

**SUBSTITUTE FOR
SENATE BILL NO. 1107**

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending section 183 (MCL 560.183), as amended by 2004 PA 122.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 183. (1) The county road commission may require the
2 following as a condition of approval of final plat for all
3 highways, streets, and alleys in its jurisdiction or to come under
4 its jurisdiction and also for all private roads in unincorporated
5 areas:

6 (a) Conformance to the general plan, width, and location
7 requirements that the board may have adopted and published.

8 (b) Adequate provision for traffic safety in laying out drives
9 which enter county roads and streets, as provided in the board's
10 current published construction standards.

1 (c) Proper drainage, grading, and construction of approved
2 materials of a thickness and width provided in its current
3 published construction standards.

4 (d) Submission of complete plans for grading, drainage, and
5 construction, to be prepared and sealed by a civil engineer
6 registered in this state.

7 (e) Installation of bridges, culverts, and drainage structures
8 where the board considers necessary.

9 (2) ~~-(f) Completion of all~~ **IF ALL IMPROVEMENTS** required
10 ~~improvements relative to streets, alleys, and roads, or~~ **UNDER**
11 **SUBSECTION (1) ARE NOT MADE BEFORE THE FINAL PLAT IS SUBMITTED TO**
12 **THE BOARD FOR APPROVAL, THE BOARD NONETHELESS SHALL PROMPTLY**
13 **APPROVE THE FINAL PLAT IF THE FINAL PLAT OTHERWISE MEETS THE**
14 **REQUIREMENTS OF THIS ACT AND IF THE PROPRIETOR POSTS** a deposit ~~by~~
15 ~~the proprietor~~ with the board in ~~the form of cash, a certified~~
16 ~~check, or irrevocable letter of credit, whichever the proprietor~~
17 ~~selects, or a surety bond acceptable to the board, in~~ an amount
18 **THAT THE BOARD DETERMINES TO BE** sufficient to ensure ~~completion~~
19 **PERFORMANCE OF THE PROPRIETOR'S OBLIGATION TO MAKE THE REQUIRED**
20 **IMPROVEMENTS** within the time specified. **REGARDLESS OF THE DEPOSIT**
21 **AMOUNT, THE ACTUAL COST TO COMPLETE ALL OF THE IMPROVEMENTS REMAINS**
22 **THE RESPONSIBILITY OF THE PROPRIETOR OR ITS SURETY AGENT.**

23 ~~—— (2) As a condition of approval of the final plat, the board~~
24 ~~shall require a deposit to be made in the same manner as provided~~
25 ~~in subsection (1) (f), to ensure performance of the obligations of~~
26 ~~the proprietor to make required improvements.~~

27 (3) **THE DEPOSIT REQUIRED UNDER SUBSECTION (2) SHALL BE IN THE**

1 FORM OF CASH, A CERTIFIED CHECK WHICH THE BOARD SHALL PROMPTLY
2 CONVERT TO CASH, AN IRREVOCABLE LETTER OF CREDIT, OR A SURETY BOND
3 AS PREQUALIFIED BY THE STATE, AS SELECTED BY THE PROPRIETOR. ANY
4 SURETY BOND SHALL BE UNDERWRITTEN BY A SURETY ACCEPTABLE TO THE
5 BOARD.

6 (4) ~~—(3)—~~ The board shall rebate to the proprietor, as the
7 work progresses, amounts of any cash deposits equal to the ratio of
8 the work completed to the entire project.

9 (5) ~~—(4)—~~ The board **MAY REGULATE CUL-DE-SACS, BUT SHALL NOT**
10 **PROHIBIT CUL-DE-SACS BY POLICY, PRACTICE, OR RULE. THE BOARD** shall
11 reject a final plat isolating lands from existing public streets or
12 roads ~~—,~~ unless the proprietor provides suitable access by
13 easement or ~~—dedicated—~~ **DEDICATION** to public use **OR UNLESS NATURAL**
14 **FEATURES, SUCH AS WETLANDS, A FLOODPLAIN, OR A SLOPE, MAKE SUITABLE**
15 **ACCESS IMPRACTICAL.**

16 (6) ~~—(5)—~~ As used in this section, "county road commission"
17 means the board of county road commissioners elected or appointed
18 pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or,
19 in the case of a charter county with a population of 2,000,000 or
20 more with an elected county executive that does not have a board of
21 county road commissioners, the county executive for ministerial
22 functions and the county commission provided for in section
23 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.