

Sec. 222- Complaint (filing)

➤ Amended plat process begins with a complaint being filed by the plaintiff.

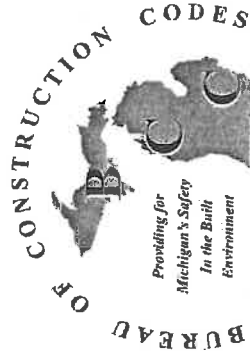
➤ Plaintiff may be:

- Owner of a lot in the subdivision
- Person of record claiming under an owner of a lot in the subdivision
- Governing Body in which the subdivisions lies



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Sec. 221- Vacation, Correction, Revision



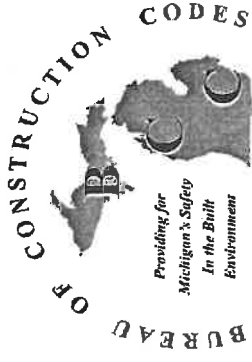
A recorded plat may be amended (vacated, corrected or revised) pursuant to Sections 221-229 of the LDA through the Circuit Court of the county in which the plat lies.



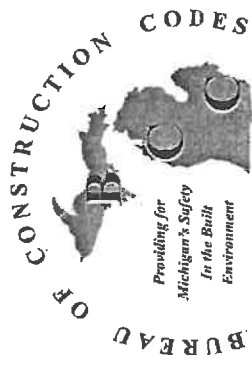
Sec. 223- Complaint (Contents)

- Complaint needs to indicate relief sought by plaintiff.
 - Part or parts of Plat to be vacated
 - Other correction or revision sought by Plaintiff
 - Reason(s) for seeking plat amendment

Sample Complaint



Sec. 224a- Joinder of parties



➤ Plaintiff must join as defendants:

- Owners and persons of record claiming under those owners of Lots in the plat within 300 feet of the portion of the plat described in the petition.

Caveat-

All owners of lots in a plat must be joined as party defendant if the streets and/or roads in said plat are dedicated to the use of the lot owners (private).

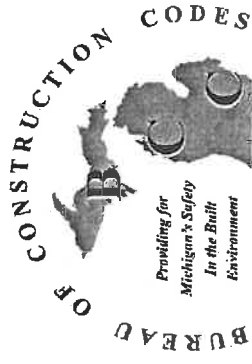
- Municipality

- State Treasurer (OLSR) Michigan Department of Energy, Labor and Economic Growth is the successor to all powers, duties, functions and responsibilities of the State Treasurer under the Land Division Act, MCL 560.101 et seq. pursuant to Executive Reorganization Orders 1980-1, MCL 16.732; 1996-2, MCL 445.2001; 2003-1, MCL 445.2011 and 2008-020.

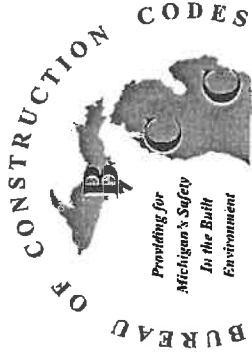


Sec. 224a- Joinder of parties (cont.)

- County Drain commissioner
- Chairman of the County road commission
- Each public utility known to have any of the following which may be affected:
 - installations
 - equipment
 - easements or franchise right
- MDOT and MDNRE if any of the affected plat borders or includes a state highway or federal aid road



Sec. 224a- Joinder of parties (cont.)



- MDNRE (and township if the plat is located within a township) if the requested relief will result in the vacation of a public road bordering, crossing, lying adjacent to or ending at a lake or general course of a stream which would result in the loss of public access to the water body.
- MDNRE and township have the opportunity to determine whether or not the road should be retained as an ingress/egress point and if so convey that determination to the court.



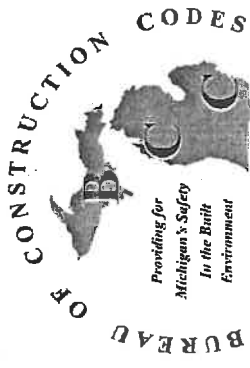
Sec. 226- Trial, order to vacate, etc.

➤ Sub Sec. 1:

The court can order a plat, or portion thereof, to be amended with the following exceptions:

- Part of a state highway or federal aid road must be vacated, corrected or revised by the MDOT.
- Part of a county road must be vacated corrected and revised by the county road commission pursuant to

1909 PA283, sec. 224.1-224.32.



Sec. 226- Trial, order to vacate, etc. (cont.)

