

250.000

DOWNTOWN DEVELOPMENT AUTHORITY

Ord. No. 24

Adopted: December 21, 1988

An ordinance to establish a Downtown Development Authority pursuant to Act 197, Public Acts of Michigan, 1975; to provide for the establishment of a governing board for the Authority; to define the boundaries of the downtown district constituting the jurisdiction of the Downtown Development Authority; to provide for the operation of the Authority and all other matters necessary and related thereto; and, to provide an effective date hereof.

THE TOWNSHIP OF VEVAY ORDAINS:

250.001 Title.

Sec. 1. This Ordinance shall be known and may be cited as the "Vevay Township Downtown Development Authority Ordinance."

250.002 Definitions.

Sec. 2. The terms used in this Ordinance shall have the same meaning as given to them in Act 197 unless the context clearly indicates to the contrary. As used in this Ordinance:

- (a) "*Authority*" shall mean the Vevay Township Downtown Development Authority as created herein.
- (b) "*Act 197*" shall mean Act No. 197 of the Public Acts of Michigan of 1975 as now in effect and hereafter amended being MCLA 125.1651 et seq.; MSA 5.3010(1) et seq.
- (c) "*Board*" shall mean the governing body of the Authority.
- (d) "*Downtown Development District*" means the district designated by this Ordinance as now existing or hereafter amended. The terms "downtown development district", "downtown district", "development district" shall be deemed to be synonymous.
- (e) "*Township*" shall mean the Board of Trustees of the Township of Vevay.

250.003 Creation of authority.

Sec. 3.

- (a) There is hereby created pursuant to Act 197 a Downtown Development Authority for the Township of Vevay, Ingham County, Michigan. The Authority shall be a public body corporate and shall be known and exercise its powers as the "Vevay Township Downtown Development Authority".
- (b) The Authority shall develop the plans necessary or appropriate which, in the opinion of the Township, aids in the economic growth of the district. Once

the plans are approved by the Township, the Authority shall implement any plans for development in the district necessary to achieve the purpose determined by the Township through its adoption of such plans and other purposes as provided in Act 197.

250.004 Description of development district.

Sec. 4. The development district, in which the Authority shall exercise its power as provided by Act 197, shall consist of the following described territory in the Township of Vevay, subject to such changes as may hereinafter be made pursuant to this Ordinance and Act 197:

That part of the West $\frac{1}{2}$ of Section 10, T2N, R1W, lying South of Highway M-36 and West of Dexter Trail.

Also

That part of Section 15, T2N, R1W described as: Commencing at North $\frac{1}{4}$ corner of said Section 15, North $89^{\circ}30'59''$ West 173.2 feet to point of beginning; thence South $32^{\circ}01'11''$ East 130.08 feet; thence South $32^{\circ}01'27''$ East 1216.79 feet; thence North $89^{\circ}30'59''$ West 2097.51 feet; thence South $0^{\circ}13'22''$ East 1510.81 feet; thence North $89^{\circ}38'32''$ West 306.66 feet; thence South $0^{\circ}17'26''$ East 2649.33 feet; thence North $89^{\circ}35'47''$ West 800 feet to the Southwest corner of said Section 15; thence North $0^{\circ}17'26''$ West 2648.69 feet to West $\frac{1}{4}$ corner of said Section 15; thence North $0^{\circ}13'47''$ West 2649.43 feet to the Northwest corner of said Section; thence South $89^{\circ}30'59''$ East along North line of Section 15 to point of beginning.

Also

The East $\frac{1}{2}$ of Section 16, T2N, R1W except the South 1716.825 feet thereof. Also the Northwest $\frac{1}{4}$ of said Section 16. Also that part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16 lying East of railroad and the North 661 feet of said Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ lying West of railroad. Also the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16. Also the North 10 acres of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16.

Also

That part of the Northeast $\frac{1}{4}$ and East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 17, T2N, R1W lying East of highway right-of-way line described as: beginning at a point South $89^{\circ}33'$ West 225.42 feet from North $\frac{1}{4}$ corner of said Section 17; thence South $0^{\circ}27'$ East 75 feet; thence South $68^{\circ}31'06''$ East 305.44 feet; thence South $30^{\circ}27'$ East 358.36 feet; thence South $78^{\circ}4'36''$ East 646.6 feet; thence South $69^{\circ}24'36''$ East 240.15 feet; thence South $49^{\circ}54'36''$ East 236.84 feet; thence South $42^{\circ}15'12''$ East 500 feet to point of curve to right, having a radius of 3749.83 feet; thence Southerly along arc of said curve 2602.78 feet to point of tangent of said curve; thence South $0^{\circ}09'44''$ East 400 feet to point of ending.

250.005 Establishment of a governing board.

Sec. 5.

- (a) *Membership qualifications, terms, vacancy, compensation and expenses, chairperson.* The Authority shall be supervised and controlled by a Board consisting of the Supervisor of the Township of Vevay and at least eight but no more than twelve members, to be determined by resolution of the Township. The members of the Board shall be appointed by the Supervisor subject to approval of the Township. At least a majority of the members of the Board shall be persons having an interest in property located in the downtown district. At least one of the members shall be a resident of the downtown development district. Of the members first appointed, an equal number of members, as near as is practicable, shall be appointed for one year, two years, three years and four years. A member shall hold office until the member's successor is appointed. Thereafter each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the Supervisor for the unexpired term only. Members of the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses. The chairperson of the Board shall be elected by the members of the Board.
- (b) *Oath.* Before assuming the duties of office, each member shall qualify by taking and subscribing to the Constitutional oath of office.
- (c) *Open Meetings Act, compliance; rules; special meetings.* The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with Act No. 267 of the Public Acts of 1976, being Sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act 267 of the Public Acts of 1976. The Board shall adopt rules consistent with Act No. 267 of the Public Acts of 1976 governing its procedure and the holding of regular meetings, subject to the approval of the Township. Special meetings may be held when called in the manner provided in the rules of the Board.
- (d) *Removal of board member for cause; judicial review.* Pursuant to notice and after having been given an opportunity to be heard, a member of the Board may be removed for cause by the Township. Removal of a member is subject to review by the Circuit Court.
- (e) *Expenses and financial records, open to the public.* All expense items of the Authority shall be publicized monthly and the financial records shall be open to the public.
- (f) *Freedom of Information Act, compliance.* In addition to the items and records prescribed in subsection (e), a writing prepared, owned, used, in the possession of, or retained by the Board in the performance of an official

function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being Sections 15.231 to 15.246 of the Michigan Compiled Laws.

250.006 Board officers and personnel.

Sec. 6.

- (a) *Director; oath and bond, chief executive officer; powers and duties; report; acting director.* The Board may employ and fix the compensation of a director, subject to the approval of the Township. The director shall serve at the pleasure of the Board. A member of the Board is not eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the Constitutional oath, and furnish bond, by posting a bond in the penal sum of an amount to be determined by the Township Board, payable to the Authority for use and benefit of the Authority, approved by the Board and filed with the Township Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for expenses of operation. The director shall be the chief executive officer of the Authority. Subject to the approval of the Board, the director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by this Ordinance and Act 197. The director shall attend the meetings of the Board, and shall render to the Board and to the Township regular reports covering the activities and financial condition of the Authority. If the director is absent or disabled, the Board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of said office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the Board with information or reports governing the operation of the Authority as the Board requires.
- (b) *Treasurer; duties; bond.* The Board may employ and fix the compensation of a treasurer, who shall keep the financial records of the Authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the Authority. The treasurer shall perform such other duties as may be delegated to him by the Board and shall furnish bond in an amount paid by and prescribed by the Board.
- (c) *Secretary; duties.* The Board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the Board and keep a record of its proceedings, and shall perform such other duties delegated by the Board.

- (d) *Legal counsel; duties.* The Board may retain legal counsel to advise the Board in the proper performance of its duties. The legal counsel shall represent the Authority in actions brought by or against the Authority.
- (e) *Other personnel.* The Board may employ other personnel deemed necessary by the Board.

250.007 Powers of the board.

Sec. 7. The Board may:

- (a) Prepare an analysis of economic changes taking place in the downtown development district.
- (b) Study and analyze the impact of growth upon the development district.
- (c) Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the development district.
- (d) Plan, propose and implement an improvement to a public facility within the development area to comply with the Barrier Free Design requirements of the State Construction Code promulgated under the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Sections 125.1501 to 125.1531 of the Michigan Compiled Laws.
- (e) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the Township, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- (f) Implement any plan of development in the downtown district necessary to achieve the purposes of this Ordinance, in accordance with the powers of the authority as granted by Act 197.
- (g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (h) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper or own, convey, or otherwise dispose of, or lease as lessor lessee, land and other property, real or personal, or rights or interests therein, which the Authority determines is reasonably necessary to achieve the purposes of Act 197, and to grant or acquire licenses, easements, and options with respect thereto.
- (i) Improve land and construct, reconstruct, rehabilitate, restore, and preserve, equip, improve, maintain, repair and operate any building, including multiple family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

- (j) Fix, charge and collect fees, rents and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents and charges for payment of revenue bonds issued by the Authority.
- (k) Lease any building or property under its control, or any part thereof.
- (l) Accept grants and donations of property, labor, or other things of value from a public or private source.
- (m) Acquire and construct public facilities.

250.008 Funds.

Sec. 8.

- (a) *Sources.* The activities of the Authority shall be financed from one or more of the following sources.
 - (1) Donations to the Authority for the performance of its functions.
 - (2) Proceeds of a tax imposed pursuant to Section 12 of Act 197.
 - (3) Monies borrowed and to be repaid as authorized by Section 13 of Act 197.
 - (4) Revenues from any property, building or facility owned, leased, licensed or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements.
 - (5) Proceeds of a tax increment financing plan, established under Sections 14 to 16 of Act 197.
 - (6) Monies obtained from other sources approved by the Township.
- (b) *Deposit and payment of moneys.* Monies received by the Authority and not covered under subsection shall immediately be deposited to the credit of the Authority, subject to disbursement pursuant to this Ordinance. Except as provided in this Ordinance or in Act 197, the Township shall not obligate itself, nor shall it ever be obligated to pay any sums from public funds, other than monies received by the Township pursuant to this Section, or on account of the activities of the Authority.

250.009 Development plans; hearing on plans; determination of public purpose; citizens council.

Sec. 9. If the Board decides to finance a project in the downtown district by the use of revenue bonds as authorized in Section 13 of Act 197 of 1975, or tax increment financing as authorized in Sections 14, 15 and 16 of said Act, it shall prepare a development plan. Said development plan shall, in all respects, conform to the requirements of Section 17 of Act 197 of 1975. Before adoption of any resolution of any Ordinance approving a development plan or tax increment financing plan, public hearing and notice shall be held and given in accordance with Section 18 of Act 197 and the finding of public purpose shall be made as provided in Section 19 thereof.

If a proposed development area has residing within it 100 or more residents, a development area citizens council shall be established at least 90 days before the public hearing on the development or tax increment financing plan. The development area citizens council shall be established by the Board and shall consist of not less than nine members. Members of the development area citizens council shall be residents of the development area and shall be appointed by the Board. All members of the development area citizens council shall be at least 18 years of age and the membership of said council shall be representative of the development area. The Citizens Council shall be an advisory body to the Authority and its Board in the adoption of the development or tax increment financing plan. Consultation between the Board and the citizens council shall be as provided in Section 23 of Act 197, which shall meet in accordance with Sections 24 and 26 thereof.

250.010 Fiscal year; adoption of budget; financial reports.

Sec. 10.

- (a) The fiscal year of the Authority shall begin on January 1 of each year and end on December 31 of that year, or such other fiscal year as may hereafter be adopted by the Township.
- (b) The Board shall annually prepare a budget and submit it to the Township on the same date that the proposed budget for the Township is required to be submitted to the Township Board of Trustees. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Township. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the Ordinance authorizing the revenue bonds.
- (c) The Authority shall submit financial reports to the Township as requested by the Township. The Authority shall be audited at the same time and by the same independent auditor auditing the Township accounts and copies of the audit report shall be filed with the Township.

250.011 Termination of authority.

Sec. 11. An Authority which has completed the purposes for which it was organized shall be dissolved by Ordinance of the Township. The property and assets remaining after the termination shall belong to the Township of Vevay.

250.012 Severability.

Sec. 12. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

250.013

DOWNTOWN DEVELOPMENT AUTHORITY (Ord. No. 24)

250.013 Effective date.

Sec. 13. This Ordinance shall take effect immediately upon publication and the filing of a copy of the same with the Secretary of State.

VEVAY TOWNSHIP
INGHAM COUNTY, MICHIGAN

ORD. NO. 24.01
PREAMBLE

250.000

An ordinance to provide for the amendment of the Vevay Township downtown development authority development plan and tax increment finance plan to clarify and provide for the duration thereof; to add goals, objectives and projects pertaining to such goals and objectives; to provide for the continuation of the original plan except as amended herein; and to provide an effective date hereof

THE TOWNSHIP OF VEVAY, INGHAM COUNTY MICHIGAN, ORDAINS:

250.001

Sec. 1. GENERAL.

The Vevay Township Board, having received the Resolution of the Downtown Development Authority Board requesting and recommending amendment to the existing Downtown Development Authority Development and Tax Increment Financing Plan pursuant to Section 19(2) of PA 1975 No. 197; MCL 125-1669(2), and the Township Board, pursuant to Section 18 of said Act (MCL 125.1668), having held a public hearing regarding the requested amendment after providing notice as required by law in consideration of the request and the results of the public hearing, the Vevay Township Board determines that said amendments constitute a public purpose based upon the applicable criteria enumerated in Section (1) of Section 19 of that Act (MCL 125.1669)

250.002

Sec. 2. AMENDMENT OF DOWNTOWN DEVELOPMENT AND TAX INCREMENT FINANCE PLAN AS TO DURATION.

