

# HOUSE BILL NO. 6426

November 12, 2020, Introduced by Reps. Coleman, Bolden and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1927 PA 341, entitled

"An act to prevent the abandonment, discontinuation, vacation, or alteration of the course of any public highway which borders upon, or is adjacent to any lake, or to the general course of any stream, or the course of any portion of such a highway, or bordering upon a lake or general course of any stream, by the public authorities of any village or city, until after the approval thereof by the circuit court of the county in which said highway is situated; to provide for a notice of application for that purpose, and a method of hearing in such court, and the method for review of orders made

thereon; and to prescribe powers and duties of certain state agencies,"

by amending section 3 (MCL 247.43), as amended by 1996 PA 217.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. Upon the filing of an application ~~required by~~**under**  
 2   section 2, the presiding circuit judge shall schedule a hearing on  
 3   the application not later than 60 days ~~from~~**after** the date the  
 4   application is filed. ~~Notice~~**Before January 1, 2022, notice** of the  
 5   application and the time of hearing on the application ~~shall~~**must**  
 6   be published once each week for 3 successive weeks, in a newspaper  
 7   printed and circulated in the county, unless an affidavit is filed  
 8   ~~in the case stating that no such a newspaper is published~~**not**  
 9   **printed and circulated** in the county. **Beginning January 1, 2022,**  
 10 **notice of the application and the time of hearing on the**  
 11 **application must be posted as provided in the local government**  
 12 **public notice act, and a copy of the notice must be sent by first-**  
 13 **class mail as provided in this section.** The notice ~~shall~~**must**  
 14 contain an accurate description of the highway described in the  
 15 application and a brief recital of the reasons for its abandonment,  
 16 discontinuance, vacation, or alteration. ~~A~~**Before January 1, 2022,**  
 17 **a copy of the notice shall**~~must~~ also be posted in 3 of the most  
 18 public places in the city or village in which the highway is  
 19 situated, at least 20 days before the date of the hearing on the  
 20 application. A copy of the notice ~~shall~~**must** be sent by first-class  
 21 mail to the owners of record title of each parcel of land located  
 22 within 300 feet of the highway described in the application and to  
 23 ~~those~~ persons of record claiming under those owners at their local  
 24 address and the address appearing on the assessment roll, if  
 25 different, and to the chief executive officer of the city or

1 village in which the highway is situated, the state transportation  
2 department, the department of natural resources, and, if  
3 applicable, the township in which the highway is situated at least  
4 30 days before the date fixed for the hearing on the application.  
5 The department of natural resources and, if applicable, the  
6 township shall review the application to determine whether the  
7 property should be retained as an ingress and egress point. Proof  
8 by affidavit of the required publication ~~, and mailing, and before~~  
9 **January 1, 2022,** posting ~~, and mailing shall must~~ be filed with the  
10 court before the date of hearing.

11 Enacting section 1. This amendatory act does not take effect  
12 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
13 02449'19) of the 100th Legislature is enacted into law.