



**BOARD OF TRUSTEES  
Regular Meeting  
November 14, 2018  
7:00 p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PRESENTATIONS
6. PUBLIC HEARINGS
7. PUBLIC COMMENT: Restricted to three minutes regarding items on this agenda
8. REPORTS/BOARD COMMENTS
  - A. Current List of Boards and Commissions – Appointments as needed
9. CONSENT AGENDA
  - A. Communications
  - B. Minutes – October 24, 2018- regular meeting
  - C. Accounts Payable
  - D. Payroll
  - E. Meeting Pay
  - F. Fire Reports
10. NEW BUSINESS
  - A. Discussion/Action: (DePriest) Approval of a Resolution for an alternate meeting date for the July 2019 Board of Review
  - B. Discussion/Action: (DePriest/Gallinat) Introduce Ordinance 2018-06 for first reading and publish notice of public hearing for the adoption of Ordinance 2018-06 at the November 28, 2018 Board of Trustees Meeting
  - C. Discussion/Action: (Gallinat): Introduce Rezoning Ordinance 2018-07, conduct a first reading. Publish a notice of a public hearing to consider adoption/rejection of Rezoning Ordinance 2018-07 on 11/28/2018

- D. Discussion/Action: (Gallinat) Introduce Rezoning Ordinance 2018-08, conduct a first reading. Publish a notice of a public hearing to consider adoption/rejection of Rezoning Ordinance 2018-08 on 11/28/2018
- E. Discussion/Action: (Smith) Approval of the termination of existing 20-foot Sanitary Sewer Public Utility Easement for Aldi Foods, parcel #14-026-40-001-18
- F. Discussion/Action: (Smith) Chlorine Generation Equipment Isabella Treatment Plant
  - 1. Combined RFBA Evoqua Chlorine Generation Equipment
  - 2. Combined RFBA Post Chlorine Generation Equipment
- G. Discussion/Action: (Smith) Approval of Second Amendment to Site Lease and First Amendment to Short Form Lease between Charter Township of Union and New Cingular Wireless PCS LLC (AT&T) at the Broadway Tower
- H. Discussion/Action: (Smith) Approval of Commercial Property Utility Service and Franchise Agreement for Broomfield Commons Condominium Project B, C, D, and E located at 2420 East Broomfield Rd.

11. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue

12. MANAGER COMMENTS

13. FINAL BOARD MEMBER COMMENT

14. CLOSED SESSION

- A. Attorney/Client discussion regarding trial or settlement strategy - Lux Family Properties CZA, LLC v. Charter Township of Union

15. ADJOURNMENT

## Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squatrito	2/15/2020
3- Vice Chair	Bryan	Mielke	2/15/2021
4-Secretary	Alex	Fuller	2/15/2020
5 - Vice Secretary	Mike	Darin	2/15/2019
6	Stan	Shingles	2/15/2021
7	Ryan	Buckley	2/15/2019
8	Denise	Webster	2/15/2020
9	Doug	LaBelle II	2/15/2019
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1-Chair	Tim	Warner	12/31/2019
2-PC Rep / Vice Chair	Bryan	Mielke	2/18/2021
3-Secretary	Jake	Hunter	12/31/2019
4	Andy	Theisen	12/31/2019
5 - Vice Secretary	Paul	Gross	12/31/2018
Alt. #1	John	Zerbe	12/31/2019
Alt. #2	Taylor	Sheahan-Stahl	2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2018
2	James	Thering	12/31/2018
3	Bryan	Neyer	12/31/2018
Alt #1	Mary Beth	Orr	1/25/2019
Citizens Task Force on Sustainability (4 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Laura	Coffee	12/31/2018
2	Mike	Lyon	12/31/2018
3	Jay	Kahn	12/31/2018
4	Phil	Mikus	11/20/2020
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2019
2	Richard	Jakubiec	12/31/2019
3	Andy	Theisen	12/31/2019
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2018
2	John	Dinse	12/31/2019
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2019
2	Lynn	Laskowsky	12/31/2021



## Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1	Thomas	Kequom	4/14/2019
2	James	Zalud	4/14/2019
3	Richard	Barz	2/13/2021
4	Robert	Bacon	1/13/2019
5	Ben	Gunning	11/20/2020
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2019
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Brian	Smith	12/31/2019
Sidewalks and Pathways Prioritization Committee (2 year term)			
#	F Name	L Name	Expiration Date
1 BOT Representative	Phil	Mikus	7/26/2019
2 PC Representative	Denise	Webster	8/15/2020
3 Township Resident	Sherrie	Teall	8/15/2019
4 Township Resident	Jeremy	MacDonald	10/17/2020
5 Member at large	Connie	Bills	8/15/2019

**2018 CHARTER TOWNSHIP OF UNION**  
**Board of Trustees**  
**Regular Meeting**

A regular meeting of the Charter Township of Union Board of Trustees was held on October 24, 2018 at 7:00 p.m. at Union Township Hall.

**Meeting was called to order at 7:02 p.m.**

In the absence of Supervisor Gunning, Clerk Cody chaired the meeting.

**Roll Call**

Present: Clerk Cody, Trustees B. Hauck, Lannen, Mikus, and Woerle  
Excused: Supervisor Gunning and Treasurer Rice

**Approval of Agenda**

**Woerle** moved **Hauck** supported to approve the agenda as amended, removing 10B Introduce Ordinance 2018-06. **Vote: Ayes: 5 Nays: 0. Motion carried.**

**Presentations**

**Public Hearings**

**Public Comment** - open 7:04 p.m.  
No comments were offered.

**Reports/Board Comments**

Cody – City of Mt. Pleasant updates  
Mikus –Sidewalk and Pathway Prioritization Committee meets 10/30/18 at 6:30 p.m.  
Lannen – Isabella County Commission updates  
Woerle – Met with Saginaw Chippewa Indian Tribe and talked about grant the behavioral health clinic received.

