



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 6295 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative John Pappageorge

House Committee: Land Use and Environment

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend the Land Division Act to allow a public utility easement to be relinquished without a circuit court action if various parties entered into an agreement for that purpose.

Under the Act, final plat (a map or chart for the subdivision of land) must be recorded with the register of deeds. In order for all or part of a recorded plat to be changed or vacated, one of the following must file a complaint in circuit court: the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality where the subdivision covered by the plat is located.

Under the bill, a public utility easement that was part of a recorded plat could be relinquished without a circuit court action if all the following parties entered into a written agreement for that purpose:

- Each public utility or municipal entity having 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.
- Two-thirds of the owners of record of each platted lot or parcel of land within 300 feet of any part of the easement.
- The governing body of the municipality containing the subdivision covered by the plat.

The agreement would have to meet all applicable requirements for recordation and would be effective when it was recorded with the register of deeds and filed with the Department of Labor and Economic Growth. The register of deeds and the Department would have to cross-reference the document to the affected plat.

MCL 560.222 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-7-04

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