



SENATE BILL No. 628

May 6, 1993, Introduced by Senators CHERRY, O'BRIEN and KOIVISTO and referred to the Committee on Transportation and Tourism.

A bill to amend sections 226 and 227a of Act No. 288 of the Public Acts of 1967, entitled as amended "Subdivision control act of 1967," being sections 560.226 and 560.227a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 226 and 227a of Act No. 288 of the
2 Public Acts of 1967, being sections 560.226 and 560.227a of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 226. (1) Upon trial and hearing of the action, the
5 court may order a recorded plat or any part of it to be vacated,
6 corrected, or revised, with the following exceptions:

7 (a) A part of a state highway or federal aid road shall not
8 be vacated, corrected, or revised except by the STATE

1 TRANSPORTATION department. ~~of state highways and~~
2 ~~transportation.~~

3 (b) A part of a county road shall not be vacated, corrected,
4 or revised except by the county road commission having jurisdic-
5 tion PURSUANT TO CHAPTER IV OF ACT NO. 283 OF THE PUBLIC ACTS OF
6 1909, BEING SECTIONS 224.1 TO 224.32 OF THE MICHIGAN COMPILED
7 LAWS.

8 (c) A part of a street or alley under the jurisdiction of a
9 city, village, or township and a part of any public walkway,
10 park, or public square or any other land dedicated to the public
11 for purposes other than pedestrian or vehicular travel shall not
12 be vacated, corrected, or revised under this section except by
13 both a resolution or other legislative enactment duly adopted by
14 the governing body of the municipality and by court order.
15 However, neither this section nor any other section shall limit
16 or restrict the right of a municipality under sections 256 and
17 257 to vacate the whole or any part of a street, alley, or other
18 land dedicated to the use of the public.

19 (2) IF A CIRCUIT COURT DETERMINES PURSUANT TO THIS ACT THAT
20 A RECORDED PLAT OR ANY PART OF IT SHOULD BE VACATED, CORRECTED,
21 OR REVISED AND THAT THE RECORDED PLAT OR PART OF IT IS A PUBLIC
22 HIGHWAY OR PORTION OF A PUBLIC HIGHWAY THAT BORDERS ON OR IS
23 ADJACENT TO ANY LAKE OR THE GENERAL COURSE OF ANY STREAM, IT
24 SHALL CONVEY BY QUITCLAIM DEED WHATEVER INTEREST IN THE PROPERTY
25 THAT IS HELD BY THE LOCAL UNIT OF GOVERNMENT TO THE STATE. THE
26 PROPERTY SHALL BE UNDER THE JURISDICTION OF THE DEPARTMENT OF
27 NATURAL RESOURCES. THE STATE MAY RETAIN TITLE TO THE PROPERTY,

1 TRANSFER TITLE TO A LOCAL UNIT OF GOVERNMENT, OR DEED THE
2 PROPERTY TO THE ADJACENT PROPERTY OWNERS.

3 (3) ~~(2)~~ A judgment under this section vacating, correct-
4 ing, or revising a highway, road, street, or other land dedicated
5 to the public and being used by a public utility for public util-
6 ity purposes shall reserve an easement therein for the use of
7 public utilities, and may reserve an easement in other cases.

8 Sec. 227a. (1) Title to any part of the plat vacated by
9 the court's judgment, other than a street or alley, shall vest in
10 the rightful proprietor of that part. Title to a street or alley
11 the full width of which is vacated by the court's judgment shall
12 vest in the rightful proprietors of the lots, within the subdivi-
13 sion covered by the plat, abutting the street or alley. TITLE TO
14 A PUBLIC HIGHWAY OR PORTION OF A PUBLIC HIGHWAY THAT BORDERS ON
15 OR IS ADJACENT TO A LAKE OR THE GENERAL COURSE OF A STREAM SHALL
16 VEST IN THE STATE SUBJECT TO SECTION 226.

17 (2) If the lots abutting the vacated street or alley on both
18 sides belong to the same proprietor, title to the vacated street
19 or alley shall vest in that proprietor. If the lots on opposite
20 sides of the vacated street or alley belong to different propri-
21 etors, title up to the center line of the vacated street or alley
22 shall vest in the respective proprietors of the abutting lots on
23 each side.

24 (3) If only part of the width of a street or alley, not
25 extending beyond the center line, is vacated, title to the
26 vacated part of the street or alley shall vest in the proprietor
27 of the lots abutting the same.

1 (4) When title to any part of a vacated street or alley
2 vests in an abutting proprietor, any future legal description of
3 the abutting lot or lots shall include that part of the vacated
4 street or alley.