

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

FEES AND ADMINISTRATION

560.241 Submission of final plat; filing and recording fee; state plat review fee; disposition of fee.

Sec. 241. (1) When a final plat is submitted to the clerk of the governing body of the municipality, the proprietor shall deposit with the plat both of the following:

(a) A filing and recording fee in an amount equal to the fee for entering and recording a real estate mortgage under section 2567 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567. The filing and recording fee is in addition to any fee the municipality may charge under this act.

(b) A state plat review fee of \$150.00, plus \$15.00 for each lot over 4 lots included in the plat. The state plat review fee shall be paid by check or money order payable to the state of Michigan.

(2) Upon approval of the plat by the governing body, the clerk shall send the filing and recording fee and the state plat review fee with the plat to the clerk of the county plat board.

(3) The clerk of the county plat board shall deposit the filing and recording fee in the county trust and agency fund for subsequent payment by county warrant from this fund to the county register of deeds in the amount of the filing and recording fee, upon submission of proof to the clerk of the county plat board that the plat has been recorded in the office of the county register of deeds.

(4) If a final plat is forwarded to the state administrator, the clerk of the county plat board shall forward the state plat review fee with the plat.

(5) A state plat review fee collected by this state shall be deposited in the state treasury for use in the administration of this act. A fund in which state plat review fees shall be deposited is created in the state treasury. This fund is a revolving fund, and money remaining in the fund at the end of the fiscal year shall be carried over in the fund to the next and succeeding fiscal years for use in the administration of this act.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1991, Act 59, Imd. Eff. June 27, 1991;—Am. 1993, Act 67, Imd. Eff. June 21, 1993;—Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999;—Am. 2016, Act 231, Eff. Oct. 1, 2016.

Popular name: Plat Act

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560.241a Repealed. 1993, Act 67, Eff. Oct. 1, 1998.

Compiler's note: The repealed section pertained to submission of final plat and fees.

Popular name: Plat Act

Popular name: Subdivision Control

560.242 Director of department of energy, labor, and economic growth; records and indexing; fees.

Sec. 242. (1) The director of the department of energy, labor, and economic growth shall maintain a permanent file of plats and the index shall contain all pertinent information necessary to facilitate reference.

(2) A fee established by the director of the department of energy, labor, and economic growth shall be collected for copies of plats.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

Popular name: Plat Act

Popular name: Subdivision Control

560.243 Register of deeds; maintaining permanent file; expense; fee.

Sec. 243. (1) The register of deeds shall maintain a permanent file of recorded plats.

(2) The expense of maintaining the file, such as for binders, cabinets, supplies, and reproduction pursuant to the records media act, Act No. 116 of the Public Acts of 1992, being sections 24.401 to 24.403 of the Michigan Compiled Laws, shall be provided from the general fund of the county.

(3) A fee of not less than \$1.00 per sheet shall be collected by the register of deeds for copies of plats recorded in his or her office.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1992, Act 185, Imd. Eff. Oct. 5, 1992;—Am. 1992, Act 214, Imd. Eff. Oct. 9, 1992.

Popular name: Plat Act

Popular name: Subdivision Control

560.244 Proprietor's copy.

Sec. 244. (1) If the proprietor of a subdivision desires to retain a copy of the final plat, he or she shall forward a sixth copy of it to the director of the department of energy, labor, and economic growth for certification as an exact copy of the approved and recorded plat.

(2) The true copy requested may be made upon tracing linen or some similar material.

(3) No charge shall be made for certification of the sixth copy.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

Popular name: Plat Act

Popular name: Subdivision Control

560.245 Abstract of title or title policy; attorney's opinion in lieu of abstract.

Sec. 245. The proprietor submitting the plat for approval shall furnish to the governing body an abstract of title certified to date of the proprietor's certificate to establish recorded ownership interests and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision. The governing body, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion based on the abstract of title as to ownership and marketability of title of the land.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.246 Governing body; fees.

Sec. 246. (1) The governing body of a municipality may adopt by ordinance a reasonable schedule of fees, based on the number of lots in the proposed subdivision. The fee charged shall be in addition to the filing and recording fee, and shall be for the examination and inspection of plats and the land proposed to be subdivided, and related expenses.

(2) A proprietor submitting a plat for approval shall be required to deposit the established fee with the clerk of the municipality and until the fee is paid, the plat shall not be considered or reviewed.

(3) The governing body may employ a surveyor as an assistant. If it is deemed more practical in a county for the county to employ a surveyor to assist governing bodies of municipalities within the county, then the board of supervisors, by resolution, may employ the surveyor and may establish a reasonable schedule of fees for his services to be charged to the governing body receiving his assistance.

(4) Until an ordinance is adopted by the governing body establishing a schedule of fees, the governing body may require the payment of a fee not to exceed \$100.00.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.247 County plat board; compensation.

Sec. 247. (1) Each member of the county plat board shall be paid compensation and mileage for attendance at plat board meetings equal to compensation and mileage paid to supervisors for attendance at meetings of the board of supervisors. The compensation shall be payable from the general fund of the county.

(2) The duties of the county plat board shall not be considered as being a part of the duties of the regular offices of the members thereof.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.248 County road commission; fees.

