

HOUSE BILL No. 4348

February 28, 2013, Introduced by Rep. Nesbitt and referred to the Committee on Local Government.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending section 108 (MCL 560.108), as added by 1996 PA 591.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 108. (1) A division is not subject to the platting
2 requirements of this act.

3 (2) Subject to subsection (3), the division, together with any
4 previous divisions of the same parent parcel or parent tract, shall
5 result in a number of parcels not more than the sum of the
6 following, as applicable:

7 (a) For the first 10 acres or fraction thereof in the parent
8 parcel or parent tract, 4 parcels.

9 (b) For each whole 10 acres in excess of the first 10 acres in
10 the parent parcel or parent tract, 1 additional parcel, for up to a

1 maximum of 11 additional parcels.

2 (c) For each whole 40 acres in excess of the first 120 acres
3 in the parent parcel or parent tract, 1 additional parcel.

4 (3) For a parent parcel or parent tract of not less than 20
5 acres, the division may result in a total of 2 parcels in addition
6 to those permitted by subsection (2) if 1 or both of the following
7 apply:

8 (a) Because of the establishment of 1 or more new roads, no
9 new driveway accesses to an existing public road for any of the
10 resulting parcels under subsection (2) or this subsection are
11 created or required.

12 (b) One of the resulting parcels under subsection (2) ~~and OR~~
13 this subsection comprises not less than 60% of the area of the
14 parent parcel or parent tract.

15 (4) A parcel of 40 acres or more created by the division of a
16 parent parcel or parent tract ~~shall DOES not be counted COUNT~~
17 toward the number of parcels permitted under subsections (2) and
18 (3) and is not subject to section 109, if the parcel is accessible.

19 (5) A parcel or tract created by an exempt split or a division
20 is not a new parent parcel or parent tract and may be further
21 partitioned or split without being subject to the platting
22 requirements of this act if all of the following requirements are
23 met:

24 (a) Not less than 10 years have elapsed since the parcel or
25 tract was recorded.

26 (b) The partitioning or splitting results in not more than the
27 following number of parcels, whichever is less:

1 (i) Two parcels for the first 10 acres or fraction thereof in
2 the parcel or tract plus 1 additional parcel for each whole 10
3 acres in excess of the first 10 acres in the parcel or tract.

4 (ii) Seven parcels or 10 parcels if one of the resulting
5 parcels under this subsection comprises not less than 60% of the
6 area of the parcel or tract being partitioned or split.

7 (c) The partitioning or splitting satisfies the requirements
8 of section 109.

9 (6) A parcel or tract created under ~~the provisions of~~
10 subsection (5) ~~may~~ **SHALL** not be further partitioned or split
11 ~~without being subject~~ **EXCEPT PURSUANT** to the platting requirements
12 of this act ~~, except in accordance with the provisions of~~ **OR AS**
13 **PROVIDED IN** subsection (5) **OR (7)**.

14 (7) **THE PARTITIONING OR SPLITTING OF A PARCEL OR TRACT IS NOT**
15 **SUBJECT TO THE PLATTING REQUIREMENTS OF THIS ACT OR THE**
16 **REQUIREMENTS OF SUBSECTIONS (1) TO (6) OR SECTION 109 IF ALL OF THE**
17 **FOLLOWING APPLY:**

18 (A) **THE PARCEL OR TRACT IS NOT MORE THAN 100 ACRES IN SIZE.**

19 (B) **THE PARCEL OR TRACT IS OWNED BY A SCHOOL DISTRICT OR**
20 **INTERMEDIATE SCHOOL DISTRICT.**

21 (C) **THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT USES**
22 **THE RESULTING PARCELS FOR AN EDUCATIONAL PURPOSE.**

23 (D) **THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT DOES**
24 **NOT USE OR SELL THE RESULTING PARCELS FOR PROFIT.**