The final paragraph of the Downtown Development and Tax Increment Finance Plan at page 58 thereof shall be and is hereby amended to read as follows:

The Downtown Development Plan and Tax Increment Finance Plan shall continue until terminated by the Township Board pursuant to Section 15 of PA 1975 No~ 197 (MCL 125.1665).

250.003

Sec. 3. AMENDMENT OF GOALS AND OBJECTIVES.

The Goals and Objectives section of the Downtown Development and Tax Increment Finance Plan, page 23-24, shall be and is hereby amended to add Sections 15 through 19, inclusive, as follows:

15. To provide for the enhanced safety of businesses and persons in the District as a priority of the Downtown Development Authority in order to encourage businesses to locate and remain in the district and attract a customer base, as well as to encourage residential tenants and purchasers.

16. To ensure fire protection enhancement in the district, the Downtown Development Authority will undertake to support specific projects or resources or purchases of equipment for that purpose. Specific purchases, allocations and contributions may be made as necessary to meet the Goals and Objectives of the Downtown Development Authority

17. To ensure adequate law enforcement visibility and presence and protection in the district, the Downtown Development Authority will undertake to support specific law enforcement resources directed for use in the district. Specific purchases, allocations and contributions may be made as necessary to meet the Goals and Objectives of the Downtown Development Authority.

18. To provide for community recreational activities and venues including, but not limited to, a senior community center, playfields and equipment, and walking trails.

19. To enhance economic growth within the Downtown District and to prevent deterioration of property values, and to provide incentives, including, but not limited to, overhead reduction, physical infrastructure and buildings, as an incubator for startup and new businesses, and to develop criteria for such business incubator activities.

250.004

Sec. 4. **AMENDMENT TO THE PROJECT LIST.**

The Project List at page 30 of the Downtown Development and Tax Increment Finance Plan shall be and is hereby amended to add Project #13, Fire and Law Enforcement Measures and Projects, Project #14, Community Recreation Venues and Activities, and Project #15, Business Incubator, as follows:

PROJECT #13 - FIRE AND LAW ENFORCEMENT MEASURES AND PROJECTS.

Location - Variable

Description - The Downtown Development Authority may make specific purchases or contributions to purchase or defray, in whole or in part the cost of infrastructure, equipment and facilities necessary to provide and enhance fire protection and law enforcement service for use in the district described in the Plan and the Townships Ordinances relating thereto.

PROJECT #14 - COMMUNITY RECREATION VENUES AND ACTIVITIES.

Location - Variable

Description - The Downtown Development Authority may make specific purchases and contributions to purchase or defray, in whole or in part the cost of land, equipment, infrastructure and facilities necessary to provide and enhance community recreational opportunities within the District, including, by way of example, but not by way of limitation, walking trails, senior community center, playing fields and equipment.

PROJECT #15 - BUSINESS INCUBATOR

Location - Variable

Description The Downtown Development Authority may designate areas within the District as suitable for use as business incubators whereby certain burdens facing startup and new businesses may be temporarily lessened through reduced overhead cooperative practices and similar enhancements. The Downtown Development Authority may defray, in whole or in part, acquisition of assets necessary for said purpose and may make such assets available to such business and users according to regulations and criteria as the Downtown Development Authority may adopt as appropriate for said purpose.

250.005

Sec. 5. CONTINUATION OF EXISTING DEVELOPMENT AND TAX INCREMENT FINANCE PLAN PROVISIONS.

Except as specifically amended herein all other provisions of the Vevay Township Downtown Development Plan and Tax Increment Finance Plan shall continue without change and as originally adopted.

250.006

Sec. 6. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and publication as required by law.



Part 251

251.000 **DOWNTOWN DEVELOPMENT PLAN AND TAX INCREMENT
FINANCE PLAN
Ord. No. 30
Adopted: May 3, 1990**

An Ordinance to adopt the Vevay Township Downtown Development Plan and Tax Increment Finance Plan.

THE TOWNSHIP OF VEVAY ORDAINS:

251.001 **Approval of plan.**

Sec. 1. Pursuant to the authority vested in the Township Board of Trustees by Act No. 197, Public Acts of Michigan, 1975, as amended (the "Act"), the Vevay Township Downtown Development Plan and Tax Increment Finance Plan having been duly reviewed and considered at a public hearing held on May 3, 1990, is hereby determined to constitute a public purpose and is hereby adopted and approved and is incorporated herein as part of this Ordinance by reference and the Township Clerk is hereby directed to endorse on said plan, "Approved by the Township Board of the Township of Vevay on May 3, 1990," and to file the same in the Clerk's office.

Approval of the plan is based on the following considerations:

- a) The plan meets the requirements set forth in Section 17(2) of the Act.
- b) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.
- c) The development is reasonable and necessary to carry out the purposes of the Act.
- d) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of the Act in an efficient and economically satisfactory manner.
- e) The development plan is in reasonable accord with the master plan of the Township.
- f) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- g) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the Township.

251.002 **Severability.**

Sec. 2. Should any section, clause or phrase of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole nor any part thereof other than the part so declared to be invalid.

251.003 DOWNTOWN DEVELOPMENT, TAX INCREMENT FINANCE (Ord. No. 30)

251.003 Repeals.

Sec. 3. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

251.004 Effective date.

Sec. 4. This Ordinance shall take effect immediately upon adoption.

252.000

SUBDIVISION REGULATIONS

Ord. No. 6

Adopted: June 5, 1972

An Ordinance regulating the subdivision of land in the Township of Vevay, requiring and regulating the preparation and presentation of pre-preliminary, preliminary and final plats for such purpose; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedures to be followed by the Township Board and Township Planning Commission in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions.

THE TOWNSHIP OF VEVAY ORDAINS:

ARTICLE I

252.100

GENERAL PROVISIONS

252.101 **Short title.**

Sec. 1.1. This Ordinance shall be known and may be cited as "The Subdivision Regulations For The Subdividing of Land in Vevay Township."

252.102 **Purpose.**

Sec. 1.2. The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Vevay in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:

- a) Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- b) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
- c) Achieve individual property lots of maximum utility and livability for various uses of land including: residential, commercial and industrial, as may be provided.
- d) Insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements.
- e) Assist in the planning of the provision of adequate recreational areas, school sites and other public facilities.

252.103 Legal basis.

Sec. 1.3. This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Act, Act 168, Public Acts of 1959, as amended, and the Subdivision Control Act of 1967, Act 288, Public Acts of 1967; Act 191, Public Acts of 1939 providing for publication of ordinances; Act 246, Public Acts of 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public health, safety and general welfare.

252.104 Scope.

Sec. 1.4. This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for further dividing of existing lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other Ordinance of the Township, the provisions of this Ordinance shall prevail.

252.105 Administration.

Sec. 1.5. The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, Public Acts of 1967, and the Township Planning Commission, in accordance with Act 168, Public Acts of 1959, as amended.

252.106 Fees for plat review.

Sec. 1.6. The established fees for the review and inspection of plats are in accordance with Ordinance _____, SCHEDULE OF FEES*, Township of Vevay, Michigan.

ARTICLE II**252.200****DEFINITIONS****252.201 Rules applying to the text.**

Sec. 2.1. For the purpose of this Ordinance, certain rules of construction apply to the text, as follows:

- a) Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.

*[Fee schedule as established and/or amended by the Board of Trustees.]

- b) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- c) The word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

252.202 Definitions.

Sec. 2.2. The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

Alley. A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.

As-built plans. Revised construction plans in accordance with all approved field changes.

Block. An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

Block length. The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank.

Building line or setback line. A line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line, and a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank.

Caption. The name by which the plat is legally and commonly known.

Clerk. The Clerk of the Township of Vevay.

Commercial development. A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.

Commission or Planning Commission. The Vevay Township Planning Commission.

Comprehensive Development Plan (or Master Plan). A unified document of text, charts, graphics or maps, or any combination, designed to portray general, long-range proposals for the arrangement of land uses and which is intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community.

County Drain Commissioner. The Ingham County Drain Commissioner.

County Health Department. The Ingham County Health Department.

County Plat Board. The Ingham County Plat Board.

County Road Commission. The Ingham County Road Commission.

Crosswalkway (pedestrian walkway). Right-of-way, dedicated to public or quasi-public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Dedication. The intentional appropriation of land by the owners to public use.

Easement. An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Flood plain. That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that area.

Governing body. The Township Board of the Township of Vevay.

Greenbelts or buffer parks. A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

Improvements. Any structure incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

Industrial development. A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and/or off-street parking and loading, and turning movement and safety lane roadway improvements, where necessary.

Lot. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

- a) *Corner lot.* A lot which has at least two contiguous sides abutting upon a street for their full length.
- b) *Through lot.* A lot other than a corner lot, having frontage on two parallel, or approximately parallel, or converging streets.
- c) *Lot depth.* The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- d) *Lot width.* The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

Lot line. The fixed boundaries of a lot described by survey and recorded in a plat.

- a) *Front lot line.* That boundary of a lot measured along the edge of the right-of-way of a street, dedicated to the public, which abuts that lot.
- b) *Rear lot line.* That boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot the point of intersection of the side lot lines shall be considered the rear lot line.
- c) *Side lot line.* That boundary of a lot which intersects both the front and rear lot lines.

Master Plan. The Comprehensive Development Plan for the Township of Vevay.

Outlot. When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

Parcel or tract. A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

Planning Commission or commission. The Planning Commission of the Township of Vevay as established under Act 168, Public Acts of 1959, as amended.

Planned unit development. A land area which may have both individual building sites, varied dwelling unit concepts and common property, such as a park, and which is designated and developed under one owner or organized group as a separate neighborhood or community unit.

Plat. A map or chart of a subdivision of land.

- a) *Pre-preliminary plat.* An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- b) *Preliminary plat.* A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
- c) *Final plat.* A map of a subdivision of land made up in final form ready for approval and recording.

Public utility. All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

Public open space. Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Replat. The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Right-of-way. Land reserved, used, or to be used for a street, alley, walkway, or other public purposes.

Sketch plan. A pre-preliminary plat.

Street. A right-of-way which provides for vehicular and pedestrian access to abutting properties.

- a) *Freeway.* A divided street designed for high speed, high volume through traffic, with free control of access, no grade crossings and no private driveway connections.
- b) *Expressway.* A divided street designed for high speed, high volume through traffic, with partial control of access, some grade crossings, but no driveway connections.

- c) *Parkway or service drive.* A street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
- d) *Arterial.* A street designed primarily for high speed, high volumes of through traffic, with considerable continuity.
- e) *Collector.* A street designed to carry traffic at moderate speeds from minor streets to arterial streets, including principal entrance streets to large residential developments.
- f) *Cul-de-sac.* A minor street of short length having one end terminated by a vehicular turn-around.
- g) *Marginal access street.* A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
- h) *Minor street.* A street which is intended primarily for access to abutting properties.
- i) *Street width.* The shortest distance between the lines delineating the right-of-way streets.
- j) *Stub street.* A dead end local street which provides for eventual extension of the street on to unplatted land.

Subdivide or subdivision. The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area, or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

Subdivider, proprietor, or developer. A natural person, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land whether recorded or not. The proprietor is also commonly referred to as the owner.

Subdivision Control Act. Act 288, P.A. of 1967, State of Michigan, as amended.

Surveyor. Either a land surveyor who is registered in this State as a registered land surveyor or a civil engineer who is registered in the State as a registered professional engineer.

Topographical map. A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Township. The Township of Vevay.

Township Board or governing body. The Township Board of the Township of Vevay.

Township Engineer or Engineer. The staff engineer or consulting engineer of the Township.

Township Planner or Planner. The staff planner or consulting planner of the Township.

Water Resources Commission. The Water Resources Commission of the Michigan Department of Natural Resources.

ARTICLE III

252.300

PLATTING PROCEDURE AND DATA REQUIRED

252.301 Pre-application contact and sketch plan.

Sec. 3.1.

3.1.1 Purpose.

- a) To provide guidelines for the subdivider concerning development policies of the Township.
- b) To acquaint the subdivider with the platting procedures and requirements of:
 - (1) The Township Board and Planning Commission.
 - (2) Other Agencies.
- c) To provide the Planning Commission and other affected agencies with general information concerning the proposed development.
- d) The review of the pre-preliminary plat or sketch plan does not assure acceptance of the preliminary plat.

3.1.2 Requirements.

- a) *Pre-preliminary plat or sketch plan.* The plan shall show the subdivision's entire development scheme in schematic form, including the area for immediate development, and shall include the following:
 - (1) Drawn to scale, but may be in sketch form.
 - (2) Existing conditions and characteristics of the land on and adjacent to the site.
 - (3) General layout of streets, blocks and lots.
 - (4) Any general area set aside for schools, parks and other community facilities.
- b) *Surveyor's letter.*
 - (1) A letter from the proprietor's surveyor concerning the general feasibility of the land for subdividing.
- c) *Ownership.*
 - (1) The Township Board and Planning Commission may require such proof of ownership of the land proposed to be subdivided as they deem necessary.

3.1.3 Procedure.

- a) The developer shall submit two copies of the pre-preliminary plat to the Township Clerk ten days prior to the next meeting of the Planning Commission.
- b) The Township Clerk shall promptly transmit the two (2) copies of the pre-preliminary plat to the Planning Commission.
- c) The Planning Commission or Subdivision Committee of the Commission will review the plan with the subdivider or his agent. The Commission may also require that copies of the pre-preliminary plat be submitted to other affected public agencies for review and/or information.
- d) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
- e) The Planning Commission shall inform the Township Board of the results of the review of the pre-preliminary plat.