➤ Sub Sec. 1 (cont.)

- Part of a street or alley under the jurisdiction of the municipality and part of a public walkway, park or public square or any other land dedicated to the public must be vacated by both a resolution or other type of legislative enactment adopted by the governing body of the municipality and by court order.

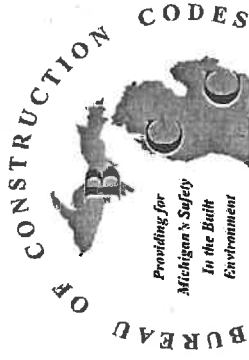
- The act of a municipality to vacate a street or part of a street in a recorded plat pursuant to MCL 560.256 serves only to vacate the municipalities interest in said street and does not serve to vest the fee. Upon vacation of a platted street by the municipality the street is rendered private for the use of the lot owners in the plat.

- Land Title Standards -13.4

- OLSR vac. Article

- AG bar article

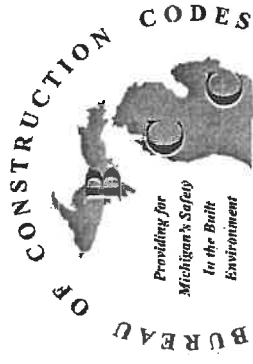
- AG St vac. Letters



Sec. 226- Trial, order to vacate, etc. (cont.)

➤ Sub sec. 3:

A private easement for public utilities shall be reserved in any street being vacated which was dedicated to the public in a recorded plat and is being used by a public utility for public utility purposes and may be reserved in other cases.

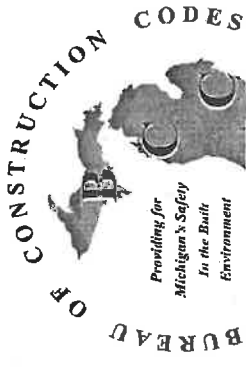


Sec. 227a- Vesting of title upon vacation

➤ Sub sec. 1

Upon vacation by the court:

- Any part of a plat with exception of a street or alley shall vest in the rightful proprietor (owner) of that part.
- Street or alley, full width of which is vacated, vests in the rightful proprietor of abutting lots in the affected plat.
- Public highway, or portion thereof, which is bordering, adjacent to or ending at a lake or general course of a stream may vest in the State of Michigan pursuant to Sec. 226(2) of the LDA.



Sec. 227a- Vesting of title upon vacation (cont.)

➤ Sub Sec. 2

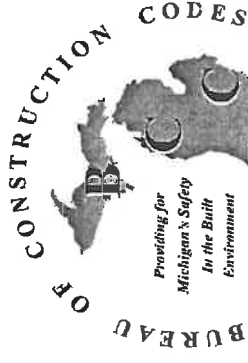
- Street or alley, of which same proprietor owns on each side, vests in that proprietor.
- Street or alley, of which different proprietor's own on opposite sides, title up to the centerline vest in the respective proprietor's on of each abutting lot in the affected plat.

➤ Sub Sec. 3

- Street or alley, if only vacated in part, not beyond the centerline, vests in the proprietor of the lots abutting the vacated portion.

➤ Sub Sec. 4

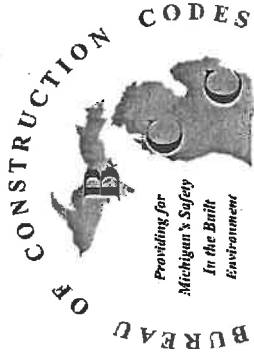
- After vacation and vesting of title of a street or alley any future legal descriptions of the abutting lots must include the part of the vacated alley or street.



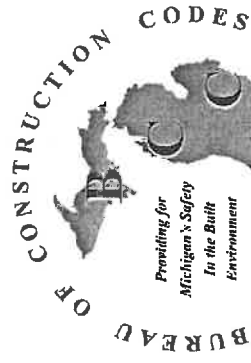
Sec. 228- Recording of judgment

- Plaintiff is required to record the judgment within 30 days after its entry with the court.

SAMPLE CONSENT JUDGMENT



Sec. 229- Preparation of the new plat



➤ Sub Sec. 1

- Upon order of the court to vacate, correct or revise a plat, a new plat (amended plat) shall be prepared either of part or of the whole of the original plat.

- Plat must be in the form required by the LDA and Administrative Rules

2008 MR10, R 560.101-135

➤ Sub Sec. 2

- Caption of the new plat must indicate that it is a corrected or revised plat of all or part of the original plat ("Amended plat of").