- Monthly Activity Report to the Board of Trustees
- Planning Commission/ZBA updates by Township Planner

**Consent Agenda**

- A. Communications
- B. Minutes October 10, 2018 – Regular Meeting
- C. Accounts Payable
- D. Payroll
- E. Meeting Pay
- F. Fire Reports
- G. Policy Governance 2.5.10
- H. Policy Governance 2.5

**Hauck** moved **Woerle** supported to approve the consent agenda as presented. **Vote: Ayes: 5 Nays: 0. Motion carried.**

## **BOARD AGENDA**

**A. Discussion/Action: (Smith) Approval of bid from Plummer’s Environmental for the cured in place repair of four sanitary sewer main leaks, robotic cutting**

**Lannen** moved **Woerle** supported to approve the bid from Plummer’s Environmental in the amount of \$24,510.00, for the cured in place repair of four sanitary sewer main leaks, robotic cutting of intruding joint gaskets, and the cleaning and televising of 385 of 18” sanitary sewer on River Rd. **Vote: Ayes: 5 Nays: 0. Motion carried.**

**B. Discussion/Action: (DePriest) Approval of Land Division for parcel #37-14-054-00-081-00 and #37-14-054-00-080-00 Located in Cornerstone Condominium Subdivision**

**Lannen** moved **Woerle** supported to approve the land division for parcel #37-14-054-00-081-00 and #37-14-054-00-080-00 located in Cornerstone Condominium Subdivision. **Vote: Ayes: 5 Nays: 0. Motion carried.**

**C. Discussion/Action: (BOT) Manager Contract Review**

Discussion by the Board.

**Mikus** moved **Cody** supported to approve the Township Manager’s Contract with an increase effective January 1, 2019 of 4.25%. **Vote: Ayes: 5 Nays: 0. Motion carried.**

**D. Discussion/Action: Policy Governance 4.3**

Discussion by the Board.

**E. Approval of Land Division for parcel #37-14-020-011-00. Owner: Union Farms, LLC located on Remus Rd.**

**Cody** moved **Mikus** supported to approve the land division for parcel #37-14-020-20-001-00 located on Remus Rd, Owner Union Farms, LLC. **Vote: Ayes: 6 Nays: 0. Motion carried.**

**EXTENDED PUBLIC COMMENT** - Open 9:57 p.m.

Larry King for Prosecutor see [www.King4Prosecutor.com](http://www.King4Prosecutor.com)

Sara Spencer-Noggle for Isabella County Probate Judge see website:

[www.saraspencernoggleforjudge.com](http://www.saraspencernoggleforjudge.com)

## **MANAGER COMMENTS**

- Fire Truck Bid is out on the street, expect information the first of next year.
- Hydrant Flushing going on, a map and dates of hydrant flushing can be found on the website ([uniontownshipmi.com](http://uniontownshipmi.com)) or Township Hall
- Reminder that the Election is November 6th and that the fire millage renewal is on the ballot, please get out and vote

- Commented on a Resolution being brought forward at the 11/14 meeting to acknowledge and honor Ken Schaeffer.

**FINAL BOARD MEMBER COMMENTS**

Cody– Election Day is November 6<sup>th</sup>, polls open from 7:00 am to 8 pm. The last day to request an Absentee Ballot by mail is on Saturday November 3<sup>rd</sup> at Township Hall, which will be open from 9am to 2 pm.

**Closed Session**

**ADJOURNMENT**

**Mikus** moved **Woerle** supported to adjourn the meeting at 8:09 p.m. **Vote: Ayes: 5 Nays: 0.**  
**Motion carried.**

**APPROVED BY:**

\_\_\_\_\_  
**Lisa Cody, Clerk**

\_\_\_\_\_  
**Ben Gunning, Supervisor**

*(Recorded by Jennifer Loveberry)*

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 101 POOLED CHECKING						
11/05/2018	101	217 (E)	00146	CONSUMERS ENERGY PAYMENT CENTER	2270 NORTHWAY	27.66
					2055 ENTERPRISE	243.45
					5525 E REMUS	57.87
					5537 E BROADWAY	54.30
					1933 S ISABELLA	414.02
					5144 BUDD	30.33
					5142 BUDD	108.84
					1660 BELMONT	54.80
					5076 S MISSION	836.40
					900 MULBERRY	57.87
					5240 E BROOMFIELD	899.38
					2188 E PICKARD	100.83
					1776 E PICKARD	64.87
					1876 E PICKARD	31.73
					2180 S LINCOLN	25.88
					2495 E DEERFIELD	107.22
					2424 W MAY	304.65
					4795 S MISSION	2,105.76
					4797 S MISSION BARN	227.29
					5228 S ISABELLA	5,233.09
					4822 ENCORE	93.69
					3998 E DEERFIELD	62.20
					5369 S CRAWFORD	44.61
					3248 S CONCOURSE	116.00
					4244 E BLUEGRASS	56.86
					800 CRAIG HILL	46.97
					4520 E RIVER	202.28
					1633 S LINCOLN	172.08
					5319 E AIRPORT	35.06
					1046 S MISSION	85.42
					1605 SCULLY	42.32
					2279 S MERIDIAN PUMP HOUSE	74.21
					2279 S MERIDIAN	1,246.88
					4511 E RIVER	11,617.98
					2010 S LINCOLN	719.27
					1876 S LINCOLN	42.96
					2010 S LINCOLN #GUL	54.59
					STREET LIGHTS	1,824.79
						<u>27,524.41</u>
11/05/2018	101	218 (E)	00146	VOID		
				Void Reason: Created From Check Run Process		V
11/05/2018	101	219 (E)	00146	VOID		
				Void Reason: Created From Check Run Process		V
11/05/2018	101	220 (E)	01233	UNITED STATES OF AMERICA	BOND INTEREST - RURAL DEVELOPMENT	16,136.24
11/05/2018	101	221 (E)	01105	MASTERCARD	MASTERCARD CODY	113.81
					MASTERCARD GALLINAT	39.70
					MASTERCARD DEPRIEST	15.35
					MASTERCARD RADAR	12.46
					MASTERCARD ROCKAFELLOW	33.70
					MASTERCARD OCKERT	101.99
					MASTERCARD MCBRIDE	561.45
					MASTERCARD FUSSMAN	156.50
					MASTERCARD STUHLREHER	75.81



Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					MASTERCARD BEBOW	3,860.08
					MASTERCARD WALDRON	490.30
					MASTERCARD DEARING	3,408.47
					MASTERCARD HOHLBEIN	115.81
					MASTERCARD TEALL	979.89
					MASTERCARD GALLINAT CM	(295.00)
						<u>9,670.32</u>
11/14/2018	101	20583	01605	ADVANCED TECHNICAL SOLUTIONS	REPAIR OF WOERNER LUBRICATION EQUIPMENT	1,062.75
11/14/2018	101	20584	00020	JAMES ALWOOD	WELL SITE LEASE - OCT 2018	473.16
11/14/2018	101	20585	01549	BAUCKHAM, SPARKS, THALL, SEEBER & K	MTT CASE LEGAL FEES - OCT 2018	326.81
11/14/2018	101	20586	00066	BILL'S CUSTOM FAB, INC.	WELD BAND FLANGE - MERIDIAN WELL SITE	187.58
11/14/2018	101	20587	00072	BLOCK ELECTRIC	INSTALL VFD - MERIDIAN ROAD WELL	340.00
11/14/2018	101	20588	00095	C & C ENTERPRISES, INC.	TOWNSHIP LOGO SAFETY SHIRTS	197.50
					CLOTHING ALLOWANCE - STUHLBREHER	41.00
						<u>238.50</u>
11/14/2018	101	20589	00099	CENTRAL CONCRETE PRODUCTS CO. INC	5.5 SACK FOR ISABELLA WELL SITE	345.00
11/14/2018	101	20590	00129	CMS INTERNET, LLC	DUAL MONITORS FOR K. SMITH	299.98
11/14/2018	101	20591	01515	LISA M CODY	MILEAGE TO PICK UP ELECTION EQUIPMENT	201.65
11/14/2018	101	20592	00155	COYNE OIL CORPORATION	FUEL IN TOWNSHIP VEHICLES - OCTOBER 2018	1,174.45
					FUEL IN TOWNSHIP VEHICLES - OCTOBER 2018	1,036.24
						<u>2,210.69</u>
11/14/2018	101	20593	01242	CULLIGAN WATER	WATER - MCDONALD PARK OCT 2018	9.00
					WATER - SHOP OCT 2018	9.00
						<u>18.00</u>
11/14/2018	101	20594	01171	DBI BUSINESS INTERIORS	PLYSTR 8.5X11 PAPER	72.19
					ELECTION TABULATOR MACHINE PAPER	4.02
					DISINFECTANT SPRAY TWP HALL	90.00
						<u>166.21</u>
11/14/2018	101	20595	00176	PATRICIA DEPRIEST	MAA CONFERENCE REIMB & WIRELESS KEYBOARD	283.88
11/14/2018	101	20596	00201	ELHORN ENGINEERING COMPANY	BULK CHLORINE	3,663.75
11/14/2018	101	20597	01219	ERC ASSOCIATES, LLC	4 55-GALLON DRUM OF CATIONIC POLYMER	6,930.00
11/14/2018	101	20598	00231	FOUR SEASON'S EXTERMINATING	TWP HALL EXT TREATMENT - OCT 2018	40.00
11/14/2018	101	20599	01514	GAWNE TRUCKING, INC.	BIOSOLIDS LAND APPLICATION - 2018	21,426.60
11/14/2018	101	20600	00257	GOURDIE-FRASER, INC.	WATER MAIN LOOP CONST-PROGRESS PAYMENT	2,933.00
					SANITARY SEWER PUMP STATION #1 REPLACEME	11,423.00
					PUMP STATION #7 SERVICE AREA EVALUATION	4,155.00
						<u>18,511.00</u>
11/14/2018	101	20601	00324	ISABELLA CORPORATION	SCREENED TOPSOIL - ISABELLA ROAD SHOP	300.00
11/14/2018	101	20602	00337	ISABELLA COUNTY TREASURER	CHARGEBACK TO COUNTY PER FORECLOSURE	822.54
11/14/2018	101	20603	00351	JONES & HENRY LABORATORIES, INC.	MERCURY SAMPLE TESTING	200.00
11/14/2018	101	20604	01324	KENEWELL GROUP	BUSINESS CARD - K. SMITH	64.00
11/14/2018	101	20605	00356	KENNEDY INDUSTRIES, INC.	STATION 19 KOHLS REPLACEMENT PUMP	13,723.00
11/14/2018	101	20606	00360	KIMBALL MIDWEST	GLOVES AND WHEELS	74.39
11/14/2018	101	20607	00422	MICHIGAN PIPE & VALVE	5LB CAN CHLORINE HTH	25.00
11/14/2018	101	20608	00747	MOERS PRODUCTS, INC.	FLEXCAP DIFFUSERS	1,374.53
11/14/2018	101	20609	01274	MORRISON INDUSTRIAL EQUIPMENT CO	INSPECTION & OIL CHANGE - NISSAN FORKLIF	124.14
11/14/2018	101	20610	00460	MT. PLEASANT AREA CHMB OF COMMERCE	LEGISLATIVE FALL BREAKFAST - STUHLBREHER	30.00
11/14/2018	101	20611	00463	MT. PLEASANT HEATING & AIR COND	ISABELLA - FURNACE REPAIR	948.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
11/14/2018	101	20612	00494	NORTH CENTRAL LABORATORIES	3.8 LITER B-44 & B-50 BUFFER SOLUTION	77.11
11/14/2018	101	20613	01136	OPTO SOLUTIONS, INC	LIFTSTATION 10 OPTO ALARM SYSTEM	909.34
11/14/2018	101	20614	00780	PARAGON LABORATORIES, INC.	EPA DISSOLVED SOLIDS SCANS	125.00
11/14/2018	101	20615	01543	AMY PEAK	HRA DEDUCTIBLE REIMBURSEMENT 10-18-18	190.00
11/14/2018	101	20616	00131	PERCEPTIVE CONTROLS, INC	OPTO ALARM SYSTEM #10 MULBERRY LANE	2,077.10
					PHONE SUPPORT - LIFTSTATION 10	120.00
						<u>2,197.10</u>
11/14/2018	101	20617	01137	MARK ROCKAFELLOW	CLOTHING ALLOWANCE - ROCKAFELLOW	100.00
11/14/2018	101	20618	01270	STATE OF MICHIGAN - DEQ	PUBLIC WATER SUPPLY ANNUAL FEE - 2019	5,853.46
11/14/2018	101	20619	01495	MARK STUHLDTREHER	MEALS-MT PLEASANT CM; WCA ASSESSING; ROT	135.37
11/14/2018	101	20620	00637	SWEENEY SEED CO.	LAWN SEED FOR ISABELLA WELL SITE	40.00
11/14/2018	101	20621	00668	UNITED PARCEL SERVICE	SHIPPING TO PARAGON LABS	9.77
					JONES AND HENRY LAB SHIPPING	10.17
						<u>19.94</u>
11/14/2018	101	20622	01013	USA BLUE BOOK	ARC FLASH KIT	2,369.93
					THERN CRANE W/WORM GEAR	2,529.95
					BOTTOM DISCHARGE DIFFUSER & CRANE FREIGH	302.80
						<u>5,202.68</u>
11/14/2018	101	20623	00703	WASTE MANAGEMENT OF MICHIGAN, INC	DUMPSTER SERVICE - ISABELLA OCT/NOV 2018	162.78
					DUMPSTER SERVICE - WWTP NOV 2018	877.54
					DUMPSTER SERVICE - SHOP NOV 2018	56.38
					DUMPSTER SERVICE - JAMESON NOV 2018	137.14
					DUMPSTER SERVICE - MCDONALD NOV 2018	200.15
					DUMPSTER SERVICE - TWP HALL NOV 2018	72.49
						<u>1,506.48</u>
11/14/2018	101	20624	01246	WOLVERINE POWER SYSTEMS	REPROGRAM ISABELLA - LINCOLN TOWER GENER	321.25
<b>101 TOTALS:</b>						
Total of 47 Checks:						144,419.86
Less 2 Void Checks:						0.00
Total of 45 Disbursements:						<u>144,419.86</u>