252.302 Tentative approval of preliminary plat.

Sec. 3.2. The procedure for preparation and submittal of a preliminary plat of the land area to be subdivided for tentative approval in accordance with Section 112(4) of the Subdivision Control Act shall be as follows:

3.2.1 Submittal and filing.

- a) The subdivider shall submit seven copies of the preliminary plat on a topographic map to the Clerk for subsequent distribution as follows: one copy to the Board; one copy to the Clerk, four copies to the Commission, and one copy to the Township Engineer.
- b) When submitting the preliminary plat to the Clerk, the subdivider shall submit a written application for approval together with written and graphic information and also the established fee for review of the preliminary plat.
- c) Filing with the Clerk shall be at least 12 days prior to the regular meeting of the Commission (which meeting shall be considered as the date of filing) at which the subdivider will be scheduled to appear. Should any of the data required in this Section 3.2 [25.302] of this Ordinance be omitted, the Clerk shall notify the subdivider of the additional data required and the action of the Commission shall be delayed until the required data is received. The Commission shall act on the preliminary plat within 60 days after the date of filing unless the subdivider agrees to an extension of time in writing.

3.2.2 Identification and description. The preliminary plat shall include:

- a) Proposed name of subdivision.
- b) Location by Section, Township and Range, or by legal description.

- c) Name and addresses and telephone numbers of the subdivider(s) and the surveyor preparing the plat.
- d) Size of plat map shall not be less than 24 inches by 36 inches.
- e) Scale of plat map shall be no less than one inch to 200 feet.
- f) Date.
- g) Northpoint.

3.2.3 *Existing conditions.* The submittal of the preliminary plat shall include the following written and graphic information:

- a) A legal opinion showing the legal and equitable owners (including mortgages, contract purchasers and fee owners) of the land to be platted, plus all grants, reservations, deed restrictions and easements of record which may condition the use of the property.
- b) Statements of intended use of the proposed plat, such as, residential single family, two family and multiple housing; commercial; industrial; recreational; or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
- c) Certificate by a registered engineer as to whether the high groundwater is less than or greater than six feet from either the existing or proposed finished ground surface. In those cases where the groundwater is less than six feet, the groundwater level shall be specified. A statement as to how and when the high groundwater level was established shall be included.
- d) Certificate by a registered engineer as to the availability of water of good quality for domestic use on the land proposed to be subdivided. If questionable the County Health Department may require an estimate as to the availability of quality water prepared by and based upon a study by a registered civil engineer or hydrologist competent in the field of water supply.
- e) A report of soil limitations based on site inspection carried out by a soil specialist qualified in the area of soil classification and mapping, including soils information as may be obtained from a soils map which meets the standards of the National Cooperative Soil Survey. The source of information shall be specified.
- f) The Planning Commission may require covenants and deed restrictions.
- g) The names and addresses of all property owners whose lands abut the proposed subdivision as they appear on the tax records of the Township.
- h) An overall area map at a scale not less than one inch equals 2,000 feet showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets shall be provided.

- i) Boundary lines of proposed subdivision section lines within or adjacent to the tract and overall property dimensions.
- j) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision including those of areas across abutting roads.
- k) Location, widths and names of existing or prior platted streets and private streets and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
- l) Location of existing sewers, water mains, storm drains and other underground utilities, high tension towers, utility easements of record or in use, excavations, bridges or culverts within or adjacent to the tract being proposed for subdividing.
- m) Topography drawn as contours with an interval of at least two feet. Topography to be based on United States Geological Survey datum.
- n) Location of flood plain areas, rivers, streams, creeks, lakes, drains, lagoons, slips, waterways, bays, canals, and artificial impoundments, either existing or proposed within or adjacent to the area to be subdivided.

3.2.4 *Proposed condition.* The submittal of the preliminary plat shall also include:

- a) Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways.
- b) Layout, numbers, and dimensions of lots, including building setback lines showing dimensions.
- c) Indication of parcels of land included to be dedicated or set aside for public use or for the use of property owners in the subdivision.
- d) An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the subdivider has an interest or owns any parcel so identified as "excepted" the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
- e) An indication of system proposed for sewage disposal by a method approved by the Ingham County Health Department.
- f) An indication of system proposed for water supply by a method approved by the Township Board and Township Engineer.
- g) An indication of storm drainage proposed by a method approved by the Township Board and the Township Engineer and if involving county drains, the proposed drainage shall be acceptable to the County Drain Commissioner.

- h) In the case where the subdivider wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the subdivider intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the subdivider is subdivided.

3.2.5 *Preliminary plat review for tentative approval.*

- a) The Clerk shall receive and check for completeness of the preliminary plat as required under Section 3.2.1 through 3.2.4 [252.302, subsections 3.2.1 through 3.2.4] of this Ordinance. If complete and basically in conformance with applicable Township requirements, the Clerk shall validate the required number of copies and place the proposal on the agenda of the next regular Commission meeting.
- b) The Clerk shall transmit a copy of the preliminary plat to the Township Engineer and the Township Planner for their technical review and recommendations.
- c) The Commission shall review all details of the proposed subdivision within the framework of the Zoning Ordinance, within the various elements of the Master Plan, and with the standards of this Ordinance.
- d) The Commission shall approve or reject the preliminary plat.
 - (1) Should the approval be a conditional approval, said conditions shall be met to the satisfaction of the Commission within the time set by the Commission or the plat shall be rejected.
 - (2) Should the Commission reject the preliminary plat, it shall record the reasons for rejection and requirements for tentative approval in its minutes. Copies of the minutes shall be sent to the subdivider and filed in the office of the Clerk.
 - (3) Should the Commission find that all conditions have been satisfactorily met and the preliminary plat conforms to the Subdivision Control Act and this Ordinance, it shall give tentative approval to the preliminary plat.

The Chairman shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:

- aa) Return one copy to the subdivider.
- bb) Retain one copy, which shall become a matter of permanent record in the Commission files.
- cc) Forward one copy to the School Board or School Superintendent.
- dd) File the remaining copies in the office of the Clerk, one copy shall become the official copy for the Township.

- (4) The action of the Commission shall become the action of the Board unless the Board shall hold a hearing, or unless within ten days after approval of the preliminary plat or the record of rejection is filed with the Clerk, the subdivider shall file with the Clerk a written request for hearing before the Board.
- (5) Such hearing, if requested, shall be held by the Board at its next regular meeting occurring not less than ten days after filing of said request. Following said hearing, the Board shall approve or reject the preliminary plat in accordance with Section 112 of the Subdivision Control Act.
- (6) Tentative approval of the preliminary plat shall confer upon the subdivider the rights granted by Section 112 of the Subdivision Control Act.

252.303 Final approval of preliminary plat.

Sec. 3.3. Following tentative approval of the preliminary plat, the procedure for the preparation and review of a preliminary plat for final approval under Section 120 of the Subdivision Control Act is as follows:

3.3.1 Submittal and filing.

- a) *Application for approval and fee.* When submitting the preliminary plat to the Township Clerk, the subdivider shall submit a written application for approval and also the fee established by the Township for review of plats.
- b) *Validation.* The subdivider shall first submit to the Township Clerk for validation a sufficient number of copies of the preliminary plat to meet the requirements of Section 112 and/or 113 to 119 of the Subdivision Control Act and (c) of this Section.
- c) *Distribution to authorities.* The subdivider shall submit the required number of validated copies of the preliminary plat as required by Section 112 to 119 of the Subdivision Control Act, including the following:
 - (1) *Township Clerk.* Seven copies for the Township Clerk for subsequent distribution as follows: one copy to the Township Board, one copy to the Township Clerk, four copies to the Planning Commission, and one copy to the Township Engineer.
 - (2) *Tri-County Regional Planning Commission.* One copy of preliminary plat only for verification that the street names do not duplicate or conflict with existing street names.
 - (3) *School Board.* One copy of preliminary plat only to the school board of the respective school district in which the plat is to be located, for informational purposes.

- d) *List Of Authorities—Filing.* The subdivider shall then file with the Township Clerk a list of all authorities to whom validated copies of the preliminary plat have been distributed.

17.152 *Preliminary plat review for final approval.*

- a) When the subdivider has secured the approvals of the various approving authorities as required by Section 113 to 119 of the Subdivision Control Act, he shall deliver all copies to the Township Clerk who shall review for correct submission. The Clerk shall receive and check for completeness of the preliminary plat as required under Section 3.3.1 [252.303, subsection 3.3.1] of this Ordinance. If complete, the Clerk shall place the proposal on the agenda of the next regular Commission meeting.
- b) The Commission, upon review of the preliminary plat and finding that all conditions and requirements imposed on the preliminary plat at the time of tentative approval have been complied with, shall consider and review the plat.
- c) If the preliminary plat meets all requirements, the Commission shall notify the subdivider in writing.
- d) If the preliminary plat does not meet all requirements, the Commission shall notify the subdivider in writing, giving the earliest date for resubmission of the plat and additional information required.
- e) The Commission shall give its report to the Board not more than 60 days after submission of the preliminary plat.
- f) The sixty-day period may be extended if the applicant consents. If no action is taken within 60 days, the preliminary plat shall be deemed to have been approved by the Commission.
- g) The Board shall not review, approve or reject preliminary plat until it has received from the Commission its report and recommendations.
- h) The Board shall consider the preliminary plat at its next regular meeting, but no later than 20 days after receipt from the Commission.
- i) The Board shall, within 20 days, either reject the preliminary plat and give its reasons, or set forth in writing conditions for granting approval.
- j) The Clerk shall promptly notify the subdivider of approval or rejection of the preliminary plat.
- k) If the preliminary plat is approved by the Township Board, the Clerk shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same, as follows:
 - (1) Return one copy to the subdivider.
 - (2) Retain one copy in the Clerk's office which shall become the official copy for the Township Board.
 - (3) Forward one copy to the Commission.
 - (4) Forward one copy to the School Board or School Superintendent.

- l) Final approval shall be effective for a period of two years from the date of final approval. The two-year period may be extended if applied for by the subdivider and granted by the Board in writing.
- m) No installation or construction of any improvements shall be made before the preliminary plat has received final approval of the Board and engineering plans have been approved by the Township Engineer, and any deposits required under Article V, Improvements, of this Ordinance have been received by the Township.

252.304 Final plat.

Sec. 3.4. The procedure for preparation and review of a final plat shall be as follows:

3.4.1 Submittal and filing.

- a) Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.
- b) A written application for approval and the established recording fee shall accompany all final plats.
- c) The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of approved preliminary plat which the subdivider proposes to record and develop at the time: provided, however, that such portion conforms to this Ordinance.
- d) The subdivider submitting the plat for approval shall furnish to the Board an abstract of title certified to date of the proprietor's certificate to establish recorded ownership interests and any other information deemed necessary for the purpose of ascertaining whether the proper parties have signed the plat, or a policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision.
- e) The Board, in lieu of an abstract of title, may accept on its own responsibility an attorney's opinion based on the abstract of title as to ownership and marketability of title of the land.
- f) Filing of the final plat and as-built engineering drawing with the Clerk shall be at least 12 days prior to the regular meeting of the Commission (which meeting shall be considered the date of filing) at which the subdivider will be scheduled to appear. Should any of the data required in this Section 3.4 [252.304] of this Ordinance be omitted, the Clerk shall notify the subdivider of the additional data required and the action of the Commission shall be delayed until required data is received. The Commission shall act on the final plat within 30 days after the date of filing unless the subdivider agrees to an extension of time in writing.

- g) Submittal to approving authorities. The subdivider shall submit the final plat and as-built engineering plans, where required, for approval to the following:
 - (1) Road Commission. For approval or rejection for all proposed subdivisions which include county roads.
 - (2) Drain Commissioner. For approval or rejection.
 - (3) County Health Department. For issuance of a letter of approval or rejection.
 - (4) Planning Commission (through the Clerk). For recommendation to the Township Board.
 - (5) Township Clerk. For approval or rejection by the Board.

3.4.2 *Planning Commission review of final plat.* The Clerk shall examine the plat for correctness of submittal including the receipt of approval by the county departments listed in 3.4.1(g), and if complete, place the proposal on the agenda of the next regular Commission meeting.

- a) The Commission shall examine the plat at its next regular meeting, or within 30 days of receipt thereof, for conformance to:
 - (1) The provisions of the Subdivision Control Act.
 - (2) The provisions of this Ordinance.
 - (3) The preliminary plat, as approved.

Failure to act within 30 days shall constitute automatic approval by the Commission and the Secretary of the Commission shall so indicate, except as provided in Section 3.4.1(f) [252.304, subsection 3.4.1(f)].

- b) The time for review and recommendation by the Commission may be extended by agreement with the subdivider.
- c) If the Commission recommends disapproval of the plat by the Township Board, it shall state its reasons in its official minutes and forward same to the Township Board and recommend that the Board disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.
- d) Recommendation for approval of the plat by the Township Board shall not constitute public acceptance of any lands, rights-of-way, or easements shown on the plat.
- e) Approval of the final plat by the Planning Commission shall not constitute public acceptance of any lands, rights-of-way, or easements shown on the plat.

3.4.3 *Township Board review of final plat.*

- a) The Board shall review the final plat and the report from the Commission at its next regular meeting, or at a meeting to be called within 20 days of receipt from the Commission.

- b) The Board shall approve the plot or disapprove it. If disapproved, the Board shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee as is provided for in this Ordinance.
- c) The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plat.
- d) If the Board approves the final plat, the Clerk shall promptly forward all copies of the plat to the Clerk of the County Plat Board, together with the filing and recording fee.

3.4.4 *Improvements and facilities required by the Township.*

- a) The Township Board may require installation of all improvements and facilities before it approves the final plat.
- b) If improvement and facilities are not required to be completed by the Township Board before plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities, and such contract shall be recorded and referred to on the plat.
- c) Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit.
- d) The Township Board shall not require a bond duplicating any performance guarantee required by another governmental agency.
- e) Such surety shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Township and the subdivider.