➤ Sub Sec. 3

- State Treasurer (OLSR) reviews plat for compliance with the court judgment and platting requirements of the LDA and upon approval distributes required copies to:

- Register of Deeds (original for recording)

- Municipal Clerk

- County Treasurer

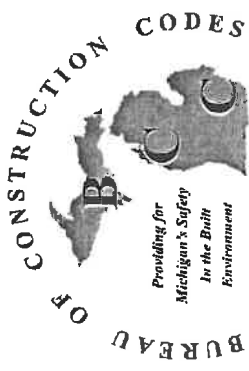
- County Road Commissioner



Common Platting Problems

➤ Common issues found when reviewing amended plats:

- Easements of record:
 - All recorded easements are required to be shown, labeled and located by dimension on an amended plat pursuant to the administrative rules 2008 MR10, R 560.112(2)(ee)
 - Certain easement documents may create blanket easements or may not describe in detail the area in the amended plat encumbered by said easement. In this case an easement of this type will either need to be released in its entirety or partially released to only the area required by the grantee for its purpose and described in a manner which can be properly depicted and located by dimension in the amended plat.



Common Platting Problems (cont.)

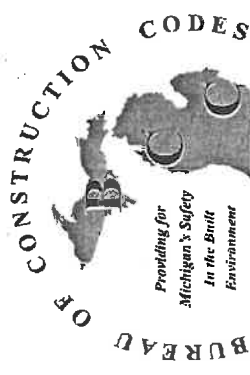
- Surveyor neglects to provide copies of all easements of record encumbering the land in the proposed plat.
 - Amended plat- record easement search and surveyors statement of record search not provided.
 - Easements not properly shown, labeled and located by dimension of plat drawing.
 - Minimum text height 0.10" [R 112(2)(b)]
 - Provide a forward traverse closure sheet of plat boundary. [R 112(2)(j)]
 - Proper government corners located on plat, LCRC's provided.
- [R 112(2)(j&k); MCL 560.136(a,g)]**



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Common Platting Problems (cont.)

- Proper dimensioning of lots [R 112(2)(x)]
- Properly showing the status of adjacent lands [R 112(2)(aa)]
- Including minimum legend contents (a, c, d, e, f) [R 111]
- Vicinity maps [R.112(2)(h)]
- Proper dimensioning of plat boundary, interior and exterior [R 112(2)(x)]
- Properly showing open permanent water [R 112(2)(cc); R 114; R 120; R 133; MCL 560 140; MCL 560.141; etc]
- Properly showing, labeling and locating of 100 Year flood plain contour line established by MDEQ and flood plain area [R 112(2)(ee); MCL 560.138; MCL 560.194]
- Cross reference restriction notes [R 112(2)(v): Bulletin No. 51]



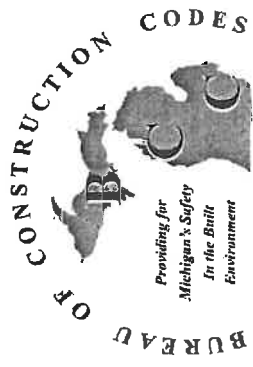
Common Platting Problems (cont.)

- Label front of lot [R 112(2)(t); MCL 560 140(e)]
- Permanent assured access to plat and lots [R.112(2)(aa); MCL 560.186(1)(e)]
- Include proper bearing references [R.111(2)(c); MCL 560.126]
- Monument all private and public grounds [R.113]
- Description – call for abutting recorded plats and condominiums [R.114; R.120; R.133]
- Recorded as (data) [MCL 560.136(c)]
- Surveyor Certificate Forms [R.114; R.120; R.133]
- Provide certified true copies of final plat provided to reviewing agencies for simultaneous approval pursuant to MCL 560.161(2) [R.115]
- Proof of ownership (current and description cover all land in plat [MCL 560.245]
- Surveyor seal/signature on all sheets [R 112(2)(w)]



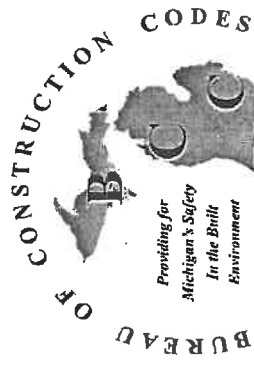
Common Platting Problems (cont.)

