

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.2123a Granting easement over state-owned land under jurisdiction of department to individual; conditions; 30-day period to consider application; notification of incomplete application; tolling of time period; time period for approval or denial of application.

Sec. 2123a.

(1) Subject to section 2124 and notwithstanding section 2123, the department shall grant or otherwise provide for an easement for a road over state-owned land under the jurisdiction of the department to an individual if all of the following conditions are met:

- (a) The individual applies for the easement on a form provided by the department.
- (b) The individual does not have other legal access to the individual's land.
- (c) The easement does not conflict with any of the following:
 - (i) With an existing program or management as described in an existing plan of the department.
 - (ii) If the land was acquired using revenue from hunting and fishing license fees, federal funds from a wildlife or sport fish restoration program, or other state or federal program funds, with state or federal laws governing the use of lands acquired through the respective program.
 - (iii) With a local ordinance.

(d) The easement does not cross an environmentally sensitive area, including, but not limited to, a wetland as defined in section 30301 or a critical dune area as defined in section 35301.

(e) The individual offers a similar road easement to the department to provide public access to state-owned land across the individual's land to which the easement is to be granted by the department, where applicable. The department shall not accept a road easement under this subdivision if the road easement would end at a body of water.

(f) The individual does all of the following:

- (i) Pays the cost of a survey.
- (ii) Pays to the department the fair market value of the easement. The fair market value of the easement granted by the department shall be offset by the fair market value of any easement granted to the department under subdivision (e).

(2) Effective 30 days after the department receives an application for an easement, the application shall be considered to be complete unless the department proceeds as provided under subsection (3).

(3) If, before the expiration of the 30-day period under subsection (1), the department notifies the applicant, in writing, that the request is not complete, specifying the information necessary to make the request complete, the running of the 30-day period under subsection (2) is tolled until the applicant submits to the department the specified information, at which time the request shall be considered to be complete.

(4) Within 90 days after the application is considered to be complete, the department shall grant or deny the application for the easement and notify the applicant in writing. If the department denies the application, the notice shall set forth the reasons for the denial.

(5) The department may impose conditions on an easement granted under this section.

History: Add. 2011, Act 323, Imd. Eff. Dec. 27, 2011

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