

HOUSE BILL No. 5142

October 4, 2001, Introduced by Rep. Sheltroun and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 36103 (MCL 324.36103), as amended by 1996 PA
233.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 36103. (1) The execution and acceptance of a develop-
2 ment rights agreement or easement by the state or local governing
3 body and the owner dedicates to the public the development rights
4 in the land for the term specified in the instrument. A develop-
5 ment rights agreement or easement shall be for an initial term of
6 not less than 10 years. A development rights agreement or ease-
7 ment entered into after ~~the effective date of the amendatory act~~
8 ~~that added this sentence~~ JUNE 5, 1996 shall not be for a term of
9 more than 90 years.

1 (2) The state or local governing body shall not sell,
2 transfer, convey, relinquish, vacate, or otherwise dispose of a
3 development rights agreement or easement except with the agree-
4 ment of the owner as provided in sections 36111, 36112, and
5 36113.

6 ~~(3) An agreement or easement does not supersede any prior~~
7 ~~lien, lease, or interest that is properly recorded with the~~
8 ~~county register of deeds.~~

9 (3) ~~(4)~~ A lien created under this part in favor of the
10 state or a local governing body ~~is subordinate to a lien of a~~
11 ~~mortgage that is recorded in the office of the register of deeds~~
12 ~~before the recording of the lien of the state or local governing~~
13 ~~body~~ CONSTITUTES A LIEN ON THE LAND SECOND IN PRIORITY ONLY TO A
14 LIEN FOR DELINQUENT PROPERTY TAXES PLACED ON THE PROPERTY PURSU-
15 ANT TO SECTION 40 OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206,
16 MCL 211.40.