

**SUBSTITUTE FOR
HOUSE BILL NO. 4055**

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
7 a division. An application is complete if it contains information
8 necessary to ascertain whether the requirements of section 108 and
9 this section are met. The assessor or other municipally designated



1 official, or the county official, having authority to approve or
2 disapprove a proposed division, shall provide the person who filed
3 the application written notice whether the application is approved
4 or disapproved and, if disapproved, all the reasons for
5 disapproval. A complete application for a proposed division shall
6 be approved if, in addition to the requirements of section 108, all
7 of the following requirements are met:

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

14 (b) Each resulting parcel has a depth of not more than 4 times
15 the width or, if an ordinance referred to in subsection (5)
16 requires a smaller depth to width ratio, a depth to width ratio as
17 required by the ordinance. The municipality or county having
18 authority to review proposed divisions may allow a greater depth to
19 width ratio than that otherwise required by this subdivision or an
20 ordinance referred to in subsection (5). The greater depth to width
21 ratio shall be based on standards set forth in the ordinance
22 referred to in subsection (5). The standards may include, but ~~are~~
23 ~~not required to include and~~ need not be limited to, exceptional
24 topographic or physical conditions with respect to the parcel and
25 compatibility with surrounding lands. The depth to width ratio
26 requirements of this subdivision do not apply to a parcel larger
27 than 10 acres, unless an ordinance referred to in subsection (5)
28 provides otherwise, and do not apply to the remainder of the parent
29 parcel or parent tract retained by the proprietor.



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

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

5 (e) Each resulting parcel is accessible.

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

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

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

12 (i) One of the following are satisfied:

13 (i) All property taxes and special assessments due on the
14 parcel or tract subject to the proposed division for the 5 years
15 preceding the date of the application have been paid, as
16 established by a certificate from the county treasurer of the
17 county in which the parcel or tract is located. If the date of the
18 application is on or after March 1 and before the local treasurer
19 of the local tax collecting unit in which the parcel or tract is
20 located has made his or her return of current delinquent taxes, the
21 county treasurer shall include with his or her certification a
22 notation that the return of current delinquent taxes was not
23 available for examination. The official having authority to approve
24 or disapprove the application shall not disapprove the application
25 because the county treasurer's certification includes such a
26 notation. The county treasurer shall collect a fee for a
27 certification under this subdivision in an amount equal to the fee
28 payable under section 1(2) of 1895 PA 161, MCL 48.101, for a
29 certificate relating to the payment of taxes under section 135 of



1 the general property tax act, 1893 PA 206, MCL 211.135.

2 (ii) If property taxes or special assessments due on the parcel
 3 or tract subject to the proposed division have not been paid, the
 4 unpaid property taxes or special assessments have been apportioned
 5 by the township or city assessing officer as provided by section 53
 6 of the general property tax act, 1893 PA 206, MCL 211.53. Any
 7 apportioned property taxes or special assessments are a lien
 8 against the parcels or tracts as apportioned by the assessing
 9 officer and shall be treated in the same manner as property taxes
 10 and special assessments of the year of the original assessment for
 11 the purpose of collection and sale for delinquent taxes under the
 12 general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

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

23 (a) "Did the parent parcel or parent tract have any
 24 unallocated divisions under the land division act, 1967 PA 288, MCL
 25 560.101 to 560.293?"

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

29 (3) A person shall not sell a parcel of unplatted land unless



1 the deed contains a statement as to whether the right to make
2 further divisions exempt from the platting requirements of this act
3 under this section and section 108 is proposed to be conveyed. The
4 statement shall be in substantially the following form: "The
5 grantor grants to the grantee the right to make [insert "zero", a
6 number, or "all"] division(s) under section 108 of the land
7 division act, 1967 PA 288, MCL 560.108.". In the absence of a
8 statement conforming to the requirements of this subsection, the
9 right to make divisions under section 108(2), (3), and (4) stays
10 with the remainder of the parent tract or parent parcel retained by
11 the grantor.

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

19 (5) The governing body of a municipality or the county board
20 of commissioners of a county having authority to approve or
21 disapprove a division may adopt an ordinance setting forth the
22 standards authorized in subsection (1)(b), (c), and (d). The
23 ordinance may establish a fee for ~~reviews~~**a review of an**
24 **application** under this section and section 108. The fee shall not
25 exceed the reasonable costs of providing the services for which the
26 fee is charged.

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

29 (7) Compliance with this section is not a requirement for a



1 deed to be received for record or recorded by a register of deeds.
2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.

