

LAND DIVISION ACT (EXCERPT)

Act 288 of 1967

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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) 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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

560.169a Repealed. 1993, Act 67, Eff. Oct. 1, 1998.

Compiler's note: The repealed section pertained to forwarding approved plat to state administration.

Popular name: Plat Act

Popular name: Subdivision Control

560.170 Repealed. 2004, Act 525, Eff. July 1, 2005.

Compiler's note: 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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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

Sec. 182. (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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control

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.

Popular name: Plat Act

Popular name: Subdivision Control