<b>Charter Township of Union</b> <b>Payroll</b>
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**CHECK DATE: November 1, 2018**

**PPE: October 27, 2018**

**NOTE: CHECK TOTAL FOR TRANSFER**

Gross Payroll	\$	52,573.64
Employer Share Med		726.70
Employer Share SS		3,107.26
SUI		16.35
Pension-Employer Portion		3,397.52
Workers' Comp		558.75
Life/LTD		615.50
Dental		1,048.00
Health Care		16,289.70
Vision		337.12
Vision Contribution		(168.56)
Health Care Contribution		(2,083.62)
Cobra/Flex Administration		-
PCORI Fee		-
<b>Total Transfer to Payroll Checking</b>	<b>\$</b>	<b>76,418.36</b>

**NOTE: PAYROLL TRANSFER NEEDED**

General Fund	\$	27,540.44
EDDA		-
WDDA		-
Sewer Fund		25,447.93
Water Fund		23,429.99
<b>Total To Transfer from Pooled Savings</b>	<b>\$</b>	<b>76,418.36</b>

**CHARTER TOWNSHIP OF UNION  
MEETING PAY REQUEST FORM  
2018**

**BOARD MEMBER:** Bill Hawk

**MONTH:** Sept. 2018

Date	Meeting	Time Attended		Total
		1hr or less	More than Hr	
9-27-18	J.C.R.C.	X		\$50.00

**SIGNATURE:** Bill Hawk **Date:** 10-24-18

1. This form is filled out by the board member monthly and turned into the Finance Director. Completed requests will be added to the consent agenda for approval at the next regular board meeting. After board approval, payment will be added to the next regular payroll process.
2. Only list those meetings that you have attended. You are required to list the amount of meeting time you were in attendance. The amount paid is subject to the time you spent during the actual meeting. 1 to 60 minutes is reimbursed at \$50. Anything greater than 60 minutes is reimbursed at \$75.
3. Attendances at all day conferences/sessions are reimbursed as one meeting at \$75.

meeting  
11-14-18

CHARTER TOWNSHIP OF UNION  
MEETING PAY REQUEST FORM  
2018

BOARD MEMBER: Tim Lannen

MONTH: October

Date	Meeting	Time Attended		Total
		1hr or less	More than Hr	
10.2.18	Isabella County BOC meeting	✓		\$50
10.16.18	Isabella County BOC meeting	✓		\$50

SIGNATURE: Tim Lannen Date: 10.31.18

1. This form is filled out by the board member monthly and turned into the Finance Director. Completed requests will be added to the consent agenda for approval at the next regular board meeting. After board approval, payment will be added to the next regular payroll process.
2. Only list those meetings that you have attended. You are required to list the amount of meeting time you were in attendance. The amount paid is subject to the time you spent during the actual meeting. 1 to 60 minutes is reimbursed at \$50. Anything greater than 60 minutes is reimbursed at \$75.
3. Attendances at all day conferences/sessions are reimbursed as one meeting at \$75.

## Mount Pleasant Fire Department

**Fire Experience Report For Union Township/City of Mt. Pleasant  
Period - October 15, 2018 through October 21, 2018**

Category	Code	Description	Twp	Resp	City
Fire	100	Fire, Other			
	111	Building Fire			1
	112	Fires in Structures other than a Building			
	113	Cooking Fire	2	20	
	114	Chimney or Flue Fire			
	116	Fuel Burner/Boiler Malfunction			
	130	Mobile Property Fire, Other			
	131	Passenger Vehicle Fire			
	132	Road freight or transport vehicle fire			
	136	Self-propelled Motor Home/Recreational			
	137	Camper or Recreational Vehicle (RV) Fire			
	138	Off-road vehicle of heavy equipment fire			
	140	Natural Vegetation Fire			
	143	Grass/Brush fire			
	150	Outside Rubbish Fire, other			
	151	Outside Rubbish Fire, trash or waste fire			
	154	Dumpster Fire			
160	Special Outside Fire, Other				
Overpressure Rupture, (No Fire)	200	Overpressure rupture, explosion, overheat			
	251	Excessive heat, scorch burns with no fire			
	231	Chemical reaction rupture of process vessel			
Rescue & EMS Incident	300	Rescue, EMS incident, other			
	311	Medical Assist to EMS Crew	2	8	2
	321	EMS Call excluding Veh. Accident	1	3	4
	322	Motor Vehicle Acc. W/ Injuries			1
	323	Motor Vehicle Acc/Pedestrian			
	324	Motor Vehicle Acc. W/no Injuries	1	4	1
	331	Lock-In (If lock out use 551)			
	342	Search for Person in Water			
	352	Extrication of Victim (s) from vehicle			
	353	Remove Victim from Stalled Elevator			
	360	Water & Ice-related Rescue, Other			
	361	Swimming /recreational water area rescue			
363	Swift Water Rescue				
	3811	Technical rescue standby			
Hazardous Condition (No Fire)	400	Hazard condition other			
	410	Combustible/Flammable Gas Condition			
	411	Gasoline or Other Flammable Spill			
	412	Gas Leak (natural gas or LPG)			
	413	Oil of Combustible Liquid Spill			
	420	Toxic Condition, Other			
	421	Chemical Hazard (No Spill or Leak)			
	422	Chemical Spill or Leak			

