

HOUSE BILL NO. 4055

January 16, 2019, Introduced by Reps. Slagh, Filler, Howell, Brixie, Cherry, Hood, Kennedy, Eisen, Cynthia Johnson, Stone and Brann and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending section 109 (MCL 560.109), as amended by 2017 PA 196.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109. (1) A municipality shall approve or disapprove a
2 proposed division within 45 days after the filing of a complete
3 application for the proposed division with the assessor or other
4 municipally designated official. However, a municipality with a
5 population of 2,500 or less may enter into an agreement with a
6 county to transfer to the county authority to approve or disapprove

1 a division. An application is complete if it contains information
2 necessary to ascertain whether the requirements of section 108 and
3 this section are met. The assessor or other municipally designated
4 official, or the county official, having authority to approve or
5 disapprove a proposed division, shall provide the person who filed
6 the application written notice whether the application is approved
7 or disapproved and, if disapproved, all the reasons for
8 disapproval. A complete application for a proposed division shall
9 be approved if ~~, in addition to the requirements of section 108,~~
10 all of the following requirements are met:

11 (a) Each resulting parcel has an adequate and accurate legal
12 description and is included in a tentative parcel map showing area,
13 parcel lines, public utility easements, accessibility, and other
14 requirements of this section and section 108. The tentative parcel
15 map shall be a scale drawing showing the approximate dimensions of
16 the parcels.

17 (b) Each resulting parcel has a depth of not more than 4 times
18 the width or, if an ordinance referred to in subsection (5)
19 requires a smaller depth to width ratio, a depth to width ratio as
20 required by the ordinance. The municipality or county having
21 authority to review proposed divisions may allow a greater depth to
22 width ratio than that otherwise required by this subdivision or an
23 ordinance referred to in subsection (5). The greater depth to width
24 ratio shall be based on standards set forth in the ordinance
25 referred to in subsection (5). The standards may include, but ~~are~~
26 ~~not required to include and~~ need not be limited to, exceptional
27 topographic or physical conditions with respect to the parcel and
28 compatibility with surrounding lands. The depth to width ratio
29 requirements of this subdivision do not apply to a parcel larger

1 than 10 acres, unless an ordinance referred to in subsection (5)
2 provides otherwise, and do not apply to the remainder of the parent
3 parcel or parent tract retained by the proprietor.

4 (c) Each resulting parcel has a width not less than that
5 required by an ordinance referred to in subsection (5).

6 (d) Each resulting parcel has an area not less than that
7 required by an ordinance referred to in subsection (5).

8 (e) Each resulting parcel is accessible.

9 (f) The division meets all of the requirements of section 108.

10 (g) Each resulting parcel that is a development site has
11 adequate easements for public utilities from the parcel to existing
12 public utility facilities.

13 (h) The division does not isolate a cemetery so that it does
14 not meet the requirements of either section 102(j) (i) or (ii).

15 (i) **All property taxes due on the parcel or tract subject to**
16 **the proposed division for the 5 years preceding the date of the**
17 **application have been paid, as established by a certificate from**
18 **the county treasurer of the county in which the parcel or tract is**
19 **located. If the date of the application is on or after March 1 and**
20 **before the local treasurer of the local tax collecting unit in**
21 **which the parcel or tract is located has made his or her return of**
22 **current delinquent taxes, the county treasurer shall include with**
23 **his or her certification a notation that the return of current**
24 **delinquent taxes was not available for examination. The official**
25 **having authority to approve or disapprove the application shall not**
26 **disapprove the application because the county treasurer's**
27 **certification includes such a notation. The county treasurer shall**
28 **collect a fee for a certification under this subdivision in an**
29 **amount equal to the fee payable under section 1(2) of 1895 PA 161,**

1 MCL 48.101, for a certificate relating to the payment of taxes
2 under section 135 of the general property tax act, 1893 PA 206, MCL
3 211.135.

4 (2) The right to make divisions exempt from the platting
5 requirements of this act under section 108 and this section can be
6 transferred, but only from a parent parcel or parent tract to a
7 parcel created from that parent parcel or parent tract. A
8 proprietor transferring the right to make a division pursuant to
9 this subsection shall within 45 days give written notice of the
10 transfer to the assessor of the city or township where the property
11 is located on a form prescribed by the state tax commission. The
12 form shall include substantially the following questions in the
13 mandatory information portion of the form:

14 (a) "Did the parent parcel or parent tract have any
15 unallocated divisions under the land division act, 1967 PA 288, MCL
16 560.101 to 560.293?"

17 (b) "Were any unallocated divisions transferred to the newly
18 created parcel? If so, state whether all were transferred or, if
19 not, how many?"

20 (3) A person shall not sell a parcel of unplatted land unless
21 the deed contains a statement as to whether the right to make
22 further divisions exempt from the platting requirements of this act
23 under this section and section 108 is proposed to be conveyed. The
24 statement shall be in substantially the following form: "The
25 grantor grants to the grantee the right to make [insert "zero", a
26 number, or "all"] division(s) under section 108 of the land
27 division act, 1967 PA 288, MCL 560.108.". In the absence of a
28 statement conforming to the requirements of this subsection, the
29 right to make divisions under section 108(2), (3), and (4) stays

1 with the remainder of the parent tract or parent parcel retained by
2 the grantor.

3 (4) All deeds for parcels of unplatted land within this state
4 executed after March 31, 1997 shall contain the following
5 statement: "This property may be located within the vicinity of
6 farm land or a farm operation. Generally accepted agricultural and
7 management practices which may generate noise, dust, odors, and
8 other associated conditions may be used and are protected by the
9 Michigan right to farm act.".

10 (5) The governing body of a municipality or the county board
11 of commissioners of a county having authority to approve or
12 disapprove a division may adopt an ordinance setting forth the
13 standards authorized in subsection (1) (b), (c), and (d). The
14 ordinance may establish a fee for ~~reviews~~**a review of an**
15 **application** under this section and section 108. The fee shall not
16 exceed the reasonable costs of providing the services for which the
17 fee is charged.

18 (6) Approval of a division is not a determination that the
19 resulting parcels comply with other ordinances or regulations.

20 (7) Compliance with this section is not a requirement for a
21 deed to be received for record or recorded by a register of deeds.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.