

HOUSE BILL No. 4083

January 29, 2003, Introduced by Reps. Sheltroun, Brown and Minore and referred to the Committee on Agriculture and Resource Management.

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

1 transfer, convey, relinquish, vacate, or otherwise dispose of a
2 development rights agreement or easement except with the
3 agreement of the owner as provided in sections 36111, **36111a**,
4 36112, and 36113.

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

8 (4) A lien created under this part in favor of the state or a
9 local governing body is subordinate to a lien of a mortgage that
10 is recorded in the office of the register of deeds before the
11 recording of the lien of the state or local governing body.

12 (5) **The state may subordinate its interest in a recorded**
13 **agreement, interest, or lien under this part to a subsequently**
14 **recorded mortgage lien, lease, or interest if both of the**
15 **following conditions are met:**

16 (a) The parcel meets the requirements set forth under section
17 36111(2)(b) for parcels containing existing structures.

18 (b) The landowner requesting the subordination is an
19 individual essential to the operation of the farm as defined in
20 section 36110(5).