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Senate Bill 1107 (as introduced 3-2-06)
Sponsor: Senator Patricia L. Birkholz
Committee: Natural Resources and Environmental Affairs

Date Completed: 4-24-06

CONTENT

The bill would amend the Land Division Act to revise the requirement that a proprietor deposit money or a bond with a board of county road commissioners for the approval of a final plat; and prohibit a board of county road commissioners from disallowing cul-de-sacs.

Under the Act, a county road commission may require the following as a condition of approval of a final plat for all highways, streets, and alleys in its jurisdiction or to come under its jurisdiction, and also for all private roads in unincorporated areas:

- Conformance to the general plan, width, and location requirements that the board of county road commissioners has adopted and published.
- Adequate provision for traffic safety in laying out drives that enter county roads and streets, as provided in the board's current published construction standards.
- Proper drainage, grading, and construction of approved materials of a thickness and width provided in the board's current published construction standards.
- Submission of complete plans for grading, drainage, and construction, to be prepared and sealed by a civil engineer registered in Michigan.
- Installation of bridges, culverts, and drainage structures where the board considers necessary.
- Completion of all required improvements relative to streets, alleys, and roads, or a deposit by the proprietor with the board in the form of cash, a certified check, or irrevocable letter of credit, whichever the proprietor selects, or a surety bond, acceptable to the board in an amount sufficient to ensure completion within the specified time.

The bill would delete the last item. Instead, if all of the other improvements described above were not made before the final plat was submitted to the board for approval, the board nonetheless promptly would have to approve the final plat if it otherwise met the Act's requirements and the proprietor posted a deposit in an amount that the board determined to be reasonable and sufficient to ensure the proprietor's performance of the obligation to make the required improvements within the time the proprietor designated in writing.

The bill would retain the requirement that the deposit be in the form of cash, a certified check, an irrevocable letter of credit, or a surety bond, as selected by the proprietor. It specifies that any surety bond would have to be underwritten by a surety acceptable to the board.

The bill also would delete a provision under which a board, as a condition of approval of the final plat, must require a deposit to be made in order to ensure the performance of the proprietor's obligations to make required improvements.

Under the Act, the board must reject a final plat isolating lands from existing public streets or roads, unless the proprietor provides suitable access by easement or dedicated to public use. The bill would retain this requirement, but add that the board could not prohibit cul-de-sacs.

MCL 560.183

Legislative Analyst: Julie Koval

FISCAL IMPACT

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

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.