



SENATE BILL No. 717

October 3, 1995, Introduced by Senators CHERRY, CARL, CISKY, NORTH, HART, BERRYMAN, YOUNG, O'BRIEN and STALLINGS and referred to the Committee on Transportation and Tourism.

A bill to amend sections 224a, 226, and 227a of Act No. 288 of the Public Acts of 1967, entitled as amended "Subdivision control act of 1967," being sections 560.224a, 560.226, and 560.227a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 224a, 226, and 227a of Act No. 288 of
2 the Public Acts of 1967, being sections 560.224a, 560.226, and
3 560.227a of the Michigan Compiled Laws, are amended to read as
4 follows:

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

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

1 (b) The municipality in which the subdivision covered by the
2 plat is located.

3 (c) The state treasurer.

4 (d) The drain commissioner and the chairperson of the board
5 of county road commissioners having jurisdiction over any of the
6 land included in the plat.

7 (e) Each public utility which is known to the plaintiff to
8 have installations or equipment in the subdivision or which has a
9 recorded easement or franchise right which would be affected by
10 the proceedings.

11 (f) The director of the state transportation department AND
12 THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES if any of the
13 subdivision includes or borders a state highway or federal aid
14 road.

15 (G) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES IF
16 THE REQUESTED ACTION MAY RESULT IN A PUBLIC HIGHWAY OR A PORTION
17 OF A PUBLIC HIGHWAY THAT BORDERS UPON, CROSSES, IS ADJACENT TO,
18 OR ENDS AT A LAKE OR THE GENERAL COURSE OF A STREAM BEING VACATED
19 OR ALTERED IN SUCH A MANNER AS WOULD RESULT IN THE LOSS OF PUBLIC
20 ACCESS. THE DEPARTMENT OF NATURAL RESOURCES SHALL REVIEW THE
21 APPLICATION AND DETERMINE WITHIN 30 DAYS WHETHER THE PROPERTY
22 SHOULD BE RETAINED BY THE STATE AS A PUBLIC ACCESS SITE, AND
23 SHALL CONVEY THAT DECISION TO THE COURT.

24 (2) Service of process upon the joined parties defendant
25 shall be made in accord with the general rules governing service
26 of process in civil actions except that the parties defendant
27 specified in ~~subdivision (b) and this subdivision~~ SUBSECTION

1 (1)(B), (F), OR (G) may be served by registered mail and the
2 parties defendant specified in ~~subdivision (a)~~ SUBSECTION
3 (1)(A) may be served by registered mail if there are more than 20
4 persons that must be joined pursuant to ~~subdivision (a)~~
5 SUBSECTION (1)(A).

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

9 (a) A part of a state highway or federal aid road shall not
10 be vacated, corrected, or revised except by the STATE
11 TRANSPORTATION department. ~~of state highways and~~
12 ~~transportation.~~

13 (b) A part of a county road shall not be vacated, corrected,
14 or revised except by the county road commission having jurisdic-
15 tion PURSUANT TO CHAPTER IV OF ACT NO. 283 OF THE PUBLIC ACTS OF
16 1909, BEING SECTIONS 224.1 TO 224.32 OF THE MICHIGAN COMPILED
17 LAWS.

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

1 257 to vacate the whole or any part of a street, alley, or other
2 land dedicated to the use of the public.

3 (2) IF A CIRCUIT COURT DETERMINES PURSUANT TO THIS ACT THAT
4 A RECORDED PLAT OR ANY PART OF IT THAT CONTAINS A PUBLIC HIGHWAY
5 OR PORTION OF A PUBLIC HIGHWAY THAT BORDERS ON, CROSSES, IS ADJA-
6 CENT TO, OR ENDS AT ANY LAKE OR THE GENERAL COURSE OF ANY STREAM,
7 SHOULD BE VACATED OR ALTERED IN A MANNER THAT WOULD RESULT IN A
8 LOSS OF PUBLIC ACCESS, IT SHALL ALLOW THE STATE TO DECIDE WHETHER
9 IT WANTS TO MAINTAIN THE PROPERTY AS A PUBLIC ACCESS SITE. IF
10 THE STATE DECIDES TO MAINTAIN THE PROPERTY, THE COURT SHALL ORDER
11 THE OFFICIAL OR OFFICIALS TO EITHER RELINQUISH CONTROL TO THE
12 STATE IF THE INTEREST IS NONTRANSFERABLE OR CONVEY BY QUITCLAIM
13 DEED WHATEVER INTEREST IN THE PROPERTY THAT IS HELD BY THE LOCAL
14 UNIT OF GOVERNMENT TO THE STATE. THE PROPERTY SHALL BE UNDER THE
15 JURISDICTION OF THE DEPARTMENT OF NATURAL RESOURCES. THE STATE
16 MAY RETAIN TITLE TO THE PROPERTY, TRANSFER TITLE TO A LOCAL UNIT
17 OF GOVERNMENT, OR DEED THE PROPERTY TO THE ADJACENT PROPERTY
18 OWNERS. IF THE PROPERTY WAS PURCHASED FROM RESTRICTED FUND REVE-
19 NUE, MONEY OBTAINED FROM SALE OF THE PROPERTY SHALL BE RETURNED
20 TO THAT RESTRICTED FUND.

21 (3) ~~(2)~~ A judgment under this section vacating, correct-
22 ing, or revising a highway, road, street, or other land dedicated
23 to the public and being used by a public utility for public util-
24 ity purposes shall reserve an easement therein for the use of
25 public utilities, and may reserve an easement in other cases.

26 Sec. 227a. (1) Title to any part of the plat vacated by the
27 court's judgment, other than a street or alley, shall vest in the

1 rightful proprietor of that part. Title to a street or alley the
2 full width of which is vacated by the court's judgment shall vest
3 in the rightful proprietors of the lots, within the subdivision
4 covered by the plat, abutting the street or alley. TITLE TO A
5 PUBLIC HIGHWAY OR PORTION OF A PUBLIC HIGHWAY THAT BORDERS ON, IS
6 ADJACENT TO, OR ENDS AT A LAKE OR THE GENERAL COURSE OF A STREAM
7 MAY VEST IN THE STATE SUBJECT TO SECTION 226.

8 (2) If the lots abutting the vacated street or alley on both
9 sides belong to the same proprietor, title to the vacated street
10 or alley shall vest in that proprietor. If the lots on opposite
11 sides of the vacated street or alley belong to different propri-
12 etors, title up to the center line of the vacated street or alley
13 shall vest in the respective proprietors of the abutting lots on
14 each side.

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

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