

SUBSTITUTE FOR  
HOUSE BILL NO. 4464

A bill to amend 1967 PA 288, entitled  
"Land division act,"  
by amending section 253 (MCL 560.253).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 253. (1) When a plat is certified, signed, acknowledged,  
2 and recorded as prescribed in this act, every dedication, gift, or  
3 grant to the public or **TO** any person, society, or corporation  
4 marked or noted as such on the plat shall be ~~deemed~~**CONSIDERED TO**  
5 **BE** sufficient conveyance to vest the fee simple of all parcels of  
6 land ~~so~~-marked and noted ~~,~~**AS A DEDICATION, GIFT, OR GRANT** and  
7 shall be considered a general warranty against the donors, their  
8 heirs, and **THEIR** assigns to the donees for their use for the  
9 purposes ~~therein~~-expressed **IN THE DEDICATION, GIFT, OR GRANT** and no

1 other.

2 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE PURPOSES OF A  
3 DEDICATION, GIFT, OR GRANT UNDER SUBSECTION (1) OF A ROAD, STREET,  
4 OR ALLEY TERMINATING AT A LAKE OR STREAM, OR TERMINATING AT A  
5 COMMON AREA, A RIGHT-OF-WAY, OR A PUBLIC PARK THAT IS CONTIGUOUS TO  
6 THE SHORELINE OF A LAKE OR STREAM, SHALL BE PRESUMED TO INCLUDE THE  
7 SEASONAL MOORING OF BOATS, SUNBATHING, AND LOUNGING AS OTHERWISE  
8 AUTHORIZED BY LAW. THIS PRESUMPTION IS CONCLUSIVE UNLESS REBUTTED  
9 BY COMPETENT EVIDENCE BEFORE THE CIRCUIT COURT IN THE COUNTY IN  
10 WHICH THE LAND IS LOCATED, SHOWING THAT THE PLAT PROPRIETOR  
11 INTENDED TO PROHIBIT THE SEASONAL MOORING OF BOATS, SUNBATHING, AND  
12 LOUNGING AT THE END OF THE ROAD, STREET, OR ALLEY.

13 (3) IF THE DEDICATION, GIFT, OR GRANT INCLUDES THE LANGUAGE  
14 "FOR ROAD USE ONLY" OR SUBSTANTIALLY SIMILAR LANGUAGE, THE  
15 PRESUMPTION DESCRIBED IN SUBSECTION (2) IS NOT CREATED.

16 (4) ~~(2)~~—The land intended for the streets, alleys, commons,  
17 parks, or other public uses as designated on the plat shall be held  
18 by the municipality in which the plat is situated in trust to and  
19 for ~~such~~ **THOSE** uses and purposes.

20 (5) ~~(3)~~—A reservation or an ownership interest in mineral  
21 rights or underground gas storage rights in land ~~shall~~ **DOES** not  
22 constitute the holding of title for the purpose of signing the  
23 proprietor's certificate.

24 (6) SUBSECTION (2) DOES NOT APPLY TO ROAD ENDS THAT ARE OWNED  
25 BY THE STATE OF MICHIGAN OR ROAD ENDS THAT ARE IMMEDIATELY ADJACENT  
26 TO PROPERTIES THAT ARE OWNED BY THE STATE OF MICHIGAN.