- Proper Captions [R.112(2)(i); MCL 560.133]
- Proof of ownership (description covers all land in plat) [MCL 560.245]
- Corporate limits [R.112(2)(q)]
- Municipal Certificate (lot size waiver, construction permits provided) [R.121]
- Amended plat - provide copy of recorded court order [MCL 560.228]
- Amended plat - sequential new lot numbering [MCL 560.132(e); MCL 560.140(a); MCL 560.186(1)(a); court order]
- Amended plat - Include all affected land, time frame allotted to file amended plat set in court order [court order/amended court order]



Common Platting Problems (cont.)

- Assessor plat - Provide documentation (how each lot qualifies, resolution, tax rolls, etc.) [Bulletins 8 and 13]
- Assessor Plat - Assessor Certificate [R 131]
- Proper acknowledgment form [R 107]
- Proprietor Certificate forms - Limited liabilities [R 108]
- 3 inch by 5 inch DELEG space on last sheet [R 112(2)(e)]
- Copies of preliminary plat approvals, final plat processing sequence issues [MCL 560.112-120, 131]
- Restrictions - recordable form, original signatures, agree with plat (easements and private dedications), address MDEQ preliminary plat approval [R.103; Maata case; Martin case; MCL 560.194]



LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.221 Vacation, correction, or revision of plat.

Sec. 221. The circuit court may, as provided in sections 222 to 229 vacate, correct, or revise all or a part of a recorded plat.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978.

Popular name: Plat Act

Popular name: Subdivision Control

Rendered Monday, September 16, 2013

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LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.222 Complaint; filing.

Sec. 222. Except as provided in section 222a, to vacate, correct, or revise a recorded plat or any part of a recorded plat, a complaint shall be filed in the circuit court by the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality in which the subdivision covered by the plat is located.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 2004, Act 590, Imd. Eff. Jan. 4, 2005

Popular name: Plat Act

Popular name: Subdivision Control

Rendered Monday, September 16, 2013

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LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.222a Public utility easement as part of recorded plat; relinquishment by written

agreement; parties; requirements.

Sec. 222a. (1) Notwithstanding section 222, a public utility easement that is part of a recorded plat may be relinquished without filing an action in circuit court if a written agreement for that purpose is entered into among all of the following parties:

- (a) Each public utility or municipal entity that has the right to use the recorded easement.
- (b) The owner or owners of record of each platted lot or parcel of land subject to the easement.
- (c) A two-thirds majority of the owners of record of each platted lot or parcel of land within 300 feet of any part of the recorded easement.

- (d) The governing board of the municipality in which the subdivision covered by the plat is located.
- (2) An agreement described in subsection (1) shall meet all applicable requirements for recordation and is effective upon being recorded with the register of deeds and filed with the department of labor and economic growth. The register of deeds and the department of labor and economic growth shall cross-reference the document to the affected plat.

History: Add. 2004, Act 590, Imd. Eff. Jan. 4, 2005.

Popular name: Plat Act

Popular name: Subdivision Control

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.223 Complaint; contents.

Sec. 223. The complaint shall set forth:

- (a) The part or parts, if any, sought to be vacated and any other correction or revision of the plat sought by the plaintiff.
- (b) The plaintiff's reasons for seeking the vacation, correction, or revision.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978.

Popular name: Plat Act

Popular name: Subdivision Control

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.224a Joinder of parties defendant.

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

- (a) The owners of record title of each lot or parcel of land included in or located within 300 feet of the lands described in the petition and persons of record claiming under those owners.
- (b) The municipality in which the subdivision covered by the plat is located.
- (c) The director of the department of energy, labor, and economic growth.
- (d) The drain commissioner and the chairperson of the board of county road commissioners having jurisdiction over any of the land included in the plat.
- (e) Each public utility which is known to the plaintiff to have installations or equipment in the subdivision or which has a recorded easement or franchise right which would be affected by the proceedings.
- (f) The director of the state transportation department and the director of the department of natural resources if any of the subdivision includes or borders a state highway or federal aid road.
- (g) If the requested action may result in a public highway or a portion of a public highway that borders upon, crosses, is adjacent to, or ends at a lake or the general course of a stream being vacated or altered in such a manner as would result in the loss of public access, the director of the department of natural resources and, if the subdivision is located in a township, the township, the application and determine within 30 days whether the property applicable, the township shall review the application and determine within 30 days whether the property should be retained by the state or township as an ingress and egress point, and shall convey that decision to the court.

