

Legislative Analysis



PLATTED EASEMENTS OF PUBLIC UTILITIES

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House Bill 6295 as enrolled

Public Act 590 of 2004

Sponsor: Rep. John Pappageorge

House Committee: Land Use and Environment

Senate Committee: Natural Resources and Environmental Affairs

Complete to 1-6-05

A SUMMARY OF HOUSE BILL 6295 AS ENROLLED

House Bill 6295 would amend the Land Division Act (MCL 560.222a) to allow a public utility easement that is part of a recorded plat to be relinquished without filing an action in circuit court if a written agreement is entered into by all of the following:

- the public utility or municipal entity that has the right to use 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 is located.

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.

Under the bill, the required written agreement would be effective upon its being recorded with the register of deeds and filed with the Department of Labor and Economic Growth. The register of deeds and department officials would be required to cross-reference the document to the affected plat.

FISCAL IMPACT:

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

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