ARTICLE IV

252.400

SUBDIVISION DESIGN STANDARDS

252.401 General.

Sec. 4.1.

4.1.1 *Conformance to the Master Plan.* The proposed subdivision and its ultimate use shall be in conformance with the policies embodied in the Master Plan for future public uses.

Where such conflict appears and the land in question is otherwise suitable for subdividing, the Board, or in the case of a school site, the board of education, shall, with tentative consideration, decide whether or not to implement the Master Plan, it shall enter into agreement to purchase the land within ninety (90) days of filing the preliminary plat application, and shall accomplish acquisition within two (2) years of plat recording. Voluntary dedication of these lands will be accepted.

Land which the Planning Commission has found unsuitable for subdivision development, due to flooding, poor drainage, soil conditions, or other features which are likely to be harmful to the health, safety, and welfare of future inhabitants, shall not be subdivided unless satisfactory methods of correction are formulated by the subdivider and approved by the Planning Commission.

4.1.2 *Flood plain development.*

- (a) No building shall be located on any portion of a lot lying within the flood plain, unless approved in accordance with the rules of the Water Resources Commission of the Michigan Department of Natural Resources.
- (b) The natural flood plain may be altered if its original discharge capacity is preserved and the stream flow is not revised so as to affect the riparian rights of other owners.
- (c) Alteration of any flood plain area shall be based upon a plan approved by the Planning Commission and the Water Resources Commission of the Michigan Department of Natural Resources.

252.402 Trafficways—Streets and roads.

Sec. 4.2.

4.2.1 *General.* The standards set forth in this Ordinance shall be the minimum standards for streets, roads and intersections. All streets shall be dedicated to public use except those streets which may be involved in a planned unit development subject to prior approval by the Township.

4.2.2 *Location.*

- a) *Street location and arrangements.* When a major street plan has been adopted subdivision streets shall be required to conform to the plan.
- b) *Local or minor streets.* Such streets shall be so arranged as to discourage their use by through traffic.
- c) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions, unless otherwise approved by the Planning Commission.
- d) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
- e) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.
- f) *Alleys.* Alleys shall not be permitted in areas of detached single- or two-family residences.

Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access, off-street loading and parking. Dead end alleys shall be prohibited.

- g) *Marginal access streets.* Where a subdivision abuts or contains an arterial street, the Township may require:
 - (1) Marginal access streets approximately parallel to and on each side of the right-of-way.
 - (2) Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- h) *Cul-de-sac streets.* Cul-de-sac shall not be more than 600 feet in length. Special consideration may be given to a longer cul-de-sac under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turn-around with a minimum external diameter of 150 feet.
- i) *Half streets.* Half streets shall generally be prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.
- j) *Private streets.* Private streets and roads are prohibited, except upon finding by the Planning Commission that a certain private road may be desirable by the Township.

4.2.3 Specifications.

- a) The arrangement, character, extent, width, grade and location of all streets shall conform to the major street plan as adopted by the Planning Commission and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- b) Public right-of-way widths shall be as shown on the major street plan and the rules of the County Road Commission and Department of State Highways, where applicable, and shall not be less than following:

(1) Freeway	300 feet
(2) Expressway	300 feet
(3) Parkway or Scenic Drive	Variable (minimum 120 feet)
(4) Major Arterial	120-175 feet*
(5) Minor Arterial	120 feet*
(6) Collector	90 feet*
(7) Marginal Access Street	50 feet

- (8) Minor Street 66 feet*
- (9) Alleys 30 feet*

*Ingham County Road Commission

- c) Street gradients.
 - (1) *Maximum grades.* Street grades shall not exceed five percent on either local streets or collector streets.
 - (2) *Minimum grades.* No street grade shall be less than 0.5 percent.
- d) Street alignment.
 - (1) *Horizontal alignment.* When street lines deflect from each other by more than ten degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 feet for collector streets, and 150 feet for local or minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of 100 feet, and on collector and arterial streets the distance should be three times the design speed in feet per second.
 - (2) *Vertical alignment.* Shall have a minimum sight distance which shall have the minimum extent of unobstructed vision on a horizontal plane along a street surface at a driver eye height of 3.75 feet above the centerline of a street to an object height of six inches above the centerline of a street for a distance of 200 feet for local street and a distance of 300 feet for collector street between said heights.

4.2.4 *Street names.* Street names shall not duplicate any existing street in Ingham County, except where a new street is a continuation of an existing street.

Street names that may be spelled differently but sound the same shall also be avoided.

Duplications shall be avoided by checking new street names with the Tri-County Regional Planning Commission's master listing. Reservation of a particular or approved street name may be made with the Tri-County Regional Planning Commission by the subdivider.

All new streets shall be named as follows: Streets with predominant north-south directions shall be named "Avenue" or "Road;" streets with predominant east-west direction shall be named "Street" or "Highway;" meandering streets shall be named "Drive," "Lane," "Path," or "Trail;" and cul-de-sacs shall be named "Circle," "Court," "Way," or "Place."

252.403 Intersections.

Sec. 4.3.

4.3.1 *Angle of intersection.* Streets shall intersect at 90 degrees or closely thereto and in no case at less than 80 degrees.

- 4.3.2 *Sight triangles.* Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 125 feet from the center of the intersection.
- 4.3.3 *Number of streets.* No more than two streets shall cross at any one intersection.
- 4.3.4 *"T" intersections.* Except on arterials and certain collectors, "T" type intersections shall be used where practical.
- 4.3.5 *Centerline offsets.* Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, street centerlines shall be offset by a distance of 150 feet or more.
- 4.3.6 *Vertical alignment of intersection.* A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back 50 to 100 feet each way from the intersection. An allowance of two percent intersection grade in rolling and four percent in hilly terrain will be permitted.

252.404 Pedestrianways.

Sec. 4.4.

- 4.4.1 *Crosswalks.* Right-of-way for pedestrian crosswalks in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks, or shopping areas.
The right-of-way shall be at least ten feet wide and extend entirely through the block.
- 4.4.2 *Sidewalks.* Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of all streets.

252.405 Easements.

Sec. 4.5.

- 4.5.1 *Location.* Easements shall be provided along rear lot lines and also along side lot lines when necessary for utilities. The total width shall not be less than six feet along each lot, or a total of 12 feet for adjoining lots. (See also Section 4.7.5 [25.407, subsection 4.7.5] for backup lots.)
- 4.5.2 *Drainageway.* The subdivider shall provide drainageway easements as required by the rules of the Drain Commissioner.

252.406 Blocks.

Sec. 4.6.

- 4.6.1 *Arrangements.* A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.
- 4.6.2 *Minimum length.* Blocks shall not be less than 500 feet long from center of street to center of street.

4.6.3 *Maximum length.* The maximum length allowed for residential blocks shall be 1,320 feet long from center of street to center of street.

252.407 Lots.

Sec. 4.7.

- 4.7.1 *Conform to zoning.* The lot width, depth, and area shall not be less than the particular district requirements of the Zoning Ordinance, except where outlots are provided for some indicated and permitted purpose.
- 4.7.2 *Lot lines.* Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.
- 4.7.3 *Width related to length.* Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed 2½ times the width as measured at the building line.
- 4.7.4 *Corner lots.* Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots.
- 4.7.5 *Back up lots.* Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise, and to protect outdoor living areas. Lots extending through a block and having frontage on two local streets shall be prohibited.
- 4.7.6 *Lot frontage.* All lots shall front upon a publicly dedicated street. Variances may be permitted in an approved planned community unit development.
- 4.7.7 *Future arrangements.* Where parcels of land are subdivided into unusually large lots, the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks or splitting of lots into smaller lots. Whenever such future resubdividing or lot splitting is contemplated, the plan thereof shall be approved by the Planning Commission prior to the taking of such action.
- 4.7.8 *Lot division.* The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board. The application shall be filed with the Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four parts and the resulting lots shall be not less in area than permitted by the Zoning Ordinance. No building permit shall be issued, nor any building construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County Health Department. The division of a lot resulting in a smaller

area than prescribed by the Zoning Ordinance may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

4.7.9 *Division of unplatted parcel.* The division of an unplatted parcel of land into two, three or four lots involving the dedication of a new street shall require the approval of the Township Board prior to taking such action. All such application shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the Board has approved division of such lands.

252.408 Planting strips and reserve strips.

Sec. 4.8.

4.8.1 *Planting strips.* Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide unless otherwise provided in the Zoning Ordinance; in such cases the most stringent provisions shall prevail. Such screens shall not be a part of the normal roadway right-of-way or utility easement.

4.8.2 *Reserve strips.*

- a) *Reserve strips—Private.* Privately-held reserve strips controlling access to streets shall be prohibited.
- b) *Reserve strip—Public.* A one-foot reserve may be required to be placed at the end of "stub" or "dead end" streets which terminate at subdivision boundaries and between half-streets. These reserves shall be deeded in fee simple to the Township for future street purposes.

252.409 Public sites and open spaces.

Sec. 4.9.

4.9.1 *Public uses.* Where a proposed park, playground, school, or other public use shown on the Master Plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

4.9.2 *Natural features.* Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

252.410 Large scale developments.

Sec. 4.10.

4.10.1 *Modification.* This Ordinance may be modified in accordance with Article VI [252.600] in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Master Plan and

with a building and development program which provides and dedicates adequate public open space and improvements for the circulation, recreation, education, light, air, and service needs of the tract when fully developed and populated.

4.10.2 *Neighborhood characteristics.* A community or neighborhood under this provision shall be consistent with the Master Plan, contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

252.411 Commercial and industrial developments.

Sec. 4.11.

4.11.1 *Commercial or industrial modification.* These subdivision design standards may be modified in accordance with Article VI in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

ARTICLE V

252.500 SUBDIVISION IMPROVEMENTS

252.501 Purpose.

Sec. 5.1. It is the purpose of this section to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

252.502 Responsibility for plans.

Sec. 5.2. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat final approval, and shall be

prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies shown. All construction plans shall be prepared in accordance with the applicable standards or specifications.

252.503 Procedure.

Sec. 5.3.

5.3.1 *Submittal.* If construction has been completed at the time of filing the final plat, one complete copy of as-built engineering plans of each required public improvement shall be filed with the Clerk coincident with the filing of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.3 [252.303].

252.504 Required public improvements.

Sec. 5.4. Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

5.4.1 *Streets and alleys.* All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the County Road Commission and this Ordinance.

- a) *Sidewalks and crosswalks.* Sidewalks may be required on both sides of the streets where the width of lots, as measured at the street frontage line or at the building setback line, average 132 feet or less. In subdivisions containing large lot widths, the Township may allow sidewalks only on one side of the street. Sidewalks shall be constructed in accordance with the requirements of the Ingham County Road Commission.

Crosswalks, when required by the Township, shall have easements at least ten (10) feet in width and constructed to the standards of a sidewalk, located generally along the centerline of the easement and dedicated as a public pedestrian walkway.

- b) *Street name signs.* Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the County Road Commission.
- c) *Street lighting.* All streets shall be lighted in accordance with the current lighting standards and specifications of the Township.

5.4.2 *Installation of public utilities.* Public utilities and driveways shall be located in accordance with the rules of the County Road Commission. The underground work for utilities shall be stubbed to the property line.

5.4.3 *Driveways.* All driveway openings in curbs shall be as specified by the County Road Commission or the Department of State Highways.

5.4.4 *Water supply.*

- a) *Accessible water supply.* Where a public water supply system is accessible to the subdivision, provisions shall be made by the subdivider to supply each lot in the subdivision with water from the public supply by means of a water supply system which meets current Township specifications.
- b) *Non-accessible water supply.* Where a public water supply system is not accessible to the subdivision by reason of absence of feeder mains, the subdivider shall bear the cost of installation of a new feeder main from the source of supply to the subdivision in accordance with current Township specifications.

5.4.5 *Sanitary sewer system.*

- a) *Accessible sewer system.* Where a public sanitary sewer is reasonably accessible, each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the Township Engineer and all materials used in such system meeting current Township specifications.
- b) *Non-accessible sewer system.* In the event that a public sanitary sewer is not reasonably accessible to the subdivision, the subdivider shall pay the cost of extending the sanitary sewer lines from the area platted to the nearest public sanitary sewer trunk line of adequate capacity to carry the additional flow. In addition, the subdivider shall install public sanitary sewer facilities within the platted area in accordance with the current Township specifications.

5.4.6 *Storm drainage system.*

- a) *Accessible public drainage system.* Where a storm drain is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Township Engineer and all materials used in such system shall be subject to current Township specifications.
- b) *Non-accessible public drainage system.* In the event that a public storm drain is not reasonably accessible to the subdivision, the subdivider shall pay the cost of extending the storm sewer lines from the area platted to the nearest public storm sewer trunk of adequate size to carry additional flow. In addition, the subdivider shall install public storm drain facilities within the platted area in accordance with the current Ingham County Road Commission specifications.

5.4.7 *Underground wiring.* The subdivider of a residential subdivision shall make arrangements for all local distribution lines for telephone or electric service exclusive of main supply and perimeter feed lines when located on section or quarter section lines, to be placed entirely underground throughout a subdivided area, provided, however, that when a subdivision overlaps a section or quarter line, main supply and perimeter feed lines located on

such section or quarter section line shall be placed underground. The Planning Commission may waive or modify this requirement where in its judgment circumstances exist which render compliance impractical. Conduits or cables shall be placed with private easements provided to the service companies by the subdivider or within public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed with standards of construction approved by the Michigan Public Service Commission.