(2) Service of process upon the joined parties defendant shall be made in accord with the general rules governing service of process in civil actions except that the parties defendant specified in subsection (1)(b), (f), or (g) may be served by registered mail and the parties defendant specified in subsection (1)(a) may be served by registered mail if there are more than 20 persons that must be joined pursuant to subsection (1)(a).

History: Add. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 1979, Act 184, Imd. Eff. Dec. 19, 1979;—Am. 1996, Act 219, Imd. Eff. May 28, 1996;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

Popular name: Plat Act

Popular name: Subdivision Control

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.225 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.

Compiler's note: The repealed section pertained to service.

Popular name: Plat Act

Popular name: Subdivision Control

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LAND DIVISION ACT (EXCERPT)

Act 288 of 1967

560,226 Trial and hearing; order to vacate, correct, or revise recorded plat; exceptions; plat recording resulting in loss of public access to lake or stream; reservation of easement; operation and maintenance of property by state or local unit; effect of noncompliance with subsection (4); closure of road ending; proceedings.

(a) A part of a state highway or federal aid road shall not be vacated, corrected, or revised except by the state transportation department.

(b) A part of a county road shall not be vacated, corrected, or revised except by the county road commission having jurisdiction pursuant to chapter IV of Act No. 283 of the Public Acts of 1909, being sections 224.1 to 224.32 of the Michigan Compiled Laws.

(c) A part of a street or alley under the jurisdiction of a city, village, or township and a part of any public walkway, park, or public square or any other land dedicated to the public for purposes other than pedestrian or vehicular travel shall not be vacated, corrected, or revised under this section except by both a resolution or other legislative enactment duly adopted by the governing body of the municipality and by court order. However, neither this section nor any other section shall limit or restrict the right of a municipality under sections 256 and 257 to vacate the whole or any part of a street, alley, or other land dedicated to the use of the public.

(2) If a circuit court determines pursuant to this act that a recorded plat or any part of it that contains a public highway or portion of a public highway that borders on, crosses, is adjacent to, or ends at any lake or access, it shall allow the state and, if the subdivision is located in a township, the township to decide whether it wants to maintain the property as an ingress and egress point. If the state or township decides to maintain the property, the court shall order the official or officials to either relinquish control to the state or township; if the interest is nontransferable or convey by quitclaim deed whatever interest in the property that is held by the local unit of government to the state or township. The township shall have first priority to obtain the property or control of the property as an ingress and egress point. If the township obtains the property or control of the property, it shall give the department of natural resources first priority to obtain the property or control of the property. If the state obtains the property or control of the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property was purchased from restricted fund and revenue, money obtained from sale of the property shall be returned to that restricted fund.

(3) A judgment under this section vacating, correcting, or revising a highway, road, street, or other land dedicated to the public and being used by a public utility for public utility purposes shall reserve an easement therein for the use of public utilities, and may reserve an easement in other cases.

(4) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (2), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue noise, and congestion as necessary.

(5) If a person shows substantial noncompliance with the requirements of subsection (4), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for a period of up to 30 days.

(6) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for up to 30 days under subsection (5), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 90 days.

(7) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 90 days under subsection (6), the circuit court may order the local unit or this state to close the road ending for 180 days under subsection (7), the circuit court shall order the court has previously closed the road ending for 180 days under subsection (7), the circuit court shall order the local unit or this state to show cause why the road ending should not be permanently closed in a manner to

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.227a Vesting of title upon vacation of plat, street, or alley; legal description of abutting lot.

Sec. 227a. (1) Title to any part of the plat vacated by the court's judgment, other than a street or alley, shall vest in the rightful proprietor of that part. Title to a street or alley the full width of which is vacated by the court's judgment shall vest in the rightful proprietors of the lots, within the subdivision covered by the plat, abutting the street or alley. Title to a public highway or portion of a public highway that borders on, is adjacent to, or ends at a lake or the general course of a stream may vest in the state subject to section 226.

(2) If the lots abutting the vacated street or alley on both sides belong to the same proprietor, title to the vacated street or alley shall vest in that proprietor. If the lots on opposite sides of the vacated street or alley belong to different proprietors, title up to the center line of the vacated street or alley shall vest in the respective proprietors of the abutting lots on each side.

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

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

History: Add. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 1996, Act 219, Imd. Eff. May 28, 1996.

