



Senate Fiscal Agency  
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BILL ANALYSIS

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House Bill 6295 (Substitute H-1 as passed by the House)  
Sponsor: Representative John Pappageorge  
House Committee: Land Use and Environment  
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 11-29-04

### **CONTENT**

**The bill would amend the Land Division Act to allow a public utility easement to be relinquished without a circuit court action if various parties entered into an agreement for that purpose.**

The Act governs the subdivision of real property and requires a final approved plat (a map or chart) to be recorded with the register of deeds. In order for all or part of a recorded plat to be changed or vacated, one of the following must file a complaint in circuit court: the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality where the subdivision covered by the plat is located.

Under the bill, a public utility easement that was part of a recorded plat could be relinquished without a circuit court action if all the following parties entered into a written agreement for that purpose:

- The public utility or municipal entity having the right to use the easement.
- The owner or owners of record of each platted lot or parcel of land subject to the easement.
- Two-thirds of the owners of record of each platted lot or parcel of land within 300 feet of any part of the easement.
- The governing body of the municipality containing the subdivision covered by the plat.

The agreement would have to meet all applicable requirements for recordation and would be effective when it was recorded with the register of deeds and filed with the Department of Labor and Economic Growth. The register of deeds and the Department would have to cross-reference the document to the affected plat.

MCL 560.222 et al.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.