	423	Refrigeration Leak			
	424	Carbon Monoxide Incident			
	440	Electric Wiring/Equipment Problem			1
	441	Heat from Short Circuit			
	442	Overheated Motor			
	443	Breakdown of Light Ballast			
	444	Power Line Down			2
	445	Arcing, shorted electrical equipment			
	451	Biological hazard, confirmed or suspected			
	461	Building or Structure Weakened or Collapsed			
	462	Aircraft Standby			
	463	Vehicle Accident, general cleanup			
	480	Attempted burning, illegal action, other			
	4441	Utility Line Down	2	5	
Service Call					
	500	Service Call - Other			
	510	Person in Distress			
	511	Lock-out			
	512	Ring or Jewelry removal			
	520	Water Problem, Other			
	521	Water Evacuation			
	522	Water of Steam Leak			
	531	Smoke or Odor Removal			
	542	Animal Rescue			
	552	Police Matter			
	553	Public Service			
	555	Defective Elevator, No Occupants			
	561	Unauthorized Burning			1
	571	Cover assignment, standby, moveup			
Good Intent Call					
	600	Good Intent Call, Other			
	611	Dispatched and Cancelled en route			2
	622	No Incident Found on Arrival			
	631	Authorized controlled burning			
	650	Steam, gas mistaken for smoke,			
	651	Smoke Scare, Odor of Smoke			
	653	Smoke from Barbecue, Tar Kettle			
	661	EMS call, party already transported			
	671	HazMat Investigation, no HazMat			
False Alarm & False Call					
	700	False Alarm, Other			
	710	Malicious, mischievous false call, other			1
	715	Local Alarm System, Malicious False Alarm			1
	721	Bomb Scare - No Bomb			
	730	System Malfunction			
	731	Sprinkler activation due to malfunction			
	732	Extinguishing System Activation - Malfunction			
	733	Smoke Det. Activation - Malfunction			1
	734	Heat Detector Activation - Malfunction			
	735	Alarm system sounded due to malfunction			
	736	CO detector activation due to malfunction			
	740	Unintentional transmission of alarm, other			

	741	Sprinkler activation, no fire	1	3	
	743	Smoke Det. Activation - Unintentional			2
	744	Detector activation, no fire			
	745	Alarm System Act. - Unintentional	1	3	
	746	Carbon Monoxide Activation, NO CO			
Severe Weather					
	812	Flood Assessment			
Special Incident Type	813	Wind Storm, Tornado/Hurricane Assessment			
	911	Citizen Complaint			
	9002	Civil Infraction Issued			
	9003	Affidavit Issued			
		Total Response for Union Twp/City	10	46	20

	Emergency - MPFD
	Emergency - MPFD Secondary to MMR
	Non - Emergency



## Mount Pleasant Fire Department

Fire Experience Report For Union Township/City of Mt. Pleasant  
Period - October 22, 2018 through October 28, 2018

Category	Code	Description	Twp	Resp	City
Fire	100	Fire, Other			
	111	Building Fire			
	112	Fires in Structures other than a Building			
	113	Cooking Fire			
	114	Chimney or Flue Fire			
	116	Fuel Burner/Boiler Malfunction			
	130	Mobile Property Fire, Other			
	131	Passenger Vehicle Fire			
	132	Road freight or transport vehicle fire			
	136	Self-propelled Motor Home/Recreational			
	137	Camper or Recreational Vehicle (RV) Fire			
	138	Off-road vehicle of heavy equipment fire			
	140	Natural Vegetation Fire	1	14	
	143	Grass/Brush fire			
	150	Outside Rubbish Fire, other			
	151	Outside Rubbish Fire, trash or waste fire			
	154	Dumpster Fire			
	160	Special Outside Fire, Other			
	Overpressure Rupture, (No Fire)	200	Overpressure rupture, explosion, overheat		
251		Excessive heat, scorch burns with no fire			
231		Chemical reaction rupture of process vessel			
Rescue & EMS Incident	300	Rescue, EMS incident, other			
	311	Medical Assist to EMS Crew			
	321	EMS Call excluding Veh. Accident			
	322	Motor Vehicle Acc. W/ Injuries			1
	323	Motor Vehicle Acc/Pedestrian			
	324	Motor Vehicle Acc. W/no Injuries			1
	331	Lock-In (If lock out use 551)			
	342	Search for Person in Water			
	352	Extrication of Victim (s) from vehicle			
	353	Remove Victim from Stalled Elevator			
	360	Water & Ice-related Rescue, Other			
	361	Swimming /recreational water area rescue			
	363	Swift Water Rescue			
	3811	Technical rescue standby			
Hazardous Condition (No Fire)	400	Hazard condition other			
	410	Combustible/Flammable Gas Condition			
	411	Gasoline or Other Flammable Spill			
	412	Gas Leak (natural gas or LPG)			
	413	Oil of Combustible Liquid Spill			
	420	Toxic Condition, Other			
	421	Chemical Hazard (No Spill or Leak)			
	422	Chemical Spill or Leak			

