

## LAND DIVISION ACT (EXCERPT)

### Act 288 of 1967

#### PLAT CHANGES

##### **560.221 Vacation, correction, or revision of plat.**

Sec. 221. The circuit court may, as provided in sections 222 to 229 vacate, correct, or revise all or a part of a recorded plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

##### **560.222 Complaint; filing.**

Sec. 222. Except as provided in section 222a, to vacate, correct, or revise a recorded plat or any part of a recorded plat, a complaint shall be filed in the circuit court by the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality in which the subdivision covered by the plat is located.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 2004, Act 590, Imd. Eff. Jan. 4, 2005

**Popular name:** Plat Act

**Popular name:** Subdivision Control

##### **560.222a Public utility easement as part of recorded plat; relinquishment by written agreement; parties; requirements.**

Sec. 222a. (1) Notwithstanding section 222, a public utility easement that is part of a recorded plat may be relinquished without filing an action in circuit court if a written agreement for that purpose is entered into among all of the following parties:

- (a) Each public utility or municipal entity that has the right to use the recorded easement.
  - (b) The owner or owners of record of each platted lot or parcel of land subject to the easement.
  - (c) A two-thirds majority of the owners of record of each platted lot or parcel of land within 300 feet of any part of the recorded easement.
  - (d) The governing board of the municipality in which the subdivision covered by the plat is located.
- (2) An agreement described in subsection (1) shall meet all applicable requirements for recordation and is effective upon being recorded with the register of deeds and filed with the department of labor and economic growth. The register of deeds and the department of labor and economic growth shall cross-reference the document to the affected plat.

**History:** Add. 2004, Act 590, Imd. Eff. Jan. 4, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

##### **560.223 Complaint; contents.**

Sec. 223. The complaint shall set forth:

- (a) The part or parts, if any, sought to be vacated and any other correction or revision of the plat sought by the plaintiff.
- (b) The plaintiff's reasons for seeking the vacation, correction, or revision.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

##### **560.224 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.**

**Compiler's note:** The repealed section pertained to notice of petition.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

##### **560.224a Joinder of parties defendant.**

Sec. 224a. (1) The plaintiff shall join as parties defendant each of the following:

- (a) The owners of record title of each lot or parcel of land included in or located within 300 feet of the lands described in the petition and persons of record claiming under those owners.

- (b) The municipality in which the subdivision covered by the plat is located.
- (c) The director of the department of energy, labor, and economic growth.
- (d) The drain commissioner and the chairperson of the board of county road commissioners having jurisdiction over any of the land included in the plat.
- (e) Each public utility which is known to the plaintiff to have installations or equipment in the subdivision or which has a recorded easement or franchise right which would be affected by the proceedings.
- (f) The director of the state transportation department and the director of the department of natural resources if any of the subdivision includes or borders a state highway or federal aid road.
- (g) If the requested action may result in a public highway or a portion of a public highway that borders upon, crosses, is adjacent to, or ends at a lake or the general course of a stream being vacated or altered in such a manner as would result in the loss of public access, the director of the department of natural resources and, if the subdivision is located in a township, the township. The department of natural resources and, if applicable, the township shall review the application and determine within 30 days whether the property should be retained by the state or township as an ingress and egress point, and shall convey that decision to the court.

(2) Service of process upon the joined parties defendant shall be made in accord with the general rules governing service of process in civil actions except that the parties defendant specified in subsection (1)(b), (f), or (g) may be served by registered mail and the parties defendant specified in subsection (1)(a) may be served by registered mail if there are more than 20 persons that must be joined pursuant to subsection (1)(a).

**History:** Add. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 1979, Act 184, Imd. Eff. Dec. 19, 1979;—Am. 1996, Act 219, Imd. Eff. May 28, 1996;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.225 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.**

**Compiler's note:** The repealed section pertained to service.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.226 Trial and hearing; order to vacate, correct, or revise recorded plat; exceptions; plat recording resulting in loss of public access to lake or stream; reservation of easement; operation and maintenance of property by state or local unit; effect of noncompliance with subsection (4); closure of road ending; proceedings.**

Sec. 226. (1) Upon trial and hearing of the action, the court may order a recorded plat or any part of it to be vacated, corrected, or revised, with the following exceptions:

(a) A part of a state highway or federal aid road shall not be vacated, corrected, or revised except by the state transportation department.

(b) A part of a county road shall not be vacated, corrected, or revised except by the county road commission having jurisdiction pursuant to chapter IV of Act No. 283 of the Public Acts of 1909, being sections 224.1 to 224.32 of the Michigan Compiled Laws.

(c) A part of a street or alley under the jurisdiction of a city, village, or township and a part of any public walkway, park, or public square or any other land dedicated to the public for purposes other than pedestrian or vehicular travel shall not be vacated, corrected, or revised under this section except by both a resolution or other legislative enactment duly adopted by the governing body of the municipality and by court order. However, neither this section nor any other section shall limit or restrict the right of a municipality under sections 256 and 257 to vacate the whole or any part of a street, alley, or other land dedicated to the use of the public.

