

RELINQUISHMENT OF PUBLIC WALKWAYS

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House Bill 5600 as introduced
Sponsor: Rep. Steven Johnson
Committee: Local Government and Municipal Finance
Complete to 5-17-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5600 would amend the Land Division Act to provide conditions under which a public walkway that is part of a recorded plat may be relinquished by written agreement instead of by filing an action in circuit court.

The act generally provides that a recorded plat or any part of a recorded plat can be vacated, corrected, or revised only through a complaint filed in circuit court by the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality in which the subdivision covered by the plat is located.

However, the act provides an exception for the relinquishment of a public utility easement that is part of a recorded plat, which may be accomplished through a written agreement entered into by all of the following:

- Each public utility or municipal entity that has the right to use the recorded easement.
- The owner or owners of record of each platted lot or parcel of land subject to the easement.
- The owners of record of at least two-thirds of the lots or parcels of land within 300 feet of any part of the recorded easement.
- The governing board of the municipality in which the subdivision covered by the plat is located.

The bill would additionally allow a path, walkway, or sidewalk that is part of a recorded plat and is dedicated to the use of the public to be relinquished without filing an action in circuit court if all of the following enter into a written agreement for that purpose:

- The owner or owners of record of each platted lot or parcel of land subject to the path, walkway, or sidewalk.
- The owners of record of at least two-thirds of the lots or parcels of land within 300 feet of any part of the path, walkway, or sidewalk.

As currently for an agreement to relinquish a public utility easement, an agreement entered into under the bill would have to meet all applicable requirements for recordation. It would take effect when recorded with the register of deeds and filed with the Department of Licensing and Regulatory Affairs (LARA).¹ The register of deeds and LARA and would be required to cross-reference the agreement to the affected plat.

MCL 560.222a

¹ The bill refers to the Department of Labor and Economic Growth. That department, also called the Department of Energy, Labor, and Economic Growth, was renamed the Department of Licensing and Regulatory Affairs in 2011.

FISCAL IMPACT:

The bill would have an unknown, but likely negligible, fiscal impact on local units of government. It is not known how often, or for what paths, walkways, or sidewalks, the provisions of the bill would be used.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.