	423	Refrigeration Leak			
	424	Carbon Monoxide Incident			
	440	Electric Wiring/Equipment Problem			
	441	Heat from Short Circuit			
	442	Overheated Motor			
	443	Breakdown of Light Ballast			
	444	Power Line Down			
	445	Arcing, shorted electrical equipment			
	451	Biological hazard, confirmed or suspected			
	461	Building or Structure Weakened or Collapsed			
	462	Aircraft Standby			
	463	Vehicle Accident, general cleanup			
	480	Attempted burning, illegal action, other			
	4441	Utility Line Down			
Service Call					
	500	Service Call - Other			
	510	Person in Distress			
	511	Lock-out			
	512	Ring or Jewelry removal			
	520	Water Problem, Other			
	521	Water Evacuation			
	522	Water of Steam Leak			
	531	Smoke or Odor Removal			
	542	Animal Rescue			
	552	Police Matter			
	553	Public Service			
	555	Defective Elevator, No Occupants			
	561	Unauthorized Burning			
	571	Cover assignment, standby, moveup			
Good Intent Call					
	600	Good Intent Call, Other			
	611	Dispatched and Cancelled en route			1
	622	No Incident Found on Arrival			
	631	Authorized controlled burning			
	650	Steam, gas mistaken for smoke,			
	651	Smoke Scare, Odor of Smoke			
	653	Smoke from Barbecue, Tar Kettle			
	661	EMS call, party already transported			
	671	HazMat Investigation, no HazMat			
False Alarm & False Call					
	700	False Alarm, Other			
	710	Malicious, mischievous false call, other			
	715	Local Alarm System, Malicious False Alarm			
	721	Bomb Scare - No Bomb			
	730	System Malfunction			
	731	Sprinkler activation due to malfunction			
	732	Extinguishing System Activation - Malfunction			
	733	Smoke Det. Activation - Malfunction			
	734	Heat Detector Activation - Malfunction			
	735	Alarm system sounded due to malfunction	2	4	
	736	CO detector activation due to malfunction			
	740	Unintentional transmission of alarm, other			

	741	Sprinkler activation, no fire			
	743	Smoke Det. Activation - Unintentional			
	744	Detector activation, no fire			
	745	Alarm System Act. - Unintentional			
	746	Carbon Monoxide Activation, NO CO			
Severe Weather					
	812	Flood Assessment			
Special Incident Type	813	Wind Storm,Tornado/Hurricane Assessment			
	911	Citizen Complaint			
	9002	Civil Infraction Issued			
	9003	Affidavit Issued			
		Total Response for Union Twp/City	3	18	3

	Emergency - MPFD
	Emergency - MPFD Secondary to MMR
	Non - Emergency

## Mount Pleasant Fire Department

**Fire Experience Report For Union Township/City of Mt. Pleasant  
Period - October 29, 2018 through November 04, 2018**

Category	Code	Description	Twp	Resp	City	
Fire	100	Fire, Other				
	111	Building Fire				
	112	Fires in Structures other than a Building				
	113	Cooking Fire			1	
	114	Chimney or Flue Fire				
	116	Fuel Burner/Boiler Malfunction				
	130	Mobile Property Fire, Other				
	131	Passenger Vehicle Fire				
	132	Road freight or transport vehicle fire				
	136	Self-propelled Motor Home/Recreational				
	137	Camper or Recreational Vehicle (RV) Fire				
	138	Off-road vehicle of heavy equipment fire				
	140	Natural Vegetation Fire				
	143	Grass/Brush fire				
	150	Outside Rubbish Fire, other				
	151	Outside Rubbish Fire, trash or waste fire				
	154	Dumpster Fire				
	160	Special Outside Fire, Other				
	Overpressure Rupture, (No Fire)	200	Overpressure rupture, explosion, overheat			
		251	Excessive heat, scorch burns with no fire			
231		Chemical reaction rupture of process vessel				
Rescue & EMS Incident	300	Rescue, EMS incident, other				
	311	Medical Assist to EMS Crew			2	
	321	EMS Call excluding Veh. Accident	1	2	2	
	322	Motor Vehicle Acc. W/ Injuries				
	323	Motor Vehicle Acc/Pedestrian				
	324	Motor Vehicle Acc. W/no Injuries	2	17		
	331	Lock-In (If lock out use 551)				
	342	Search for Person in Water				
	352	Extrication of Victim (s) from vehicle				
	353	Remove Victim from Stalled Elevator				
	360	Water & Ice-related Rescue, Other				
	361	Swimming /recreational water area rescue				
	363	Swift Water Rescue				
	3811	Technical rescue standby				
Hazardous Condition (No Fire)	400	Hazard condition other				
	410	Combustible/Flammable Gas Condition				
	411	Gasoline or Other Flammable Spill				
	412	Gas Leak (natural gas or LPG)				
	413	Oil of Combustible Liquid Spill				
	420	Toxic Condition, Other				
	421	Chemical Hazard (No Spill or Leak)				
	422	Chemical Spill or Leak				

	423	Refrigeration Leak			
	424	Carbon Monoxide Incident			
	440	Electric Wiring/Equipment Problem			
	441	Heat from Short Circuit			
	442	Overheated Motor			
	443	Breakdown of Light Ballast			
	444	Power Line Down			
	445	Arcing, shorted electrical equipment			
	451	Biological hazard, confirmed or suspected			
	461	Building or Structure Weakened or Collapsed			
	462	Aircraft Standby			
	463	Vehicle Accident, general cleanup			
	480	Attempted burning, illegal action, other			
	4441	Utility Line Down			
Service Call					
	500	Service Call - Other			
	510	Person in Distress			1
	511	Lock-out			
	512	Ring or Jewelry removal			
	520	Water Problem, Other			
	521	Water Evacuation			
	522	Water of Steam Leak			
	531	Smoke or Odor Removal			
	542	Animal Rescue			
	552	Police Matter			
	553	Public Service			
	555	Defective Elevator, No Occupants			
	561	Unauthorized Burning			
	571	Cover assignment, standby, moveup			
Good Intent Call					
	600	Good Intent Call, Other			
	611	Dispatched and Cancelled en route			1
	622	No Incident Found on Arrival			
	631	Authorized controlled burning			
	650	Steam, gas mistaken for smoke,			
	651	Smoke Scare, Odor of Smoke			1
	653	Smoke from Barbecue, Tar Kettle			
	661	EMS call, party already transported			
	671	HazMat Investigation, no HazMat			
False Alarm & False Call					
	700	False Alarm, Other			
	710	Malicious, mischievous false call, other			
	715	Local Alarm System, Malicious False Alarm			1
	721	Bomb Scare - No Bomb			
	730	System Malfunction			
	731	Sprinkler activation due to malfunction			
	732	Extinguishing System Activation - Malfunction			
	733	Smoke Det. Activation - Malfunction			
	734	Heat Detector Activation - Malfunction			
	735	Alarm system sounded due to malfunction			
	736	CO detector activation due to malfunction			
	740	Unintentional transmission of alarm, other			