(2) If a circuit court determines pursuant to this act that a recorded plat or any part of it that contains a public highway or portion of a public highway that borders on, crosses, is adjacent to, or ends at any lake or the general course of any stream, should be vacated or altered in a manner that would result in a loss of public access, it shall allow the state and, if the subdivision is located in a township, the township to decide whether it wants to maintain the property as an ingress and egress point. If the state or township decides to maintain the property, the court shall order the official or officials to either relinquish control to the state or township if the interest is nontransferable or convey by quitclaim deed whatever interest in the property that is held by the local unit of government to the state or township. The township shall have first priority to obtain the property or control of the property as an ingress and egress point. If the township obtains the property or control of the property as an ingress and egress point and later proposes to transfer the property or control of the property, it

shall give the department of natural resources first priority to obtain the property or control of the property. If the state obtains the property or control of the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property was purchased from restricted fund revenue, money obtained from sale of the property shall be returned to that restricted fund.

(3) A judgment under this section vacating, correcting, or revising a highway, road, street, or other land dedicated to the public and being used by a public utility for public utility purposes shall reserve an easement therein for the use of public utilities, and may reserve an easement in other cases.

(4) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (2), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue noise, and congestion as necessary.

(5) If a person shows substantial noncompliance with the requirements of subsection (4), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for a period of up to 30 days.

(6) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for up to 30 days under subsection (5), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 90 days.

(7) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 90 days under subsection (6), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 180 days.

(8) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 180 days under subsection (7), the circuit court shall order the local unit or this state to show cause why the road ending should not be permanently closed in a manner to prevent ingress and egress to the body of water. Subject to subsection (9), the circuit court shall permanently close the road ending unless the local unit or this state shows cause why the road ending should not be closed.

(9) After a road ending is closed under subsection (8), and unless the property has been conveyed or relinquished to the adjacent landowners under subsection (10), the local unit or this state may petition the circuit court to reopen the road ending. The circuit court may order the road ending reopened if the local unit or this state presents a management plan to and posts a performance bond with the circuit court, and the circuit court finds that the management plan and performance bond are adequate to ensure compliance with subsection (4).

(10) After a road ending is closed by the circuit court under subsection (8), 1 or more of the adjacent landowners may petition the circuit court to order the local unit or this state to convey any interest in the property that the local unit or this state holds to the adjacent landowners, or, if the interest is nontransferable, to relinquish control over the property to the adjacent landowners.

(11) Proceedings under subsection (5), (6), (7), or (8) shall be initiated by application of 7 owners of record title of land in the local unit who own land within 1 mile of the road ending to the circuit court for the county in which the road ending is located. The applicants in proceedings under subsection (5), (6), (7), (8), (9), or (10) shall give the persons described in section 224a notice of the application by registered mail.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 1996, Act 219, Imd. Eff. May 28, 1996.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.227 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.**

**Compiler's note:** The repealed section pertained to vesting of vacated part.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.227a Vesting of title upon vacation of plat, street, or alley; legal description of abutting lot.**

Sec. 227a. (1) Title to any part of the plat vacated by the court's judgment, other than a street or alley, shall vest in the rightful proprietor of that part. Title to a street or alley the full width of which is vacated by the

court's judgment shall vest in the rightful proprietors of the lots, within the subdivision covered by the plat, abutting the street or alley. Title to a public highway or portion of a public highway that borders on, is adjacent to, or ends at a lake or the general course of a stream may vest in the state subject to section 226.

(2) If the lots abutting the vacated street or alley on both sides belong to the same proprietor, title to the vacated street or alley shall vest in that proprietor. If the lots on opposite sides of the vacated street or alley belong to different proprietors, title up to the center line of the vacated street or alley shall vest in the respective proprietors of the abutting lots on each side.

(3) If only part of the width of a street or alley, not extending beyond the center line, is vacated, title to the vacated part of the street or alley shall vest in the proprietor of the lots abutting the same.

(4) When title to any part of a vacated street or alley vests in an abutting proprietor, any future legal description of the abutting lot or lots shall include that part of the vacated street or alley.

**History:** Add. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 1996, Act 219, Imd. Eff. May 28, 1996.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.228 Recording of judgment.**

Sec. 228. Within 30 days after entry of judgment, for vacation, correction, or revision of a plat, plaintiff shall record the judgment in the office of the register of deeds. The register of deeds shall place on the original plat the date, liber, and page of the record of the court's judgment.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.229 Preparation and form of new plat; filing copies; caption; approval; distribution of copies; fees.**

Sec. 229. (1) If the court orders a plat to be vacated, corrected, or revised in whole or in part, the court shall also direct plaintiff to prepare, in the form required by this act for a final plat, either a new plat of the part of the subdivision affected by the judgment or a new plat of the entire subdivision if the court's judgment affects a major part of the subdivision.

(2) Five true copies of the new plat, accompanied by a copy of the court's judgment, shall be filed with the director of the department of energy, labor, and economic growth. The caption of the new plat shall include a statement that it is a corrected or revised plat of all or part of the same subdivision covered by the original plat.

(3) After the director of the department of energy, labor, and economic growth has examined the new or amended plat for compliance with the court judgment and the provisions of this act for the making and filing of original final plats and has approved the new or amended plat, the director of the department of energy, labor, and economic growth shall distribute 1 copy each to the register of deeds, clerk of the municipality, county treasurer, and county road commission. One copy shall be filed in the office of the director of the department of energy, labor, and economic growth.

(4) Fees for recording and filing documents as required by this section shall be the same as for an original final plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control