Sec. 248. The county road commission may adopt as part of the published rules by resolution, a reasonable schedule of fees, to be charged proprietors seeking approval of plats. The fee shall be for the examination of those plat features which require approval of the county road commission as provided in section 183, and plans and inspection of highways, streets and alleys, together with bridges, culverts, drainage structures or other improvements constructed in connection with the plat and related expenses.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

Popular name: Plat Act

Popular name: Subdivision Control

560.249 Board of supervisors; fees.

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Sec. 249. The county board of supervisors may adopt a reasonable schedule of fees to be charged proprietors seeking approval of plats to compensate the county drain commissioner for his examination of those plat features which require approval of the county drain commissioner as provided in section 192 and plans and inspection of drainage facilities constructed by the proprietor or existing on the plat site.

History: Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

Popular name: Plat Act

Popular name: Subdivision Control

560.251 Recorded plats; evidence.

Sec. 251. A certified copy of the recorded plat in the register of deeds office shall be received in all courts in this state as prima facie evidence of the making and recording of the plat in conformity with the provisions of this act.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.252 Instruments affecting title; prohibit recording unless plat recorded.

Sec. 252. The register of deeds shall not accept for record any instrument purporting to convey or encumber lots designated by number in a subdivision of land unless a plat showing such lots has previously been recorded.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.253 Dedication of plats; reservation of mineral rights.

Sec. 253. (1) When a plat is certified, signed, acknowledged and recorded as prescribed in this act, every dedication, gift or grant to the public or any person, society or corporation marked or noted as such on the plat shall be deemed sufficient conveyance to vest the fee simple of all parcels of land so marked and noted, and shall be considered a general warranty against the donors, their heirs and assigns to the donees for their use for the purposes therein expressed and no other.

(2) The land intended for the streets, alleys, commons, parks or other public uses as designated on the plat shall be held by the municipality in which the plat is situated in trust to and for such uses and purposes.

(3) A reservation or an ownership interest in mineral rights or underground gas storage rights in land shall not constitute the holding of title for the purpose of signing the proprietor's certificate.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.254 Restrictions; enforcement.

Sec. 254. Any restriction required to be placed on platted land by a public body given the authority to review or approve plats by the provisions of this act or which names the public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction in a court of competent jurisdiction against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing but only by the public body having the right of enforcement.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.255 Lot numbers use.

Sec. 255. When a subdivision plat has been recorded, the lots in that plat shall be described by the caption of the plat and the lot number for all purposes, including those of assessment, taxation, sale and conveyance.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.255a Land revised, altered, or vacated by order of circuit court in county in which land situated.

Sec. 255a. Land in a subdivision dedicated to the use of the public for purposes other than pedestrian or

vehicular travel, or land dedicated for a public way which is under the jurisdiction of a municipality, a portion of which public way is within 25 meters of a lake or the general course of a stream, shall not be revised, altered, or vacated except by order of the circuit court in the county in which the land is situated.

History: Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978.

Popular name: Plat Act

Popular name: Subdivision Control

560.255b Presumption of acceptance of land dedicated to use of public; rebuttal.

Sec. 255b. (1) Ten years after the date the plat is first recorded, land dedicated to the use of the public in or upon the plat shall be presumed to have been accepted on behalf of the public by the municipality within whose boundaries the land lies.

(2) The presumption prescribed in subsection (1) shall be conclusive of an acceptance of dedication unless rebutted by competent evidence before the circuit court in which the land is located, establishing either of the following:

(a) That the dedication, before the effective date of this act and before acceptance, was withdrawn by the plat proprietor.

(b) That notice of the withdrawal of the dedication is recorded by the plat proprietor with the office of the register of deeds for the county in which the land is located and a copy of the notice was forwarded to the director of the department of energy, labor, and economic growth, within 10 years after the date the plat of the land was first recorded and before acceptance of the dedicated lands.

History: Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

Popular name: Plat Act

Popular name: Subdivision Control

560.256 Opening, vacating, extending, widening, or changing name of street or alley; recording certified copy of ordinance or resolution; copy to director of energy, labor, and economic growth.

Sec. 256. Subject to the restrictions prescribed in section 255a, when the governing body of a municipality by resolution or ordinance opens or vacates a street or alley or a portion of a street or alley, or extends, widens, or changes the name of an existing street or alley, the clerk of the municipality within 30 days shall record a certified copy with the register of deeds, giving the name of the plat or plats affected, and shall send a copy to the director of the department of energy, labor, and economic growth. Until recorded, the ordinance or resolution shall not have force or effect.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010

Popular name: Plat Act

Popular name: Subdivision Control

560.257 Discontinuance of street, alley, or other public land; reservation of easement; recording resolution or ordinance; copy to director of energy, labor, and economic growth.

Sec. 257. (1) Subject to the restrictions prescribed in section 255a, when the governing body of a municipality determines that it is necessary for the health, welfare, comfort, and safety of the people of the municipality to discontinue an existing street, alley, or other public land shown on a plat, by resolution or ordinance, the governing body may reserve an easement in the street, alley, or land for public utility purposes and other public purposes within the right of way of the street, alley, or other public land vacated.

(2) The resolution or ordinance shall be recorded within 30 days with the register of deeds and a copy shall be sent to the director of the department of energy, labor, and economic growth.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010

Popular name: Plat Act

Popular name: Subdivision Control

560.258 Public lands; agreements for maintenance.

Sec. 258. As a condition of final plat approval the governing body of a municipality or the board of county road commissioners may require copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control

560.259 Minimum standards.

Sec. 259. The standards for approval of plats prescribed in this act are minimum standards and any municipality, by ordinance, may impose stricter requirements and may reject any plat which does not conform to such requirements.

History: 1967, Act 288, Eff. Jan. 1, 1968.

Popular name: Plat Act

Popular name: Subdivision Control