

SENATE BILL No. 931

December 8, 2005, Introduced by Senators BERNERO, TOY, PATTERSON, CROPSEY, LELAND, SWITALSKI, BASHAM and CHERRY and referred to the Committee on Natural Resources and Environmental Affairs.

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

1 current published construction standards.

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

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

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

10 (2) ~~(f) Completion of all~~ **IF ALL IMPROVEMENTS** required
11 ~~improvements~~ **UNDER SUBSECTION (1)** relative to streets, alleys, and
12 roads ~~, or~~ **ARE NOT MADE BEFORE APPROVAL OF THE FINAL PLAT, THE**
13 **BOARD SHALL ENTER INTO AN AGREEMENT WITH THE PROPRIETOR FOR MAKING**
14 **THOSE IMPROVEMENTS. THE PROPRIETOR SHALL POST** a deposit ~~by the~~
15 ~~proprietor~~ with the board in the form of cash, a certified check,
16 or irrevocable letter of credit, whichever the proprietor selects,
17 or a surety bond acceptable to the board, in an amount sufficient
18 to ensure ~~completion~~ **PERFORMANCE OF THE PROPRIETOR'S OBLIGATIONS**
19 **UNDER THE AGREEMENT** within the time specified **IN THE AGREEMENT.**

20 (3) ~~(2)~~ As a condition of approval of the final plat, the
21 board shall require a deposit to be made in the same manner as
22 provided in subsection ~~(1)(f)~~ (2), to ensure performance of the
23 obligations of the proprietor to make required improvements.

24 (4) ~~(3)~~ The board shall rebate to the proprietor, as the
25 work progresses, amounts of any cash deposits equal to the ratio of
26 the work completed to the entire project.

27 (5) ~~(4)~~ The board **SHALL NOT PROHIBIT CUL-DE-SACS BUT** shall

1 reject a final plat isolating lands from existing public streets or
2 roads, unless the proprietor provides suitable access by easement
3 or dedicated to public use.

4 (6) ~~(5)~~ As used in this section, "county road commission"
5 means the board of county road commissioners elected or appointed
6 pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or,
7 in the case of a charter county with a population of 2,000,000 or
8 more with an elected county executive that does not have a board of
9 county road commissioners, the county executive for ministerial
10 functions and the county commission provided for in section
11 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.