

**SUBDIVISION AND CONDOMINIUM
ROAD APPROVAL**

House Bills 4898 and 4899
Sponsor: Rep. Gerald Law
Committee: Transportation

Complete to 9-29-99

A SUMMARY OF HOUSE BILLS 4898 AND 4899 AS INTRODUCED 9-28-99

House Bills 4898 and 4899 would amend the Land Division Act and the Condominium Act, respectively, to provide for review of certain land developments when they include or abut roads under a county road commission's jurisdiction.

Specifically, House Bill 4898 would amend the Land Division Act (MCL 560.113) to allow a township to adopt an ordinance to assume the powers and duties of the county road commission with respect to review and approval of the following:

1. the connection of proposed roads within a proposed subdivision to existing abutting public rights of way;
2. provision for roads extending to the boundaries of the proposed subdivision to make future road connections; and,
3. the number of public road access points to a proposed subdivision or a portion of a proposed subdivision.

The bill would require the ordinance to provide for the township's indemnification of the county road commission against claims arising out of the township's performance of these functions. Further, the bill specifies that such an ordinance would not supersede the powers and duties of the county road commission that are specified elsewhere in law.

House Bill 4899 would amend the Condominium Act (MCL 559.101 to 559.275) to require the developer of a proposed condominium project to submit three copies of the project to the engineer or chairperson of the county road commission and obtain approval for the project, if the project includes or abuts roads under the jurisdiction of the commission. Further, the bill would allow the commission to require the developer of the project to submit, along with the copies of the project plan, a topographic map that shows the direction of drainage and proposed widths of roads under the county road commission's jurisdiction, or roads that will come under its jurisdiction, and of private roads in unincorporated areas.

Under the bill, the county road commission would be required to approve or reject the project within 30 days after receipt. If approved, the commission would be required to note its approval on the copy of the project plan that would be returned to the developer. If rejected, the commission would be required to give in writing the reasons for rejection, and the requirements for approval.

Further, House Bill 4899 would allow a township to adopt an ordinance to assume the powers and duties of the county road commission with respect to review and approval of the following:

4. the connection of proposed roads within a proposed condominium project to existing abutting public rights of way;
5. provision for roads extending to the boundaries of the proposed condominium project to make future road connections; and
6. the number of public road access points to a proposed condominium project or a portion of a proposed condominium project.

As with House Bill 4898, House Bill 4899 also would require the ordinance to provide for the township's indemnification of the county road commission against claims arising out of the township's performance of these functions. Further, the bill specifies that such an ordinance would not supersede the powers and duties of the county road commission that are specified elsewhere in law.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.