	741	Sprinkler activation, no fire			
	743	Smoke Det. Activation - Unintentional			
	744	Detector activation, no fire			1
	745	Alarm System Act. - Unintentional			1
	746	Carbon Monoxide Activation, NO CO			
Severe Weather					
	812	Flood Assessment			
Special Incident Type	813	Wind Storm, Tornado/Hurricane Assessment			
	911	Citizen Complaint			
	9002	Civil Infraction Issued			
	9003	Affidavit Issued			
		Total Response for Union Twp/City	3	19	11

	Emergency - MPFD
	Emergency - MPFD Secondary to MMR
	Non - Emergency

# REQUEST FOR TOWNSHIP BOARD ACTION

<b>To:</b> Mark Stuhldreher - Township Manager	<b>DATE:</b> November 7, 2018
<b>FROM:</b> Patricia DePriest – Assessor	<b>DATE FOR BOARD CONSIDERATION:</b> November 14, 2018
<b>ACTION REQUESTED:</b> Approval of a Resolution for an alternate meeting date for the July 2019 Board of Review	

Current Action  Emergency

Funds Budgeted: If Yes  Account #  No  N/A

Finance Approval \_\_\_\_\_

### BACKGROUND INFORMATION

Under the General Property Tax Act 206 of 1893 as amended Section 211.53b, (7) allows the governing body of the city or township by adoption of an ordinance or resolution, alternative meeting dates during the week of the third Monday in July for the purposes of holding the July Board of Review meeting.

Changing the meeting date to July 16, 2019 alleviates a scheduling conflict with the monthly Planning Commission meeting.

### SCOPE OF SERVICES

The taxpayers will be notified of the change on the winter 2018 taxes bills, Assessment change notices sent in February, 2019 and again with the summer 2019 tax bills and the July, 2019 Board of Review legal advertisement.

### JUSTIFICATION

Section 211.53b(9)(b) the governing body of the township has the authority to change to an alternate meeting date for the July Board of Review. The change would alleviate a conflict with the Planning Commission meetings.

### PROJECT IMPROVEMENTS

NA

- 1. Community well-being and common good**

### COSTS

NA

**PROJECT TIME TABLE**

The March change of assessment notices will indicate the dates for the July and December Board of Review dates and the summer tax bills will also indicate the date for the July Board of Review.

**RESOLUTION**

Approval of the requested Resolution to change the July Board of Review meeting from the third Tuesday in July to the third Wednesday in July.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:



**RESOLUTION TO APPROVE AN ALTERNATE DATE FOR JULY BOARD OF REVIEW**

**Resolution No. 2018-**

**WHEREAS**, Pursuant to MCL 211.53b The July Board of Review may be convened to correct a qualified error on the first Tuesday after the third Monday in July.

**WHEREAS**, Pursuant to MCL 211.53b(9)(b) the governing body of the city or township may authorize, by adoption of an ordinance or resolution, one or more alternative meeting dates for the purposes holding the July Board of Review.

**WHEREAS**, The Charter Township of Union assessing office is requesting the Charter Township of Union Board of Trustee’ s to authorize an alternate date in the third week of July; and

**WHEREAS**, The Charter Township of Union assessing office is requesting the alternate date to be the third Wednesday of July 2019. The request for an alternate date in July is to alleviate a conflict with the Charter Township of Union Planning Commission meetings.

NOW, THEREFOR BE IT RESOLVED BY, the Charter Township of Union that:

The Charter Township of Union finds and determines that the alternate meeting date would alleviate the conflict with the Planning Commission meetings and that township residents will be notified on their March Board of Review Change of Assessment Notice and the summer tax bills.

Be and the same is hereby approved.

Motion by \_\_\_\_\_, Support \_\_\_\_\_, All in Favor \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_ Absent \_\_\_\_\_

I, Lisa Cody, Clerk for the Charter Township of Union, do hereby certify that the forgoing is a true and complete copy of action taken by the Township Board at a regular meeting held on November 14, 2018.

\_\_\_\_\_

**To:** Township Manager Mark Stuhldreher

**DATE:** 11/7/2018

**FROM:** Township Assessor Patricia DePriest  
Township Planner Peter Gallinat

**DATE FOR BOARD CONSIDERATION:** 11/14/2018

**ACTION REQUESTED:** Introduce Ordinance 2018-06 for a first reading and publish a notice of public hearing for the adoption of Ordinance 2018-06 at the November 28, 2018 Board of Trustees meeting in the newspaper.

Current Action

Emergency \_\_\_\_\_

Funds Budgeted: If Yes \_\_\_\_\_ Account # \_\_\_\_\_ No \_\_\_\_\_ N/A X \_\_\_\_\_

Finance Approval \_\_\_\_\_

### BACKGROUND INFORMATION

The Michigan State Land Division ACT, Act 288 of 1967 as amended, does not require land division applications to be approved by the Township board. This requirement comes from the Township Land Division Ordinance (1997-8) which was approved in May 1997. Presently these applications are brought to the Township Board for approval/disapproval after they have been reviewed by the Township Assessor and Township Planner. Staff have found this requirement to prolong the approval process for the applicant and create additional work for staff and the Board of Trustees. The board relinquishing the current practice of approving/disapproving land divisions does not surrender to staff any duty required of the Board by State Law. The Board would continue to be informed on any land division applications via the assessor’s monthly activity report

Proposed changes to Sections III, IV, V and VI of the Ordinance are found below. (Text in RED is proposed to be removed, text in BLUE is proposed to be added):

Section III.

E. "Governing body" - the Charter Township of Union Board of Trustees.

Section IV.

