

# HOUSE BILL No. 6029

December 2, 2014, Introduced by Rep. VerHeulen and referred to the Committee on Local Government.

A bill to amend 1927 PA 341, entitled

"An act to prevent the abandonment, discontinuation, vacation, or alteration of the course of any public highway which borders upon, or is adjacent to any lake, or to the general course of any stream, or the course of any portion of such a highway, or bordering upon a lake or general course of any stream, by the public authorities of any village or city, until after the approval thereof by the circuit court of the county in which said highway is situated; to provide for a notice of application for that purpose, and a method of hearing in such court, and the method for review of orders made thereon; and to prescribe powers and duties of certain state agencies,"

by amending section 3 (MCL 247.43), as amended by 1996 PA 217.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3. Upon the filing of an application ~~required by~~ UNDER  
2 section 2, the presiding circuit judge shall schedule a hearing on  
3 the application not later than 60 days from the date the

1 application is filed. ~~Notice~~**BEFORE JANUARY 1, 2015, NOTICE** of the  
2 application and the time of hearing on the application shall be  
3 published once each week for 3 successive weeks, in a newspaper  
4 printed and circulated in the county, unless an affidavit is filed  
5 ~~in the case~~**STATING** that no such newspaper is published in the  
6 county. **BEGINNING JANUARY 1, 2015, NOTICE OF THE APPLICATION AND**  
7 **THE TIME OF HEARING ON THE APPLICATION SHALL BE PROVIDED USING TIER**  
8 **B PUBLIC NOTICE AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE**  
9 **ACT.** The notice shall contain an accurate description of the  
10 highway described in the application and a brief recital of the  
11 reasons for its abandonment, discontinuance, vacation, or  
12 alteration. ~~A~~**BEFORE JANUARY 1, 2015, A** copy of the notice shall  
13 also be posted in 3 of the most public places in the city or  
14 village in which the highway is situated, at least 20 days before  
15 the date of the hearing on the application. A copy of the notice  
16 shall be sent by first-class mail to the owners of record title of  
17 each parcel of land located within 300 feet of the highway  
18 described in the application and to ~~those~~ persons of record  
19 claiming under those owners at their local address and the address  
20 appearing on the assessment roll, if different, and to the chief  
21 executive officer of the city or village in which the highway is  
22 situated, the state transportation department, the department of  
23 natural resources, and, if applicable, the township in which the  
24 highway is situated at least 30 days before the date fixed for the  
25 hearing on the application. The department of natural resources  
26 and, if applicable, the township shall review the application to  
27 determine whether the property should be retained as an ingress and

1 egress point. Proof by affidavit of the required publication ~~—AND~~  
2 **MAILING, AND BEFORE JANUARY 1, 2015,** posting ~~, and mailing~~ shall be  
3 filed with the court before the date of hearing.

4 Enacting section 1. This amendatory act does not take effect  
5 unless Senate Bill No. \_\_\_ or House Bill No. 5560 (request no.  
6 03796'13) of the 97th Legislature is enacted into law.