdrawal of the dedication is recorded by the plat proprietor with the office of the register of deeds for the county in which the land is located and a copy of the notice was forwarded to the director of the department of energy, labor, and economic growth, within 10 years after the date the plat of the land was first recorded and before acceptance of the dedicated lands.

History: Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.256 Opening, vacating, extending, widening, or changing name of street or alley; recording certified copy of ordinance or resolution; copy to director of energy, labor, and economic growth.

Sec. 256.

Subject to the restrictions prescribed in section 255a, when the governing body of a municipality by resolution or ordinance opens or vacates a street or alley or a portion of a street or alley, or extends, widens, or changes the name of an existing street or alley, the clerk of the municipality within 30 days shall record a certified copy with the register of deeds, giving the name of the plat or plats affected, and shall send a copy to the director of the department of energy, labor, and economic growth. Until recorded, the ordinance or resolution shall not have force or effect.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.257 Discontinuance of street, alley, or other public land; reservation of easement; recording resolution or ordinance; copy to director of energy, labor, and economic growth.

Sec. 257.

- (1) Subject to the restrictions prescribed in section 255a, when the governing body of a municipality determines that it is necessary for the health, welfare, comfort, and safety of the people of the municipality to discontinue an existing street, alley, or other public land shown on a plat, by resolution or ordinance, the governing body may reserve an easement in the street, alley, or land for public utility purposes and other public purposes within the right of way of the street, alley, or other public land vacated.
- (2) The resolution or ordinance shall be recorded within 30 days with the register of deeds and a copy shall be sent to the director of the department of energy, labor, and economic growth.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.258 Public lands; agreements for maintenance.

Sec. 258.

As a condition of final plat approval the governing body of a municipality or the board of county road commissioners may require copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.259 Minimum standards.

Sec. 259.

The standards for approval of plats prescribed in this act are minimum standards and any municipality, by ordinance, may impose stricter requirements and may reject any plat which does not conform to such requirements.

History: 1967, Act 288, Eff. Jan. 1, 1968

PENALTIES

560.261 Sale of land; written disclosures to buyer; voidability of sale.

Sec. 261.

No person shall sell any lot in a recorded plat or any parcel of unplatted land in an unincorporated area if it abuts a street or road which has not been accepted as public unless the seller first informs the purchaser in writing on a separate instrument to be attached to the instrument conveying any interest in such lot or parcel of land of the fact that the street or road is private and is not required to be maintained by the board of county road commissioners. In addition, any contract or agreement of sale entered into in violation of this section shall be voidable at the option of the purchaser.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.262 Monuments; removal or disturbance.

Sec. 262.

No person shall knowingly remove or disturb any monument without the permission of the governing body of the municipality in which the subdivision is located.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.263 Lots; further division; regulation.

Sec. 263.

No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the ordinances of the municipality. The municipality may permit the partitioning or dividing of lots, outlots or other parcels of land into not more than 4 parts; however, any lot, outlot or other parcel of land not served by public sewer and public water systems shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area provided for in this act.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.264 Sale of land; noncompliance with act; penalty.

Sec. 264.

- (1) Any person who sells or agrees to sell any lot, piece, or parcel of land without first having recorded a plat thereof when required by this act is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 180 days, or both. For each offense under this subsection after a first offense under this subsection, the person shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 1 year, or both. Agreement to sell under this section does not include an option to buy extended from the seller for a money consideration to the prospective buyer.
- (2) Any person who violates section 108, 109, 109b, or the exempt split provision of section 103(1) and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than \$1,000.00 for each parcel sold. A default in the payment of a civil fine or costs ordered under this subsection or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.
- (3) Any person who violates any provision of this act other than section 108, 109, 109b, or the exempt split provision of section 103(1) is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1997, Act 87, Eff. Oct. 1, 1997

560.265 Enforcement of act; injunctive proceedings; venue.

Sec. 265.

Any municipality, board of county road commissioners or county plat board may bring an action in its own name to restrain or prevent any violation of this act or any continuance of any such violation. Such action shall be brought in the county where the land is located, the defendant resides or has his principal place of business.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.266 Enforcement of act; prosecution, venue.

Sec. 266.

The attorney general or the prosecuting attorney of any county may prosecute any violation of this act or may bring an action in the name of the state to restrain or prevent any violation of this act or any continuance of any such violation. Such action, in the case of the attorney general, shall be brought in the circuit court of Ingham county, upon which jurisdiction thereof is conferred, and in the case of the

prosecuting attorney, in the county where the land involved is located, the defendant resides, or has his principal place of business or where the purchaser resides.

History: 1967, Act 288, Eff. Jan. 1, 1968

560.267 Sale of lands in violation of act; voidability of sale.

Sec. 267.

Any sale of lands subdivided or otherwise partitioned or split in violation of this act is voidable at the option of the purchaser, and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1997, Act 87, Imd. Eff. July 28, 1997

560.290 Department of energy, labor, and economic growth; employee in charge of plat section; qualifications.

Sec. 290.

The employee in direct charge of the plat section in the department of energy, labor, and economic growth that performs services for the director of the department of energy, labor, and economic growth under this act, and that employee's chief assistant, shall each be a professional surveyor licensed in this state.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2010, Act 63, Imd. Eff. May 6, 2010

560.291 Plats in process, approval.

Sec. 291.

Any preliminary or final plat which on January 1, 1968, has been approved by the municipality or county road commission may be processed under the law in effect at the time of approval, but not after January 1, 1970, after which time all plats submitted for approval shall comply with the requirements of this act.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969

560.292 Plat recorded under former 1839 PA 91; conflict or inconsistency.

Sec. 292.

A plat recorded under former 1839 PA 91 supersedes an earlier plat to the extent of any conflict or inconsistency regarding the dedication of a parcel restricting or limiting its use for a court house in the earlier plat.

History: 1967, Act 288, Eff. Jan. 1, 1968 ;-- Am. 2017, Act 117, Imd. Eff. July 27, 2017

560.293 Effective date.

Sec. 293.

This act shall take effect on January 1, 1968.

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