



HOUSE BILL No. 4175

January 17, 1995, Introduced by Reps. Bobier and Middleton and referred to the Committee on Local Government.

A bill to provide for maps on which existing and proposed public facilities may be designated; to regulate or prohibit construction within the boundaries of existing or proposed public facilities; to prescribe the powers and duties of certain governmental entities and officials; and to provide for the acquisition of property for public facilities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "County road agency" means the board of county road com-
3 missioners or, in a county organized under Act No. 293 of the
4 Public Acts of 1966, being sections 45.501 to 45.521 of the
5 Michigan Compiled Laws, the body or official exercising the
6 powers and performing the duties of a board of county road
7 commissioners.

1 (b) "Master official map" means the map prepared by the
2 clerk of the county, or the clerk's designee, as provided in
3 section 3.

4 (c) "Public agency" means the legislative body of a city,
5 village, township, or county; a county park commission; a county
6 road agency; or the director of the state transportation
7 department.

8 (d) "Public facility" means an existing or planned street,
9 road, highway, park, playground, or other public ground.

10 Sec. 2. (1) By ordinance, resolution, or rule, a public
11 agency may adopt an official map of all or a portion of the area
12 within the jurisdiction of the public agency showing all of the
13 public facilities of the public agency or showing all of a cer-
14 tain type of a public facility of the public agency. A public
15 agency shall not adopt an official map before both of the follow-
16 ing requirements are satisfied:

17 (a) The public agency or a committee or official designated
18 by the public agency conducts a hearing on a proposed official
19 map in the manner provided by the open meetings act, Act No. 267
20 of the Public Acts of 1976, being sections 15.261 to 15.275 of
21 the Michigan Compiled Laws. Notice of the hearing shall be given
22 by regular mail to the owners, as recorded on tax or tract index
23 records, of property on which a public facility is proposed to be
24 designated on an official map.

25 (b) The planning body, planning commission, or planning
26 department for the jurisdiction of the public agency reviews the
27 proposed official map for consistency with the master plan or

1 comprehensive development plan of the jurisdiction of the public
2 agency.

3 (2) Immediately following adoption of the official map, the
4 public agency shall publish the official map in a newspaper, or
5 newspapers, of general circulation in the geographic area covered
6 by the official map. The official map takes effect upon
7 publication.

8 (3) A public agency may amend the official map pursuant to
9 the procedures set forth in subsections (1) and (2) for the
10 establishment of the official map in the first instance.

11 (4) Upon the adoption or amendment of an official map by a
12 public agency, the public agency shall transmit the official map
13 to the county clerk of the county in which the geographic area
14 covered by the official map is located.

15 Sec. 3. If, during a calendar year, an official map is
16 transmitted to a county clerk pursuant to section 2, the county
17 clerk, or his or her designee, shall incorporate that official
18 map and all other official maps received before January 1 of the
19 next calendar year into a master official map. Except as other-
20 wise provided in this section, the master official map shall be
21 distributed on June 1 of the next calendar year to each public
22 agency that has prepared an official map covering a geographical
23 area located in the county. During the year following the year
24 in which this act takes effect, the master official map may be
25 distributed any time after June 30.

26 Sec. 4. (1) Except as provided in section 6, a building
27 permit shall not be issued for the construction or enlargement of

1 a building or structure within the boundaries of a public
2 facility designated on the master official map.

3 (2) A person desiring to construct or enlarge a building or
4 structure within the boundaries of a proposed public facility
5 designated on the master official map shall give notice to the
6 public agency that designated the public facility on the master
7 official map. The notice shall be in writing. The person desir-
8 ing to construct or enlarge the building or structure shall
9 deliver a copy of the notice to the local governmental office to
10 which the application for a construction permit has been
11 submitted. The notice shall include all of the following:

12 (a) A description of the property.

13 (b) The name of the local governmental office to which the
14 application for a construction permit has been submitted and the
15 date on which the application was submitted.

16 (c) The name, address, and phone number of the person who
17 submitted the application for a construction permit and of the
18 property owner, if different.

19 Sec. 5. Not more than 90 days after the date on which the
20 public agency that designated a public facility appearing on a
21 master official map receives the notice, that public agency shall
22 determine whether the proposed construction or enlargement would
23 be incompatible with the public facility and, if so, the public
24 agency shall do 1 of the following:

25 (a) Commence to obtain title to the property within the
26 boundaries of the proposed public facility by purchase, gift, or
27 condemnation and give notice of this action to the local

1 governmental office to which the application for a construction
2 permit has been submitted.

3 (b) Commence to amend the official map by deleting the prop-
4 erty on which the building or structure is proposed to be con-
5 structed or enlarged and give notice of this action to the local
6 governmental office to which the application for a construction
7 permit has been submitted.

8 Sec. 6. A local governmental office shall not issue a
9 building permit for the construction or enlargement of a building
10 or structure within the boundaries of a public facility desig-
11 nated on the master official map unless it has received the
12 notice provided for under section 5(b).