5.4.8 *Street trees.* Street trees shall be provided as required by the Planning Commission, as follows:

- a) *Species.* The trees should be species as determined by the Planning Commission which are most resistant to damage and disease in this part of the country and which are not likely to cause interference with underground utilities or street lighting or street pavement.
- b) *Location.* Street trees should be spaced so that there will be approximately ten feet between branch tips when the trees are full grown. No trees shall be planted within 50 feet of the intersection of two street right-of-way lines. Approaches to buildings should be considered when locating trees.
- c) *Tree size.* When fully grown, trees should be at least 1½ feet in diameter one foot above the ground. Lowest branches should be not less than seven feet and no more than ten feet above the ground.
- d) *Number.* The number of trees shall be determined by the lot widths. There shall be a minimum of one tree per interior lot with a frontage of 70 feet or less, or a minimum of two trees per lot with a frontage of more than 70 feet. At least three trees shall be provided for a corner lot.

5.4.9 *Recreational.* Where a school site, neighborhood park, recreational area, or public access to water frontage, as previously delineated or specified by official action of the Planning Commission, is located in whole or in part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation or public access purposes. All such areas may either be reserved for the respective school district in the case of school sites or for the Township in all other cases; however, voluntary dedication of these land areas may be accepted.

5.4.10 *Greenbelts.* It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts.

5.4.11 *Monuments.* Monuments shall be set in accordance with the State Subdivision Control Act and the rules of the State Department of the Treasury.

5.4.12 *Plans required for the control of erosion and sedimentation.* In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained herein and the Standards and Specifications of the Ingham Soil Conservation District. The Planning Commission shall review these plans as submitted and shall take necessary steps to ensure compliance by the developer with these plans as finally approved.

a) *Requirements.*

- (1) Three (3) sets of plans for the control of erosion and sedimentation shall be submitted to the Planning Commission at the time the final plat drawings are submitted.
- (2) Measures to be taken to control erosion and sedimentation shall be described and provided for in the construction agreement and the estimated cost of accomplishing such measures shall be covered in the performance bond. In addition, the subdivider shall be required to provide a cash escrow guarantee (to be held by a company which is in the practice of handling escrows), approved by the Township Board in an amount determined by the Township Board which would ensure the Township that emergency measures could be taken by the Township at the subdivider's expense, if he did not initiate corrective action determined to be needed by the Township Board. In this regard, the subdivider shall, at the time of Final Plat submission, deliver to the Township Board written instructions addressed to the escrow holder to (1) convey to the subscriber, after completion of the entire subdivision, (as per the construction agreement) upon approval, by the resolution of the Township Board the cash guarantee or (2) to convey to the Township when the Township Board has approved such action, by resolution, such amounts of the cash guarantee, as the resolution requires.
- (3) At the building permit application stage, a review will be conducted to ensure conformance with the plan as approved.
- (4) During the construction phase, further consultive technical assistance will be furnished, if necessary, by the Planning Commission. The Township Board or their agent shall enforce compliance with the approved plans.

- (5) The Township Board or their agent shall make a continuing review and evaluation of the methods used and the overall effectiveness of the erosion and sedimentation control program.
- b) *Suggested control measures.* The following control measures should be used for an effective erosion and sediment control plan:
- (1) The smallest practical area of land should be exposed at any one time during development.
 - (2) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
 - (3) Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
 - (4) Sediment basins (debris basins, desilting basins, or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.
 - (5) Provisions should be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
 - (6) The permanent final vegetation and structures should be installed as soon as practical in the development.
 - (7) The development plan should be fitted to the topography and soils so as to create the least erosion potential.
 - (8) Wherever feasible, natural vegetation should be retained and protected.

252.505 Guarantee of completion of public improvements.

Sec. 5.5.

5.5.1 *Financial guarantee arrangements, exceptions.* In lieu of the actual installation of public improvements, as required by the Township, the subdivider may elect to provide a financial guarantee of performance for the Township requirements. No financial guarantee of performance shall be required under this Ordinance for sidewalks, street lights, or street trees. Completion of these improvements shall be required prior to the issuance of occupancy permits.

- a) *Performance or surety bond.*
- (1) *Accrual.* The bond shall accrue to the Township Board for administering the construction, operation and maintenance of the specific public improvement.
 - (2) *Amount.* The bond shall be an amount equal to the total estimated cost for completing construction of the specific public improvements including contingencies as estimated by the Township Board.

- (3) *Term length.* The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific public improvement.
 - (4) *Bonding or surety company.* The bond shall be with a surety company authorized to do business in the State of Michigan.
 - (5) *Escrow agreement.* Escrow Agreement shall be written and furnished by the Township Board.
- b) *Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.*
- (1) *Treasurer, escrow agency or trust company.* A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, shall accrue to the Township for administering the construction, operation or maintenance of the specific public improvement. These deposits shall be made with the Township Treasurer or deposited with a responsible escrow agent or trust company, subject to the approval of the Township Board.
 - (2) *Dollar value.* The dollar value of the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific improvement including contingencies as estimated by the Township Board.
 - (3) *Escrow time.* The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.
 - (4) *Progressive payment.* In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the estimated cost of the completed portion of the public improvement in accordance with the financial guarantees previously entered into agreement with respect to financial guarantee.

5.5.2 *Condition of approval of final plat.* The approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

- a) The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.
- b) A deposit by the subdivider with the Township Clerk in the form of cash, a certified check or irrevocable bank letter of credit, whichever the subdivider selects, or a surety bond acceptable to the governing body.

5.5.3 *Special agreements.* A special agreement shall be entered into between the subdivider and the Township Board for required sidewalks, street lights and street trees by the Township Board.

5.5.4 *Inspection of public improvements under construction.* Inspectors authorized by the Township Board shall be required to review construction of all required improvements on a continuous basis. In no case shall the same engineer provide services to both the Township and the subdivider.

It shall be the responsibility of the improvements contractors to notify the office of the Clerk at least three business days in advance for the following periodic inspections:

- a) Storm and sanitary sewers, water lines, mains, laterals, and catch basins before the trenches are backfilled.
- b) Forms set for curb and gutter sub-base, put in place and before the concrete is poured.
- c) Forms set for sidewalks before any concrete is poured.
- d) All subgrade that has been shaped and rolled before compaction test is made.
- e) Forms for pavement before any concrete is poured.
- f) All base courses.

No work covered by the bond shall be accepted or bonds released until these inspections have been made and work found satisfactory.

The agreement to install required public improvements shall also provide for the checking of improvements plans and continuous inspections of all improvements by the Township and for costs of said services which shall be borne by the subdivider.

5.5.5 *Penalty in case of failure to complete the construction of a public improvement.* In the event the subscriber shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company and as included in the written agreement with the Township Board and the subdivider.

5.5.6 *Maintenance bond.* Prior to acceptance by the Township of required improvements, a one year maintenance bond in an amount set by the Township Board shall be posted by the subdivider.

ARTICLE VI**252.600****VARIANCES****252.601 General.**

Sec. 6.1. The Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirement of the Ordinance or that application of such provision or requirement is impractical. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect on the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds after a public hearing the following:

- a) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impractical or unreasonable. In such cases the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
- b) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- c) That such variance will not violate the provision of the State Subdivision Control Act.
- d) The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the Township Board and shall also record its reasons and actions in its minutes.
- e) That such variance will not have the effect of nullifying the intent and purpose of this Ordinance and the Master Plan of this Township.

252.602 Topographical—Physical limitation variance.

Sec. 6.2. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or such other conditions which are not self-inflicted or that these conditions would result in inhibiting the achievement of the

objectives of this Ordinance, the Planning Commission may recommend to the Township Board that variance modification or a waiver of these requirements be granted.

252.603 Planned unit development variance.

Sec. 6.3. The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development. If, in the judgment of the Planning Commission, such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The Planning Commission shall take into account the nature of the proposed use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall report to the Township Board whether:

- a) The proposed project will constitute a desirable and stable community development.
- b) The proposed project will be in harmony with adjacent areas.

252.604 Variances to the required public improvements or utilities.

Sec. 6.4. The Planning Commission may recommend to the Township Board that waivers be granted for the installation of a public sanitary sewer system and a public water system, or any or all of them, when in its best judgment said installations shall be impracticable; provided, however, that the average width of the lot in the proposed subdivision, as measured at the street frontage line or the building setback line, is more than 150 feet and where the average area of parcels or lots resulting from the subdivision of land exceeds one acre. The Planning Commission may also recommend waivers be granted for the installation of gas mains and/or service connections, stubs, communications, electrical conduits, when in its best judgment said installation shall be impracticable.

252.605 Applications required.

Sec. 6.5.

- 6.5.1 *Required public improvement variance or topographical variance.* Application for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- 6.5.2 *Planned unit development variance.* Application for any such variance shall be made in writing by the subdivider at the time when the proposed plat is filed for the consideration of the Planning Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid the Planning

supplement, or repeal may be originated by the Township Board, Planning Commission, or by petition. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board.

ARTICLE IX

252.900

MISCELLANEOUS PROVISIONS

252.901 **Validity.**

Sec. 9.1. Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

252.902 **Effective date.**

Sec. 9.2. This Ordinance shall take effect in the Township after recommendation of the Planning Commission, adoption by the Township Board, publication within ten days after adoption, entry in the Township Ordinance Book and certification by the clerk as to the date of adoption, vote and publication, within seven days of publication. The effective date shall be 30 days after date of publication.

253.000

**LAND DIVISION
Ord. No. 45
Adopted: April 6, 1998**

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant, but not limited to, the Land Division Act, Michigan Public Act 288 of 1967, as amended, by creating minimum standards and procedures for approval of such land divisions, and Act 246 of 1945, as amended, being the Township general ordinance statute; to provide a procedure therefor; to repeal any ordinance or provision thereof in conflict herewith; to prescribe penalties and enforcement remedies for the violation of this Ordinance; and to provide an effective date hereof.

THE TOWNSHIP OF VEVAY, INGHAM COUNTY, MICHIGAN, ORDAINS:

253.001 Title.

Sec. 1. This Ordinance shall be known and cited as the Vevay Township Land Division Ordinance.

253.002 Purpose.

Sec. 2. The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) (the "Act"), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and to otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

253.003 Definitions.

Sec. 3. For purposes of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. "Administrator" shall mean the Vevay Township Assessor or such other person(s) as may be designated as the "administrator" by the Township Board.
- B. "Applicant" shall mean a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land, whether recorded or not.
- C. "Divide" or "Division" or "Land Division" shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building

development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this Ordinance and other applicable Ordinances.

- D. "*Exempt split*" or "*Exempt division*" shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.
- E. "*Forty acres or the equivalent*" shall mean either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- F. "*Governing body*" shall mean the Vevay Township Board.
- G. "*Parcel*" shall mean a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- H. "*Parent parcel*" or "*parent tract*" shall mean a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- I. "*Road authority*" shall mean the governmental authority having jurisdiction over a public road or public street.
- J. "*Resulting parcel*" or "*resulting parcels*" shall mean one or more parcels which result from an authorized land division.
- K. "*Tract*" shall mean two or more parcels that share a common property line and are under the same ownership.

253.004 Prior approval requirement for land division.

Sec. 4. Land in the Township shall not be divided without the prior review and approval of the Administrator, in accordance with this Ordinance and the State Land Division Act; provided, however, that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance or other partitioning or splitting that results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from an exempt split pursuant to the Act.

253.005 Application for land division approval.

Sec. 5.

- A. A proposed land division shall be filed with the Administrator and shall include the following:
1. A completed application, on such written form as the Township may provide, including any exhibits described therein.
 2. Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the fee owner of such land.
 3. A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31, 1997.
 4. A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
 5. Three copies of a tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch = 200 feet for parent parcels or parent tracts of three acres or more in area. A tentative parcel map shall include:
 - a. Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
 - b. Proposed boundary lines and the dimensions of each parcel;
 - c. An adequate and accurate legal description of each resulting parcel;
 - d. A drawing or written description of all previous land divisions from the same parent parcel or parent tract identifying the number, area and date of such divisions;
 - e. The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets; and
 - f. The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - g. Any existing buildings shall be shown.
 6. The requirements of subparagraph (5) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 6 [253.006] A.2 below and a drawing is submitted depicting existing buildings.

7. Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
 8. Payment of the application fee and other applicable fees and charges established from time to time by resolution of the Township Board.
- B. A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 6 [253.006] C commence, until all of the requirements for an application for land division approval have been complied with.

253.006 Minimum requirements for approval of land divisions.

Sec. 6.

- A. A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:
1. The application requirements of Section 5 [253.005].
 2. Each resulting parcel shall have a means of vehicular access to an existing public street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 6.B [253.006.B].
 3. The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
 4. Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
 5. Each resulting parcel shall have the depth to width ratio specified by the Township zoning, subdivision control or similar ordinance for the size of the parcel or for the zoning district(s) in which the resulting parcel is located. Unless otherwise specified in such ordinance(s), each resulting parcel which is ten acres or less in area shall have a depth which is not more than four times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner provided by said Township ordinance(s) for measuring of the minimum width and maximum depth of parcels.
 6. All resulting parcels to be created by the proposed land division(s) and the remaining parent parcel shall fully comply with applicable lot area and lot width requirements of such Township ordinance(s) applicable to all such parcels.

- B. If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied:
1. If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Township ordinances.
 2. If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable Township ordinances. The Administrator may require that all such easements be in recordable form and recorded with the Register of Deeds within the time required by Section 7.B [253.007.B].
 3. If any Township regulation or Ordinance requires access via a public road, the applicant shall provide proof that the road authority having jurisdiction has approved the propose layout and construction design of the street and of utility easements and drainage facilities associated therewith.
- C. The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the applicant with written notice of such approval or disapproval. If disapproved, the Administrator shall provide the applicant with a description of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of Section 109a of the Act, including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105(g) of the Act.
- D. An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Governing Body, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Governing Body may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

253.007 Approval of land divisions; recording; revocation.

Sec. 7.

- A. The Administrator shall maintain a record of all land divisions approved by the Township.

