

Legislative Analysis



PLATTED EASEMENTS OF PUBLIC UTILITIES

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House Bill 6295

Sponsor: Rep. John Pappageorge

Committee: Land Use and Environment

Complete to 11-9-04

A SUMMARY OF HOUSE BILL 6295 AS INTRODUCED 9-29-04

House Bill 6295 would amend the Land Division Act to allow a non-judicial process for extinguishing platted easements of public utilities, under certain conditions.

Currently under the law, a complaint must be filed in the circuit court in order to vacate, correct, or revise a recorded plat. The complaint can be filed by the owner of a lot in a subdivision, a person of record acting on behalf of the owner, or the governing body of the municipality in which the subdivision is located. The bill would retain these provisions.

House Bill 6295 would specify, in addition, that a public utility easement that was part of a recorded plat could be relinquished without filing an action in circuit court if a written agreement were entered into by all of the following:

- the public utility or municipal entity that owned the recorded easement;
- the owner or owners of record of each platted lot or parcel of land subject to the easement;
- a two-thirds majority of the owners of each platted lot or parcel of land within 300 feet of any part of the recorded easement; and
- the governing board of the municipality in which the subdivision was located.

The bill also specifies that the required written agreement would be effective upon its being recorded with the register of deeds.

MCL 560.222a

FISCAL IMPACT:

This bill would not have a fiscal impact on the State or on local governmental units.

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