

HOUSE BILL No. 4464

March 14, 2007, Introduced by Reps. Gillard, Sheltroun, Ball, Ward, Mayes, Farrah and Steil and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

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 shall
7 be considered a general warranty against the donors, their heirs,
8 and assigns to the donees for their use for the purposes ~~therein~~
9 expressed **IN THE DEDICATION, GIFT, OR GRANT** and no other.

1 (2) THE PURPOSES OF A DEDICATION, GIFT, OR GRANT UNDER
2 SUBSECTION (1) OF A ROAD, STREET, OR ALLEY TERMINATING AT A LAKE OR
3 STREAM, OR TERMINATING AT A COMMON AREA, A RIGHT-OF-WAY, OR A
4 PUBLIC PARK THAT IS CONTIGUOUS TO THE SHORELINE OF A LAKE OR
5 STREAM, SHALL BE PRESUMED TO INCLUDE THE SEASONAL MOORING OF BOATS,
6 SUNBATHING, AND LOUNGING AS OTHERWISE AUTHORIZED BY LAW. THIS
7 PRESUMPTION IS CONCLUSIVE UNLESS REBUTTED BY COMPETENT EVIDENCE
8 BEFORE THE CIRCUIT COURT IN THE COUNTY IN WHICH THE LAND IS
9 LOCATED, SHOWING THAT THE PLAT PROPRIETOR INTENDED NOT TO AUTHORIZE
10 THE SEASONAL MOORING OF BOATS, SUNBATHING, AND LOUNGING AT THE END
11 OF THE ROAD, STREET, OR ALLEY.

12 (3) ~~(2)~~—The land intended for the streets, alleys, commons,
13 parks or other public uses as designated on the plat shall be held
14 by the municipality in which the plat is situated in trust to and
15 for ~~such~~ **THOSE** uses and purposes.

16 (4) ~~(3)~~—A reservation or an ownership interest in mineral
17 rights or underground gas storage rights in land ~~shall~~ **DOES** not
18 constitute the holding of title for the purpose of signing the
19 proprietor's certificate.