- B. Unless an extension is granted in writing by the Governing Body, a decision approving a land division shall be effective for not more than 180 days after such approval by the Administrator or, if appealed, by the Governing Body, unless either of the following requirements is satisfied within such 180-day period:
1. A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) other than the remainder of the parent parcel or parent tract by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or
 2. A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.
- If neither paragraph (1) nor paragraph (2) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180th day following such approval by the Administrator or, if appealed, by the governing body.
- C. All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 5 [253.005] A shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.
- D. The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. Approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.
- E. Any parcel created which is inconsistent with, or in violation of, this Ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Township ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

253.008 Standards for approval of land divisions.

Sec. 8. A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of pertinent

Ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures or have received a variance from such requirement(s) from the appropriate Zoning Board of Appeals.

- B. The proposed land division(s) comply(ies) with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable Ordinances.
- D. The ratio of depth to width of any parcel created by the division does not exceed the minimum ratio established by the applicable Zoning Ordinance, exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable Ordinances.

253.009 Penalties and other remedies.

Sec. 9. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$500.00 for the first offense and not more than \$1,000.00 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law, including injunctive relief to prevent violation or continued violation of this Ordinance. For the purpose of this section, a subsequent offense means a violation of this Ordinance committed by the same person or party after a previous violation of the same provision of this Ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

253.010 Severability.

Sec. 10. The provisions of this Ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction such determination shall not affect the remaining provisions or other parts of this Ordinance.

253.011 Repeal.

Sec. 11. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the applicable Zoning Ordinance, Subdivision Control or similar Ordinance, or Building Codes.

253.012

LAND DIVISION (Ord. No. 45)

253.012 Effective date.

Sec. 12. This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

ORDINANCE NO. 45
VEVAY TOWNSHIP
INGHAM COUNTY, MICHIGAN

COPY

PREAMBLE

AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT, BUT NOT LIMITED TO, THE LAND DIVISION ACT, MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED, BY CREATING MINIMUM STANDARDS AND PROCEDURES FOR APPROVAL OF SUCH LAND DIVISIONS, AND ACT 246 OF 1945, AS AMENDED, BEING THE TOWNSHIP GENERAL ORDINANCE STATUTE; TO PROVIDE A PROCEDURE THEREFOR; TO REPEAL ANY ORDINANCE OR PROVISION THEREOF IN CONFLICT HEREWITH; TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE TOWNSHIP OF VEVAY, INGHAM COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the Vevay Township Land Division Ordinance.

Section 2. Purpose. The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) (the "Act"), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and to otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

Section 3. Definitions. For purposes of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. "Administrator" shall mean the Vevay Township Assessor or such other person(s) as may be designated as the "administrator" by the Township Board.
- B. "Applicant" shall mean a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land, whether recorded or not.

- C. "Divide" or "Division" or "Land Division" shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one (1) year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this Ordinance and other applicable Ordinances.
- D. "Exempt split" or "Exempt division" shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.
- E. "Forty acres or the equivalent" shall mean either forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than 30 acres.
- F. "Governing body" shall mean the Vevay Township Board.
- G. "Parcel" shall mean a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- H. "Parent parcel" or "parent tract" shall mean a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- I. "Road authority" shall mean the governmental authority having jurisdiction over a public road or public street.
- J. "Resulting parcel" or "resulting parcels" shall mean one or more parcels which result from an authorized land division.
- K. "Tract" shall mean two or more parcels that share a common property line and are under the same ownership.

Section 4. Prior Approval Requirement For Land Division. Land in the Township shall not be divided without the prior review and approval of the Administrator, in accordance with this Ordinance and the State Land Division Act; provided, however, that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance or other partitioning or splitting that results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from an exempt split pursuant to the Act.

Section 5. Application For Land Division Approval.

- A. A proposed land division shall be filed with the Administrator and shall include the following:
 - 1. A completed application, on such written form as the Township may provide, including any exhibits described therein.
 - 2. Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the fee owner of such land.
 - 3. A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31; 1997.
 - 4. A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
 - 5. Three (3) copies of a tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch = 200 feet for parent parcels or parent tracts of three acres or more in area. A tentative parcel map shall include:

- a. Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
 - b. Proposed boundary lines and the dimensions of each parcel;
 - c. An adequate and accurate legal description of each resulting parcel;
 - d. A drawing or written description of all previous land divisions from the same parent parcel or parent tract identifying the number, area and date of such divisions;
 - e. The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets; and
 - f. The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - g. Any existing buildings shall be shown.
6. The requirements of subparagraph (5) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 6.A.2 below and a drawing is submitted depicting existing buildings.
 7. Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
 8. Payment of the application fee and other applicable fees and charges established from time to time by resolution of the Township Board.
- B. A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 6C commence, until all of the requirements for an application for land division approval have been complied with.

Section 6. Minimum Requirements For Approval Of Land Divisions.

- A. A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:

1. The application requirements of Section 5.
 2. Each resulting parcel shall have a means of vehicular access to an existing public street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 6B.
 3. The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
 4. Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
 5. Each resulting parcel shall have the depth to width ratio specified by the Township zoning, subdivision control or similar ordinance for the size of the parcel or for the zoning district(s) in which the resulting parcel is located. Unless otherwise specified in such ordinance(s), each resulting parcel which is ten acres or less in area shall have a depth which is not more than four times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner provided by said Township ordinance(s) for measuring of the minimum width and maximum depth of parcels.
 6. All resulting parcels to be created by the proposed land division(s) and the remaining parent parcel shall fully comply with applicable lot area and lot width requirements of such Township ordinance(s) applicable to all such parcels.
- B. If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied:
1. If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Township ordinances.
 2. If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s)

within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable Township ordinances. The Administrator may require that all such easements be in recordable form and recorded with the Register of Deeds within the time required by Section 7B.

3. If any Township regulation or Ordinance requires access via a public road, the applicant shall provide proof that the road authority having jurisdiction has approved the propose layout and construction design of the street and of utility easements and drainage facilities associated therewith.
- C. The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the applicant with written notice of such approval or disapproval. If disapproved, the Administrator shall provide the applicant with a description of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of Section 109a of the Act, including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105(g) of the Act.
 - D. An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Governing Body, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Governing Body may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

Section 7. Approval of Land Divisions; Recording; Revocation.

- A. The Administrator shall maintain a record of all land divisions approved by the Township.
- B. Unless an extension is granted in writing by the Governing Body, a decision approving a land division shall be effective for not more than 180 days after such approval by the Administrator or, if appealed, by the Governing Body, unless either of the following requirements is satisfied within such 180-day period:

1. A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) other than the remainder of the parent parcel or parent tract by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or
2. A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (1) nor paragraph (2) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180th day following such approval by the Administrator or, if appealed, by the governing body.

- C. All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 5A shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.
- D. The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. Approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.
- E. Any parcel created which is inconsistent with, or in violation of, this Ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Township ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

Section 8. Standards For Approval Of Land Divisions. A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of pertinent Ordinances, including, but not limited to, minimum lot

(parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures or have received a variance from such requirement(s) from the appropriate Zoning Board of Appeals.

- B. The proposed land division(s) comply(ies) with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable Ordinances.
- D. The ratio of depth to width of any parcel created by the division does not exceed the minimum ratio established by the applicable Zoning Ordinance, exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable Ordinances.

Section 9. Penalties And Other Remedies. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than Five Hundred Dollars (\$500.00) for the first offense and not more than One Thousand Dollars (\$1,000.00) for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law, including injunctive relief to prevent violation or continued violation of this Ordinance. For the purpose of this section, a subsequent offense means a violation of this Ordinance committed by the same person or party after a previous violation of the same provision of this Ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

Section 10. Severability. The provisions of this Ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction such determination shall not affect the remaining provisions or other parts of this Ordinance.

Section 11. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the applicable Zoning Ordinance, Subdivision Control or similar Ordinance, or Building Codes.

Section 12. Effective Date. This Ordinance shall become effective thirty (30) days after its publication or thirty (30) days after the publication of a summary of its provisions in a local newspaper of general circulation.

VEVAY TOWNSHIP

BY: _____
Jeffrey Oesterle, Supervisor

BY: _____
Susan Kosier, Clerk

I, Susan Kosier, Clerk of the Township of Vevay, hereby certify that the foregoing Ordinance was adopted on the 6th day of April, 1998 and published on the 12th day of April 1998.

Susan Kosier, Clerk



NOTICE TO ASSESSOR OF TRANSFER OF THE RIGHT TO MAKE A DIVISION OF LAND

Issued under authority of Land Division Act (P.A. 288 of
1967 as amended by P.A. 87 of 1997). Filing is mandatory.

This form must be filed by an owner of a parent parcel or parent tract of land when the owner creates a parcel from the parent parcel or parent tract and transfers the right to make a further division to the owner of the created parcel. This form must be filed within 45 days of the transfer of the right to make a division. This form must be filed with the assessor of the city or township where the property is located.

1. Street Address of Parent Parcel or Parent Tract		2. County	4. Date of Transfer of Right to Make a Division
3. City/Township/Village Where Real Estate is Located		<input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village	
5. Property Identification Number (PIN) of Parent Parcel or Parent Tract. If you don't have a PIN, attach legal description.		PIN , this number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.	
6. Name of Owner of Parent Parcel or Parent Tract		Address of Owner of Parent Parcel or Parent Tract	
7. Property Identification Number (PIN) of Created Parcel if PIN has already been assigned.			
Name of Owner of Created Parcel		Address of Owner of Created Parcel	

THE FOLLOWING QUESTIONS MUST BE ANSWERED.

1. Did the parent parcel or parent tract have any unallocated divisions under the Land Division Act, P.A. 288 of 1967, MCL 560.101 to 560.293? Check appropriate box below:

YES

NO

If the YES box was checked, go to question 2. If the NO box was checked, go to question 3.

2. How many unallocated divisions did the parent parcel or parent tract have prior to this transfer?
Enter number here _____.

3. Were there any unallocated divisions transferred to the newly created parcel?

YES

NO

If the YES box was checked, go to question 4. If the NO box was checked, go to the signature area of the form.

4. How many unallocated divisions were transferred to the newly created parcel? Enter number here _____.

ATTESTATION

I certify that the information above is true and complete to the best of my knowledge.

Signature of Owner of Parent Parcel or Parent Tract	Date	If Signer is other than the owner, print name and title
---	------	---



**VEVAY TOWNSHIP PARCEL DIVISION
APPLICATION**

You ***Must*** answer all questions and include all attachments or this form will be returned to you. Bring or mail to **VEVAY TOWNSHIP**, 780 S. Eden Road, Mason, MI 48854.

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 268 of 1967 as amended (particularly by P.A. 591 of 1996 and P.A. 87 of 1997, MCL 560 et seq.) **Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.**

1. **LOCATION of PARENT PARCEL** to be split; Address: _____
Road Name: _____

PARENT PARCEL IDENTIFICATION NUMBER: 33-10-10- _____ - _____ - _____

Parent Parcel Legal Description (Describe or Attach): _____

2. **PROPERTY OWNER INFORMATION;** Name: _____
Address: _____
Phone: _____ Zip Code: _____

3. **PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:**

- A. Number of new parcels: _____
- B. Intended use (residential, commercial, etc.) _____
- C. Each proposed parcel, if ten (10) acres or less, has a depth to width ratio not to exceed 4 to 1.
- D. Each parcel has a width of _____ (not less than required by ordinance).
- E. Each parcel has an area of _____ (not less than required by ordinance).
- F. The division of each parcel provides access as follows: (check one)
 - a) Each new division has frontage on an existing public road.
Road Name _____
 - b) A new public road, proposed road name _____
- G. Describe or attach a legal description of any proposed new road, easement or shared driveway. _____
- H. Driveway permit. Issued at the Ingham County Road Commission.

4. **FUTURE DIVISIONS** being transferred from the parent parcel to another parcel. Indicate number transferred _____ (See section 109 (2) of the Statute. Make sure your deed includes both statements as required in 109 (3&4) of the Statute.)

5. **DEVELOPMENT SITE LIMITS** (Check each which represent a condition which exists on the parent parcel:)
 Waterfront property (river, lake, pond etc.) Includes wetlands

- Is within a flood plain
- Is on muck soils or soils known to have severe limitations for on-site sewage system
- Includes a beach

6. **ATTACHMENTS** - All the following attachments **Must** be included. Letter each attachment as shown.
- A. A scale drawing that complies with the requirements of P.A. 132 of 1970 as amended for the proposed division(s) of the parent parcel showing:
 - (a) current boundaries (as of March 31, 1997), and
 - (b) all previous divisions made after March 31, 1997 (indicate when made or none), and
 - (c) the proposed division(s), and
 - (d) dimensions of the proposed divisions, and
 - (e) existing and proposed road/easement right-of-way(s), and
 - (f) easements for public utilities from each parcel that is a development site to existing public utility facilities, and
 - (g) any existing improvements (buildings, wells, septic system, driveways, pipelines, etc.)
 - (h) any of the features checked in questions number five (5).
 - B. Indication of approval, or permit from Ingham County Road Commission that a proposed easement provides vehicular access to an existing road or street meets applicable location standards.
 - C. A copy of any reserved division rights (sec. 109 (4) of the act) in the parent parcel.
 - D. A fee of \$25.00.

7 **IMPROVEMENTS** - Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none).

8. **AFFIDAVIT** and permission for municipal, county and state officials to enter the property for inspections:

I agree the statements made above are true, and if found not to be true this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with this parent parcel division. Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection. Finally, I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance and the State Land Division Act (formerly the subdivision control act P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996 and P.A. 87 of 1997), M.C.L. 560.101 et.seq.) And does not include any representation or conveyance of rights in any other statute, build code, zoning ordinances, deed restrictions or other property rights.

