

# HOUSE BILL No. 4622

April 14, 2005, Introduced by Reps. Adamini, Brown, Gillard, Casperson, McDowell, Espinoza and Sheltroun and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124), as  
added by 1995 PA 60.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2123. **(1)** The department ~~may~~ **SHALL** grant an easement  
2 over state owned land under the jurisdiction of the department to  
3 an individual **WHO REQUESTS IT, BUT** only if all of the following  
4 conditions are met:

5       (a) The individual does not have other access to the  
6 individual's land.

7       (b) The easement does not conflict with an existing program or

1 management plan of the department or a local ordinance.

2 (c) The roadway for which the easement is granted is open to  
3 public access and is not a roadway for the exclusive use of the  
4 grantee.

5 (d) The easement provides the logical and most feasible access  
6 to the individual's land.

7 (e) The width of the roadway is restricted to the minimum  
8 consistent with the quality of the road required.

9 (f) The individual agrees to construct, if necessary, and  
10 maintain the road.

11 (g) The individual offers a similar roadway easement to the  
12 department across the land to which the easement is to provide  
13 access.

14 **(2) IF A REQUEST FOR AN EASEMENT IS DENIED UNDER THIS SUBPART,**  
15 **THE DEPARTMENT SHALL, IN WRITING, NOTIFY THE PERSON WHO REQUESTED**  
16 **THE EASEMENT OF THE DENIAL AND THE REASONS FOR THE DENIAL.**

17 Sec. 2124. ~~The~~ **NOTWITHSTANDING SECTION 2123, THE** department  
18 shall not grant an easement over state owned land under the  
19 jurisdiction of the department if any of the following occur:

20 (a) The proposed easement is over land designated as a  
21 wilderness area, wild area, or natural area under part 351.

22 (b) The proposed easement is over land in an area closed to  
23 vehicular traffic pursuant to a management plan approved by the  
24 department.

25 (c) The construction or use of the new or existing roadway  
26 will result in ~~unnecessary~~ **UNREASONABLE** damage to or destruction  
27 of the surface, soil, animal life, fish or aquatic life, or

1 property.