Popular name: Plat Act

Popular name: Subdivision Control

prevent ingress and egress to the body of water. Subject to subsection (9), the circuit court shall permanently close the road ending unless the local unit or this state shows cause why the road ending should not be closed.

(9) After a road ending is closed under subsection (8), and unless the property has been conveyed or relinquished to the adjacent landowners under subsection (10), the local unit or this state may petition the circuit court to reopen the road ending. The circuit court may order the road ending reopened if the local unit or this state presents a management plan to and posts a performance bond with the circuit court, and the circuit court finds that the management plan and performance bond are adequate to ensure compliance with subsection (4).

(10) After a road ending is closed by the circuit court under subsection (8), 1 or more of the adjacent landowners may petition the circuit court to order the local unit or this state to convey any interest in the property that the local unit or this state holds to the adjacent landowners, or, if the interest is nontransferable, to relinquish control over the property to the adjacent landowners.

(11) Proceedings under subsection (5), (6), (7), or (8) shall be initiated by application of 7 owners of record title of land in the local unit who own land within 1 mile of the road ending to the circuit court for the county in which the road ending is located. The applicants in proceedings under subsection (5), (6), (7), (8), (9), or (10) shall give the persons described in section 224a notice of the application by registered mail.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 1996, Act 219, Imd. Eff. May 28, 1996.

Popular name: Plat Act

Popular name: Subdivision Control

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.227 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.
Compiler's note: The repealed section pertained to vesting of vacated part.

Popular name: Plat Act
Popular name: Subdivision Control

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.228 Recording of judgment.

Sec. 228. Within 30 days after entry of judgment, for vacation, correction, or revision of a plat, plaintiff shall record the judgment in the office of the register of deeds. The register of deeds shall place on the original plat the date, liber, and page of the record of the court's judgment.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978.

Popular name: Plat Act

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LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.229 Preparation and form of new plat; filing copies; caption; approval; distribution of

copies; fees.

Sec. 229. (1) If the court orders a plat to be vacated, corrected, or revised in whole or in part, the court shall also direct plaintiff to prepare, in the form required by this act for a final plat, either a new plat of the part of the subdivision affected by the judgment or a new plat of the entire subdivision if the court's judgment affects a major part of the subdivision.

(2) Five true copies of the new plat, accompanied by a copy of the court's judgment, shall be filed with the director of the department of energy, labor, and economic growth. The caption of the new plat shall include a statement that it is a corrected or revised plat of all or part of the same subdivision covered by the original plat.

(3) After the director of the department of energy, labor, and economic growth has examined the new or amended plat for compliance with the court judgment and the provisions of this act for the making and filing of original final plats and has approved the new or amended plat, the director of the department of energy, labor, and economic growth shall distribute 1 copy each to the register of deeds, clerk of the municipality, county treasurer, and county road commission. One copy shall be filed in the office of the director of the department of energy, labor, and economic growth.

(4) Fees for recording and filing documents as required by this section shall be the same as for an original final plat.

History: 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 367, Imd. Eff. July 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

Popular name: Plat Act

Popular name: Subdivision Control

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.103 Subdivisions of land; surveys and plats, requirements.

Sec. 103. (1) An exempt split is not subject to approval under this act so long as the resulting parcels are accessible. A division is not subject to the platting requirements of this act but subject to the requirements of sections 108 and 109. A subdivision is subject to the platting requirements of this act.

(2) Plats of retracement or boundary surveys made by a department or agency of the United States or of state-owned lands made by a department or agency of the state for the retracement and division of public lands according to the survey instructions issued by the United States department of the interior may be recorded with the register of deeds of the county in which the lands represented on the plats are situated and need not otherwise comply with this act, except that plat size shall be as provided in section 132.

(3) A survey and plat shall be made when any amendment, correction, alteration or revision of a recorded plat is ordered by a circuit court.

(4) Urban renewal plats authorized by the governing body of a municipality as provided in Act No. 344 of the Public Acts of 1945, being sections 125.71 to 125.84 of the Michigan Compiled Laws, shall conform to this act.

History: 1967, Act 288, IFF Jan. 1, 1968;—Am. 1996, Act 591, IFF Mar. 31, 1997.

Popular name: Plat Act

Popular name: Subdivision Control

LAND DIVISION ACT (EXCERPT)
Act 288 of 1967

560.224 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.

Compiler's note: The repealed section pertained to notice of petition.

Popular name: Plat Act

Popular name: Subdivision Control

Rendered Monday, September 16, 2013

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