Finally, even if this division is approved, I understand local ordinances and state acts change from time to time, and if changed the division made here must comply with the new requirements (apply for division approval again) unless deeds representing disapproved divisions are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

Property Owner's Signature _____ Date _____

For office use only. Reviewer's action: Total Fee \$ _____ Check # _____ Rcpt. # _____

Signature: _____
 Signature: _____
 Signature: _____

NOTICE OF APPROVAL OF LAND DIVISION

TO: _____
Name of Applicant

Address

RE: Land Division Application dated [or identified as] 33-10-10- _____ - _____ - _____

Your request for a land division under the Michigan Land Division Act, 1967 P.A. 288, as amended (the "Act"), has been approved, according to the requirements of such law and based upon the representations contained in your application for a division.

Approval of a division under the Act is not a determination that any of the parcels which result from the division comply with any other ordinances or regulations, including but not limited to, any applicable zoning ordinances. You should consult with the Township or with an attorney, planner, engineer, surveyor or other professional to ascertain compliance with such matters. Approval of a division is also not a determination by the township that any of the representations made in your application are accurate.

A BUILDING PERMIT MAY NOT BE ISSUED FOR ANY PARCEL UNTIL AND UNLESS THE PARCEL HAS ALL OF THE FOLLOWING: (A) PUBLIC WATER, COUNTY HEALTH DEPARTMENT APPROVAL FOR THE SUITABILITY OF AN ON-SITE WATER SUPPLY AND (B) PUBLIC SEWER, OR COUNTY HEALTH DEPARTMENT APPROVAL FOR ON-SITE SEWAGE DISPOSAL.

This division approval is not a determination that adequate facilities are available for public water and/or sewer, nor a determination that any parcel which results from the division will satisfy any applicable standards for on-site water supply and/or on-site sewage disposal. The Township and its officers and employees are not liable if a building permit is not issued for any parcel due to the inability of a parcel to be serviced by public water or sewer, nor due to the inability of a parcel to obtain approval for on-site water or sewage disposal.

VEVAY TOWNSHIP

Dated: _____

By: _____



Land Division Act
Act 591, Public Acts of 1996
Act 87, Public Acts of 1997

ENROLLED SENATE BILL 112 ♦ ENROLLED SENATE BILL 345

AN ACT to amend the title and sections 101, 102, 103, and 105 of Act No. 288 of the Public Acts of 1967, entitled as amended "An act to regulate the subdivision of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained by subdividers prior to the recording and filing of plats; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal certain acts and parts of acts," section 102 as amended by Act No. 78 of the Public Acts of 1996, being sections 560.101, 560.102, 560.103, and 560.105 of the Michigan Compiled Laws; and to add sections 108 and 109. [PA 591 of 1996] and by amending sections 105, 109, 264, and 267 (MCL 560.105, 560.109, 560.264 and 560.267), section 105 as amended and section 109 as added by 1996 PA 591, and by adding sections 109a and 109b. [PA 87 of 1997]

The People of the State of Michigan enact:

Section 1. The title and sections 101, 102, 103, and 105 of Act No. 288 of the Public Acts of 1967, section 102 as amended by Act No. 78 of the Public Acts of 1996, being sections 560.101, 560.102, 560.103, and 560.105 of the Michigan Compiled Laws, are amended and sections 108 and 109 are added to read as follows:

TITLE

An Act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts.

Sec. 101. This act shall be known and may be cited as the "land division act".

Sec. 102. As used in this act:

(a) "Plat" means a map or chart of a subdivision of land.

(b) "Land" means all land areas occupied by real property.

(c) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

(d) "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

(e) "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel

shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

(f) "Subdivide" or "subdivisions" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting

(ee) "Flood plains" means that area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

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 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.

Section 105 amended by PA 87, 1997

Sec. 105. Approval of a preliminary plat, or final plat shall be conditioned upon compliance with all of the following:

(a) The provisions of this act.

(b) Any ordinance or published rules of a municipality or county adopted to carry out the provisions of this act.

(c) Any published rules of a county drain commissioner, county road commission, or county plat board adopted to carry out the provisions of this act.

(d) The rules of the state transportation department relating to provisions for the safety of entrance upon and departure from the abutting state trunk line highways or connecting streets and relating to the provisions of drainage as required by the departments then currently published standards and specifications.

(e) The rules of the department of consumer and industry services for the approval of plats, including forms, certificates of approval, and other required certificates, captioning of plats, and numbering of lots.

(f) The rules of the department of environmental quality for the determination and establishment of floodplain areas of rivers, streams, creeks, or lakes, as provided in this act, as published in the state administrative code.

(g) The rules of the department of environmental quality relating to suitability of groundwater for on-site water supply for subdivisions not served by public water or to suitability of soils for subdivisions not served by public sewers. The department of environmental quality may authorize a city, county, or district health department to carry out the provisions of this act and rules promulgated under this act relating to suitability of groundwater for subdivisions not served by public water or relating to suitability of soils for subdivisions not served by public sewers. The department of environmental quality may require percolation tests and boring tests to determine suitability of soils. When such tests are required, they shall be conducted under the supervision of a registered engineer, registered land surveyor, or registered sanitarian in accordance with uniform procedures established by the department of environmental quality.

Sec. 108. (1) A division is not subject to the platting requirements of this act.

(2) Subject to subsection (3), the division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:

(a) For the first 10 acres or fraction thereof in the parent parcel or parent tract, 4 parcels.

(b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, 1 additional parcel, for up to a maximum of 11 additional parcels.

(c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, 1 additional parcel.

(3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:

(a) Because of the establishment of 1 or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) of this subsection are created or required.

(b) One of the resulting parcels under subsection (2) and this subsection comprises not less than 60% of the area of the parent parcel or parent tract.

(4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted under subsections (2) and (3) and is not subject to section 109, if the parcel is accessible.

(5) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of this act if all of the following requirements are met:

(a) Not less than 10 years have elapsed since the parcel or tract was recorded.

(b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:

(i) Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus 1 additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.

Section 109a added by PA 87 of 1997

- Sec. 109a. (1) If a parcel resulting from a division is less than 1 acre in size, a building permit shall not be issued for the parcel unless the parcel has all of the following:
- (a) Public water or city, county, or district health department approval for the suitability of an on-site water supply under the same standard set forth for lots under rules described in section 105(g).
 - (b) Public sewer or city, county, or district health department approval for on-site sewage disposal under the health department standards as set forth for lots under rules described in section 105(g).
- (2) The municipality or county approving a proposed division resulting in a parcel less than 1 acre in size and its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in this section. A notice of approval of a proposed division resulting in a parcel of less than 1 acre in size shall include a statement to this effect.
- (3) A city, county, or district health department may adopt by regulation a fee for services provided under this section. The fees shall not exceed the reasonable costs of providing the services for which the fees are charged.

Section 109b added by PA 87 of 1997

- Sec. 109b. (1) An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval under this act if the parcel or tract is not accessible and 1 of the following applies:
- (a) The parcel or tract was in existence on March 31, 1997.
 - (b) The parcel or tract resulted from an exempt split or other partitioning or splitting under this section.
- (2) The proprietor shall provide the purchaser of a parcel resulting from an exempt split or other partitioning or splitting under subsection (1) with the following written statement before closing: "This parcel is not accessible as defined in the land division act, 1967 PA 288, MCL 560.101 to 560.298."

Section 264 added by PA 87 of 1997

- Sec. 264. (1) Any person who sells or agrees to sell any lot, piece, or parcel of land without first having recorded a plat thereof when required by this act is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 180 days, or both. For each offense under this subsection after a first offense under this subsection, the person shall be punished by a fine of not more than \$1,000.00, or imprisonment for not to exceed 1 year, or both. Agreement to sell under this section does not include an option to buy extended from the seller for a money consideration to the prospective buyer.
- (2) Any person who violates section 108, 109, 109b, or the exempt split provision of section 103(1) and sells a resulting parcel of land is liable for the payment of a civil fine of not more than \$1,000.00 for each parcel sold. A default in the payment of a civil fine or costs incurred under this subsection or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.
- (3) Any person who violates any provision of this act other than section 108, 109, 109b, or the exempt split provision of section 103(1) is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

Section 267 added by PA 87 of 1997

Sec. 267. Any sale of lands subdivided or otherwise partitioned or split in violation of this act is voidable at the option of the purchaser, and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

Enacting section 1. Section 264 of the land division act, 1967 PA 288, MCL 560.264, as amended by this amendatory act, takes effect October 1, 1997.

This act is ordered to take immediate effect.

Michigan Townships Association
August 1, 1997



fee amount when it establishes that a fee may be charged, or the ordinance may simply state that a fee may be charged by the municipality or county which undertakes the local review process, and leave the fee amount to be established by subsequent resolution of the municipality. The latter practice comports with the customary practice in most municipalities. The Act states that the fee shall not exceed the reasonable costs of providing the services for which the fee is charged.¹¹ The measures involving fees were added to the Act by 1997 PA 87 to avoid any possible Headlee implications from the Act.¹²

A. Criteria for Land Division Approval

1. Tentative Parcel Map.

The applicant for a land division must first demonstrate to the municipality (or authorized county) that each resulting parcel has a adequate and accurate legal description, by including the same in a tentative parcel map showing area, parcel lines, public utility easements, accessibility. If lot width to depth ratio, lot width, and lot area are valid criteria for review (discussed below), then these elements must also be demonstrated.¹³ The tentative parcel map must also provide some historical background about the original parent parcel or parent tract associated with the parcels being created, in a manner which is sufficient to demonstrate that splits are available to be taken under the formulas of Section 108 (discussed below). This probably means that all prior splits of the parent parcel or parent tract since March 31, 1997 must be shown on the map.

The Act does not define the term "tentative parcel map" other than to say that it "shall be a scale drawing showing the approximate dimensions of the parcels."¹⁴ The Act conspicuously does not use the term "survey" to refer to the tentative parcel map, although the requirements for "adequate and accurate legal descriptions" of each proposed resulting parcel and for a "scale drawing" will likely necessitate the assistance of a surveyor in preparing the tentative parcel map in most instances.

2. Lot Width to Depth Ratio.

Each applicant must demonstrate that the resulting parcels of the proposed division satisfy a new state lot width to depth ratio, or any local ratio adopted in place of the state standard under a land division ordinance.¹⁵ The state standard, which applies to parcels or tracts of 10 acres or less which are not retained by the applicant, requires that each resulting parcel have a depth of not more than 4 times the width.¹⁶ A municipality (or authorized county) may require a smaller or greater depth to width ratio in a land division ordinance. If the ratio is greater, it must be based upon standards set forth in the ordinance.¹⁷ There is

no parallel requirement for smaller depth to width ratios. If a land division ordinance is adopted, the provisions of such ordinance will take precedence over the state standard. The standards for a greater depth to width ratio may include, but are not limited to: (1) exceptional topographic or physical conditions with respect to the parcel; and (2) compatibility with surrounding lands. The fact that specific standards must be set forth in the land division ordinance in order for a greater lot width to depth ratio to apply should not be ignored. The absence of these standards may preclude the local criteria from overriding the state standard.

It is important to re-emphasize that the depth to width ratio does not apply to a resulting parcel greater than 10 acres in size unless a local land division ordinance provides otherwise. Unlike the greater lot width to depth ratio discussed above, the municipality does not have to include the rationale (or any standards) for applying the ratio to larger parcels in the land division ordinance.

The depth to width ratio also does not apply to any resulting parcels which are "retained by the applicant", regardless of the presence of any local land division ordinance. There is no guidance in the Act as to what "retained by the applicant" means, nor any time period associated with the holding of a parcel "retained by the applicant". Obviously, an applicant may change his or her intentions with respect to the parcel at some point in time. The closer this point in time occurs following a division approval, the more this provision will look like a giant loophole in the Act.

3 and 4. Width and Area

Each resulting parcel must have a width and area not less than that required by an ordinance adopted to carry out the provisions of the Act¹⁸. If there is no applicable land division ordinance, width and area are not valid criteria for municipal review of a division. A municipality may make only width a criteria but not area; and vice versa. It is important to note that the absence of a land division ordinance does not mean that lot width and/or area are not valid criteria for land development in the community where the property is located.¹⁹ Regulations concerning these concepts may be expressed in a local zoning ordinance, for example, and any applicant who develops land in the community will eventually have to confront such requirements and conform to them. Unless incorporated in a land division ordinance, however, a municipality may not use lot width and/or area as criteria for review of a proposed division.

There is no definition of the terms "area" and "width" found in the Act and as a result, the exact meaning of these terms is subject to some speculation. Similarly, the Act does not

have any rules governing how or where lot width and area are measured. Fortunately, these are common concepts found in most zoning ordinances and presumably, the treatment given such concepts by applicable zoning ordinances will be upheld as a reasonable manner of governing such concepts. For example, if a municipality measures lot area by excluding certain right of way and private road easement areas in their zoning ordinance, presumably the municipality could exclude such areas in the calculation of area for land division approvals. If a municipality does not have a zoning ordinance in effect and it wishes to regulate these aspects of land divisions, it will need to resolve some of these "how" and "where" issues in its land division ordinance.

A special issue may arise in areas of the State where counties assume the administration the approval process under the Act. Since both the county and the township are authorized under the Act to adopt a land division ordinance, it is possible that a situation may arise where both authorities have adopted land division ordinances and the ordinances have conflicting provisions. Any agreement between the county and township to transfer authority over land division approvals should specify whether the township or county ordinance provisions will control the disposition of the property and preferably, the non-controlling provisions should be repealed or adjusted accordingly. The agreements should also address who is entitled to charge and collect fees associated with the review process; if the county administers the process, it will likely collect and keep most or all of the fees associated with the process.

5. Accessibility.

Each resulting parcel must be accessible in order to qualify for a division.²⁰ A parcel is "accessible" when it satisfies one of the following requirements:

- (a) It has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, and of the city or village (together "applicable road location standards");
- (b) It has an area where a driveway can provide vehicular access to an existing road or street and meet all applicable road location standards;
- (c) It is served by an existing easement that provides vehicular access to an existing road or street and it meets all applicable road location standards; or

(d) It can be served by a proposed easement that will provide vehicular access to an existing road or street and the proposed easement will meet all applicable road location standards.

