



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 717 (as reported by the Committee of the Whole)
Sponsor: Senator John D. Cherry, Jr.
Committee: Transportation and Tourism

CONTENT

The bill would amend the Subdivision Control Act to provide that, in an action to vacate, correct, or revise a recorded plat, if the circuit court determined that a plat that contained a public highway bordering on, crossing, adjacent to, or ending at any lake or the general course of any stream, should be vacated or altered in a manner that would result in a loss of public access, the court would have to allow the State and township (if the subdivision were located in a township) to decide whether to retain the property as a public access site. If the State or township decided to retain the property, the court would have to order the local official to relinquish control to the State or township or quitclaim the local unit's interest in the property to the State or township. The township would have first priority to obtain the property or control of it as a public access site. If the township obtained the property and later proposed to transfer the property or control of it, the Department of Natural Resources (DNR) would have first priority to obtain the property or control of it. If the State obtained the property or control of it, the property would be under the jurisdiction of the DNR. The State could retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property were purchased by the State from restricted fund revenue, money obtained from the sale of the property would have to be returned to that restricted fund.

If interest in the property were conveyed or control relinquished to a local unit or the State, the local unit or the State would have to operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue noise, and congestion. If the local unit or the State failed to do so, the circuit court could order it to close the road ending for up to 30 days. Proceedings under this provision could be initiated by application to the court of seven landowners in the township, city, or village. If the local unit or State failed to satisfy the bill's requirements after the road ending was reopened following these proceedings, the court could order it to quitclaim the property or relinquish control to the adjacent landowners.

MCL 560.224a et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government dependent upon the amount of land involved, whether the Department of Natural Resources or townships decided to retain a parcel as a public access site, its value, and the potential taxes and maintenance costs to be paid upon it.

Date Completed: 2-5-96

Fiscal Analyst: G. Cutler
R. Ross

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