

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.2123 Granting easement over state-owned land under jurisdiction of department to individual; conditions; 30-day period to consider application; notification of incomplete application; tolling of time period; time period for approval or denial of application.**

Sec. 2123. (1) Subject to sections 2123a and 2124, the department may grant or otherwise provide for an easement for a road over state-owned land under the jurisdiction of the department to an individual if all of the following conditions are met:

- (a) The individual applies for the easement on a form provided by the department.
- (b) The individual does not have other legal access to the individual's land.
- (c) The easement does not conflict with any of the following:
  - (i) An existing program or management as described in an existing plan of the department.
  - (ii) A local ordinance.
- (d) The road for which the easement is granted is open to public access and not for the exclusive use of the grantee.
- (e) The easement provides the logical and most feasible access to the individual's land.
- (f) The width of the road is restricted to the minimum consistent with the quality of the road required.
- (g) The individual agrees to construct, if necessary, and maintain the road.
- (h) The individual offers a similar road easement to the department to provide public access to state-owned land across the individual's land to which the easement is to be granted by the department, where applicable. The department shall not accept a road easement under this subdivision if the road easement would end at a body of water.
  - (i) The individual does all of the following:
    - (i) Pays the cost of a survey.
    - (ii) Pays the department the fair market value of the easement. The fair market value of the easement granted by the department shall be offset by the fair market value of any easement granted to the department under subdivision (h).
- (2) Effective 30 days after the department receives an application for an easement, the application shall be considered to be complete unless the department proceeds as provided under subsection (3).
- (3) If, before the expiration of the 30-day period under subsection (1), the department notifies the applicant, in writing, that the request is not complete, specifying the information necessary to make the request complete, the running of the 30-day period under subsection (2) is tolled until the applicant submits to the department the specified information, at which time the request shall be considered to be complete.
- (4) Within 90 days after the application is considered to be complete, the department shall grant or deny the application for the easement and notify the applicant in writing. If the department denies the application, the notice shall set forth the reasons for the denial.

**History:** Add. 1995, Act 60, Imd. Eff. May 24, 1995;—Am. 2011, Act 323, Imd. Eff. Dec. 27, 2011.

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