The definition of "accessibility" has raised at least two concerns for municipalities, one involving the meaning of "applicable road location standards" and the other involving regulation of the driveway "area" or "easement" which leads to the intersection with the public road or street.

The Act does not state what is meant by the term "applicable road location standards" within the definition of "accessible", other than to say that such standards are established only by state, county, city or village authorities.²¹ Road location standards are commonly thought of to include such matters as the distances between intersections, the alignment of road, street and driveway access points (so as to avoid conflicting turns), and favorable grading and vision conditions, including minimum sight distances.²² It is uncertain whether items such as clear vision corners, turn lanes, buffer areas, and other design and construction features of roadways are included within the concept.

Fortunately, whether a particular matter is properly included within the term "applicable road location standard" is more often than not, a matter for academic debate. The exclusion of some matters does not mean that such matters may be ignored by the applicant or are no longer valid. Obviously, the state, county, village or city will not grant the requisite construction or use permits unless all of their criteria are satisfied, however they may be labeled by the Act. The inclusion or exclusion of such matters is simply important for determining whether a municipality may or must consider the same when approving or disapproving a proposed division. The Act provides that approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.²³

Many municipalities have already realized that most of the determinations involving road location standards are better made by the governmental authority who has established the "applicable road location standard", than by the staff of the municipality. In most instances, the municipality will not attempt to define "applicable road location standards" but will simply request their applicants to supply proofs from the relevant governmental authority that they are satisfied with the proposed access point to the public street or roadway.

With respect to the meaning of "area" or "easement", there is a wide disparity of opinion. At one end of the spectrum are minimalists who require only a simple means of vehicular access to the parcel, either by some reasonable frontage on a public street or road

or by means of an existing or proposed easement. Generally speaking, if one satisfies the requirements of the party establishing the "applicable road location standards," one satisfies the requirements of the municipality. On the other end of the spectrum are those who have the resources and staff and want to avoid any potential injury to prospective purchasers of the parcels from inadequate access.²⁴ These municipalities have significantly regulated the qualitative aspects of private drives in the past and most will require full compliance with local private drive or driveway ordinances at the time a land division is reviewed. Since value judgments are involved with either interpretation, and these value judgments involve local concerns, no attempt is made here to determine the answer. Both approaches appear to be viable options under the Act.

Once again, note that if the minimalist approach is taken, the absence of the additional criteria does not mean that a particular means of access does not have to comply with the private road and/or driveway ordinances of the community.²⁵ If these concepts are expressed in a local zoning ordinance, for example, any applicant who develops land in the community will eventually have to confront such requirements and conform to them. The Act provides that approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.²⁶

Regardless of the approach taken to measure accessibility, one big "caveat" is in order. The word "accessible" is used throughout the Act. Whatever approach is applied by a municipality to determine "accessibility" in the context of division reviews will probably be used by and against the municipality in order to determine whether a parcel is subject to the local approval process at all under Section 109b. A rigorous view of "driveway area" and "easements" may have the undesirable effect of expanding the reach of Section 109b to exempt many 20 acre or larger sites from the local approval process entirely.

6. Development Sites

If any of the resulting parcels are development sites, the applicant must prove that adequate easements for public utilities exist from the resulting parcel to existing public utility facilities. A "development site" is defined as "any parcel or lot on which exists or which is intended for building development."²⁷ The Act excludes from this definition:

- "(1) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs;

flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities; or

- (2) Forestry use involving the planting, management, or harvesting of timber.²⁸ It is unclear what objective factors will be employed by municipalities to determine the intent of the applicant applying for a proposed division. The applicant for a development site must demonstrate that adequate easements for public utilities from the parcel to existing public utility facilities. There is no guidance in the Act as to what the Act considers "adequate easements for public utilities" and therefore, this is likely to be a matter determined primarily by local government."

When there is no existing building development on a resulting parcel, the issue of whether a particular parcel is a development site is a little more difficult. It is not clear under the Act whether the applicant's subjective intent, as represented to the municipality or authorized county by the applicant, will be the controlling issue or whether some type of objective standard should be employed ("what would a reasonable person expect this property to be used for"). The seriousness of this inquiry has been tempered somewhat since the 1997 amendments eliminated water and sewer issues as criteria to be reviewed.

7. Available Divisions

Finally, the applicant must next demonstrate to the municipality (or authorized county) that the proposed division qualifies for a division under the **regular** and **bonus formula**, or the **redivision** formula of Section 108 of the Act.²⁹ This analysis requires some evidence of the history of parent parcel or parent tract, the acreage of the parcel or tract and resulting parcels, and some knowledge of the manner in which the parent parcel or tract was developed.

IV. CALCULATING PERMISSIBLE DIVISIONS --- SECTION 108

The process of determining how many divisions may be made from a particular piece of real estate begins by first analyzing and identifying the "**parent parcel**" and/or "**parent tract**" involved, and then determining the acreage of the parent parcel or parent tract. The analysis continues by identifying the acreage of each of the parcels which will be created from the proposed land split (the "resulting parcels"). Once the sizes of the resulting parcels are determined, it is possible to determine which of the two new types of exempt transaction may be involved to grant an exemption from the platting requirements of the Act.

Property Transfer Affidavit

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct **taxable value**. It must be filed by the new owner with the **assessor for the city or township** where the property is located within **45 days** of the transfer. If the Property Transfer Affidavit is not timely filed, a statutory penalty applies (see page 2). The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property		2. County	4. Date of Transfer (or land contract was signed)
3. City/Township/Village of Real Estate		<input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village	5. Purchase Price of Real Estate
6. Property Identification Number (PIN). If you don't have a PIN, attach legal description.			PIN . This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.
7. Seller's (Transferor) Name		8. Buyer's (Transferee) Name and Mailing Address	
Items 9 - 14 are optional. However, by completing them you may avoid further correspondence. Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See the back for a complete list.		8a. Buyer's (Transferee) Telephone Number	
		9. Type of Transfer <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____	
10. Was this property purchased from a financial institution? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Amount of Down Payment	
11. Is the transfer between related persons? <input type="checkbox"/> Yes <input type="checkbox"/> No		14. Amount Financed (Borrowed)	
13. If you financed the purchase, did you pay market rate of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No			

EXEMPTIONS

The Michigan Constitution limits how much a property's **taxable value** can increase while it is owned by the same person. Once the property is transferred, the **taxable value** must be adjusted by the assessor in the following year to 50 percent of the property's usual selling price (**State Equalized Value**). Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-n). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- transfer from one spouse to the other spouse
- change in ownership solely to exclude or include a spouse
- transfer of that portion of a property subject to a life lease or life estate (**until** the life lease or life estate expires)
- transfer to effect the foreclosure or forfeiture of real property
- transfer by redemption from a tax sale
- transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- transfer resulting from a court order unless the order specifies a monetary payment
- transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- transfer to establish or release a security interest (collateral)
- transfer of real estate through normal public trading of stocks
- transfer between entities under common control or among members of an affiliated group
- transfer resulting from transactions that qualify as a tax-free reorganization
- transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- transfer of land with qualified conservation easement (land only - not improvements)
- other, specify: _____

CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

Owner's Signature	Date	If signer is other than the owner, print name and title
Daytime Phone Number		E-mail Address

Instructions:

This form must be filed when there is a transfer of real property or one of the following types of personal property:

- Buildings on leased land.
- Leasehold improvements, as defined in MCL Section 211.8(h).
- Leasehold estates, as defined in MCL Section 211.8(i) and (j).

Transfer of ownership means the conveyance of title to or a present interest in property, including the beneficial use of the property. It includes, but is not limited to, the following conveyances:

- Deed.
- Land contract.
- Transfer into a trust, unless the sole beneficiary is the settlor (creator of the trust), the settlor's spouse, or both.
- Transfer from a trust, unless the distributee is the sole present beneficiary, the spouse of the sole present beneficiary, or both.
- Changes in the sole present beneficiary of a trust, unless the change only adds or substitutes the spouse of the sole present beneficiary.
- Distributions by a will or intestate succession, unless to the decedent's spouse.
- Leases, if the total duration of the lease is more than 35 years, including the initial term and all options for renewal, or if the lease grants the lessee the right to purchase the property at the end of the lease for not more than 80 percent of the property's projected true cash value at the end of the lease. This only applies to the portion of the property subject to the lease described above.
- Transfers of more than a 50 percent interest in the ownership of a business, unless the ownership is gained through the normal public trading of shares of stock.
- Transfers of property held as a tenancy in common, except the portion of the property not subject to the ownership interest conveyed.
- A conveyance of an ownership interest in a cooperative housing corporation, except the portion of the property not subject to the ownership interest conveyed.

For complete descriptions of qualifying transfers, please refer to MCL Section 211.27a(6)(a-j).

Excerpts from Michigan Compiled Laws (MCL), Chapter 211

Section 211.27a(10): "... the buyer, grantee, or other transferee of the property shall notify the appropriate assessing office in the local unit of government in which the property is located of the transfer of ownership of the property within 45 days of the transfer of ownership, on a form prescribed by the state tax commission that states the parties to the transfer, the date of the transfer, the actual consideration for the transfer, and the property's parcel identification number or legal description."

Section 211.27(5): "Except as otherwise provided in subsection (6), the purchase price paid in a transfer of property is not the presumptive true cash value of the property transferred. In determining the true cash value of transferred property, an assessing officer shall assess that property using the same valuation method used to value all other property of that same classification in the assessing jurisdiction."

Penalties:

Section 211.27b(1): "If the buyer, grantee, or other transferee in the immediately preceding transfer of ownership of property does not notify the appropriate assessing office as required by section 27a(10), the property's taxable value shall be adjusted under section 27a(3) and all of the following shall be levied:

- (a) Any additional taxes that would have been levied if the transfer of ownership had been recorded as required under this act from the date of transfer.
- (b) Interest and penalty from the date the tax would have been originally levied.
- (c) For property classified under section 34c as either industrial real property or commercial real property, a penalty in the following amount:
 - (i) Except as otherwise provided in subparagraph (ii), if the sale price of the property transferred is \$100,000,000.00 or less, \$20.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of \$1,000.00.
 - (ii) If the sale price of the property transferred is more than \$100,000,000.00, \$20,000.00 after the 45 days have elapsed.
- (d) For real property other than real property classified under section 34c as industrial real property or commercial real property, a penalty of \$5.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of \$200.00.



**INGHAM COUNTY ROAD COMMISSION
LAND DIVISION APPLICATION**

Application Fee _____

Application Number _____

Receipt Number _____

The purpose of this Land Division Application is for the Ingham County Road Commission to investigate the location of proposed land divisions and ensure that the proposed parcels can be accessed from the county road system according to published Ingham County Road Commission standards. This procedure is in place to review proposed land division driveway locations before the property owner approaches the Township for approval to subdivide lands.

APPLICANT INFORMATION:

NAME _____ DATE _____

ADDRESS _____

CITY/STATE/ZIP CODE _____ PHONE _____

SIGNATURE _____ FAX _____

LAND DIVISION INFORMATION:

PROPOSED LAND DIVISION LOCATED ON _____ ROAD, BETWEEN _____

ROAD AND _____ ROAD, SECTION(S) _____, _____ TOWNSHIP.

DETAILED DESCRIPTION OF LOCATION _____

_____ NUMBER OF LAND DIVISIONS _____

Site Plan / Survey Provided by Applicant

Applicant Given Stakes to Locate Extent of Property

FIELD INSPECTION REPORT:

INSPECTOR _____ OPINION _____ DATE _____

INGHAM COUNTY ROAD COMMISSION
301 Bush Street, P.O. Box 38, Mason, Michigan 48854
Phone: (517) 676-2200 Fax: (517) 676-5914

RECOMMENDED FOR ISSUANCE:

_____ DATE _____

Approved by: _____ DATE _____

LAND DIVISION SUPPLEMENTAL INFORMATION

The purpose of this Land Division Application is for the Ingham County Road Commission to investigate the location of proposed land divisions and ensure that the proposed parcels can be accessed from the county road system according to published Ingham County Road Commission standards. This procedure is in place to review proposed land division driveway locations before the property owner approaches the Township for approval to subdivide lands. The goal is to determine appropriate driveway locations to the proposed land divisions, if any, before the Certificate of Survey is prepared and submitted to the Township, thus saving the property owner time and expense.

The Ingham County Road Commission Permits Unit needs the following information to properly investigate the proposed land division driveway location:

- ∇ A completely filled out Land Division Application signed by the property owner wishing to subdivide his or her land.
- ∇ A drawing, drawn to scale with lot dimensions, that illustrates the location of the proposed land divisions. Either a preliminary Certificate of Survey or marked-up copy of the appropriate Sidwell drawing (available from the County Equalization Department) is best.
- ∇ Land Division property corners must be clearly marked by the applicant using lath, stakes, or flagging along the parent parcel's county road frontage so that a proper investigation can be performed.

The Ingham County Road Commission accepts cash, personal check, Visa, or MasterCard to pay the application fee in accordance with the following fee schedule:

2003:	\$95 application fee plus \$25 dollars per land division
2004:	\$120 application fee plus \$25 dollars per land division
2005:	\$150 application fee plus \$25 dollars per land division
2006 on:	\$150 application fee plus \$25 dollars per land division

Ingham County Road Commission approval of Land Division driveway locations does not relieve the property owner of the responsibility to comply with all applicable Township ordinances, rules and zoning requirements, as well as provisions of Public Act 288 of 1967, as amended.

Land Division driveway locations are evaluated based on conformance to published Ingham County Road Commission standards. Non-conforming driveway locations will not be allowed to ensure the road is reasonably safe for the traveling public.