

SENATE BILL No. 1107

March 2, 2006, Introduced by Senator BIRKHOLZ 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
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 REASONABLE AND** sufficient to ensure
19 ~~completion~~ **PERFORMANCE BY THE PROPRIETOR OF THE PROPRIETOR'S**
20 **OBLIGATION TO MAKE THE REQUIRED IMPROVEMENTS** within the time
21 ~~specified~~ **DESIGNATED IN WRITING BY THE PROPRIETOR.**

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

26 (3) **THE DEPOSIT REQUIRED UNDER SUBSECTION (2) SHALL BE IN THE**
27 **FORM OF CASH, A CERTIFIED CHECK, AN IRREVOCABLE LETTER OF CREDIT,**

1 OR A SURETY BOND, AS SELECTED BY THE PROPRIETOR. ANY SURETY BOND
2 SHALL BE UNDERWRITTEN BY A SURETY ACCEPTABLE TO THE BOARD.

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

6 (5) ~~—(4)—~~ The board **SHALL NOT PROHIBIT CUL-DE-SACS BUT** shall
7 reject a final plat isolating lands from existing public streets or
8 roads, unless the proprietor provides suitable access by easement
9 or dedicated to public use.

10 (6) ~~—(5)—~~ As used in this section, "county road commission"
11 means the board of county road commissioners elected or appointed
12 pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or,
13 in the case of a charter county with a population of 2,000,000 or
14 more with an elected county executive that does not have a board of
15 county road commissioners, the county executive for ministerial
16 functions and the county commission provided for in section
17 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.