

Legislative Analysis



PRIORITY OF PLATS: DOWNTOWN KALAMAZOO

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Senate Bill 474 (S-2) as passed by the Senate

Sponsor: Sen. Margaret E. O'Brien

House Committee: None

Senate Committee: Local Government

Complete to 7-3-17

Analysis available at

<http://www.legislature.mi.gov>

(Enacted as Public Act 117 of 2017)

SUMMARY:

The bill would amend the Land Division Act to specify that:

A plat recorded under former Public Act 91 of 1839 supersedes an earlier plat to the extent of any conflict or inconsistency regarding the dedication of a parcel restricting or limiting its use for a court house in the earlier plat.

Under the act, "plat" means a map or chart of a subdivision of land.

MCL 560.292

BACKGROUND:

According to testimony in the Senate from the Miller Johnson Law Firm, the bill aims to clarify which plat controls under unusual circumstances where the same tract of land has been platted more than once. Indeed, according to testimony, the same tract of land in downtown Kalamazoo was subject to three recorded plats: one in 1831 and a second in 1834, both under an 1827 Michigan Territorial Law, and then a third in 1844, with a broader description, under the initial Michigan Plat Act, Public Act 91 of 1839. (Michigan became a state in 1837.) The aim of the bill is to make it clear that this third plat, from 1844, controls over the earlier two plats.

According to the Miller Johnson testimony, "this amendment only applies in situations where the same land was platted under territorial law and under the 1839 Plat Act and discrepancies exist between the two recorded plats." They say the bill also reinforces the intent of the very first Senate and House of Representatives when enacting the 1839 revised statutes.

(The Land Division Act of 1967 repealed the old 1829 act. The Land Division Act prohibits the same tract of land from being platted more than once.)

FISCAL IMPACT:

The bill does not appear to have any direct significant fiscal impact.

Legislative Analyst: Chris Couch

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