Land in the Charter Township of Union, including lots in platted subdivisions, shall not be divided without the prior review and approval of the Charter Township of Union Board of Trustees in accordance with this ordinance and the State Land Division Act;

Section V.

An applicant shall file all the following with the Township Assessor for review by the assessor and zoning official, and approval by the Township Board of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

Section VI.

- A. Upon receipt of the land division application package, the Township Assessor shall review the application for compliance with the provisions of this Ordinance and the State of Michigan Land Division Act, and shall submit them forthwith to the Township Zoning Official, who shall likewise review the package for compliance with the Township's Zoning Ordinance. These two officials shall then make a recommendation to the Township Board of Trustees. At their next regularly scheduled meeting, the Board shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to

this Ordinance's requirements, and the assessor shall promptly notify the applicant of the decisions and the reasons for any denial. These two officials shall approve or disapprove the proposed division within 45 days after the application has been filed. The Township assessor shall promptly notify the applicant of the decision and reason for denial if denied. If the application package does not conform to this Ordinance[']s requirements and the State Land Division Act, the assessor shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.

- B. Any person or entity aggrieved by the decision of the Township Board assessor and zoning official may, within 30 days of said decision appeal the decision to the Zoning Board of Appeals which shall consider and resolve such appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 60 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and a recorded copy is filed with the Township Assessor accomplishing the approved land division or transfer.
- D. The assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

#### **SCOPE OF SERVICES**

Ordinance 2018-06 would amend section 6 of the current Township Land Division Ordinance 1997-8. The amendment does not change the process for any entity aggrieved by the decision to appeal the decision or change standards by which the application is approved/disapproved. The amendment removes the Township Board approval so to allow for a quicker and efficient decision of the application.

#### **JUSTIFICATION**

Michigan State Land Division ACT, Act 288 of 1967 amended through March 31<sup>st</sup>, 1997. Section 560.109 states "A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official." State Law does not require that the legislative body approve/disapprove land division applications.

#### **PROJECT IMPROVEMENTS**

The following Board of Trustees goal is addressed with this request.

1. Community well-being and common good
2. Commerce

#### **COSTS**

N/A

#### **PROJECT TIME TABLE**

This is done in a three-step process. The First step is to introduce the Ordinance at a board meeting for a first reading. At this first meeting the board votes to publish a public hearing on the adoption of said Ordinance. The second step is to hold that public hearing for the adoption of the Ordinance at the next Township board meeting. At the next Township board meeting the board votes to adopt the Ordinance and publish a notice of the adoption. The publishing of a notice of adoption is the third and final step of the Ordinance process for the Township Board. The Ordinance shall become effective seven (7) days after publication of adoption.

**RESOLUTION**

It is further resolved that a notice of a public hearing for the adoption of Ordinance 2018-06 on November 14, 2018 shall be published in the newspaper.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:

202.000 - LAND DIVISION ORDINANCE Ord. No. 1997-8 Adopted: May 28, 1997

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

The Charter Township of Union, Isabella County, Michigan, ordains:

202.001 - Title.

Sec. I. This ordinance shall be known and cited as the Charter Township of Union Land Division Ordinance.

202.002 - Purpose.

Sec. II. 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), 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 otherwise provide for the health, safety and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions within the township, including the division of lots within a platted subdivision.

(Ord. No. 1997-10, 7-9-97)

202.003 - Definitions.

Sec. III. For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - 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 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.
- C. "Exempt split" or "exempt division" - 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; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the Charter Township of Union Board of Trustees.

202.004 - Prior approval requirement for land divisions.

Sec. IV. Land in the Charter Township of Union, including lots in platted subdivisions, shall not be divided without the prior review and approval of the Charter Township of Union Board of Trustees, in accordance with this ordinance and the State Land Division Act; provided 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.

(Ord. No. 1997-10, 7-9-97)

202.005 - Application for land division approval.

Sec. V. An applicant shall file all of the following with the Township Assessor for review by the assessor and zoning official, and approval by the Township Board of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided.
- [C.] A tentative parcel map of the land proposed to be divided, drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and accessibility from existing or proposed public roads for automobile and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of the land sufficient to establish that the proposed division complies with Section 108 of the State Land Division Act.
- F. If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- G. Unless a division creates a parcel which is acknowledged and declared to be "not a development site", all divisions shall result in "buildable" parcels with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, approved on-site sewage disposal and water well locations (where public water and sewer service is not available) access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site. Declared agricultural land and land for forestry use shall not be subject to the foregoing as "development sites" as provided in the State Land Division Act at Section 102.
- H. The fee as may from time to time be established by resolution of the Township Board of Trustees for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.
- I. A copy of any and all subdivision deed restrictions, if applicable.

(Ord. No. 1997-10, 7-9-97)

202.006 - Procedure for review of applications for land division approval.

Sec. VI.

- A. Upon receipt of the land division application package, the Township Assessor shall review the application for compliance with the provisions of this Ordinance and the State of Michigan Land Division Act, and shall submit them forthwith to the Township Zoning Official, who shall likewise review the package for compliance with the Township's Zoning Ordinance. These two officials shall then make a recommendation to the Township Board of Trustees. At their next regularly scheduled meeting, the Board shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this Ordinance's requirements, and the assessor shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not

conform to this Ordinance[s] requirements and the State Land Division Act, the assessor shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.

- B. Any person or entity aggrieved by the decision of the Township Board may, within 30 days of said decision appeal the decision to the Zoning Board of Appeals which shall consider and resolve such appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 60 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and a recorded copy is filed with the Township Assessor accomplishing the approved land division or transfer.
- D. The assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

202.007 - Standards for approval of land divisions.

Sec. VII. 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 the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures, or have received a variance from such requirements from the Zoning Board of Appeals.
- B. The proposed land division(s) comply 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 a four to one ratio exclusive of access roads, easements, or non-development sites. The permissible 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 right-of-way line, or as otherwise provided in any applicable ordinance.

- E. No lot in a recorded plat shall be divided into more than four parts, and the resulting lots shall not be less in area than permitted by the township Zoning Ordinance, or by subdivision deed restrictions.

(Ord. No. 1997-10, 7-9-97)

202.008 - Consequences of noncompliance with land division approval requirement.

Sec. VIII. Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section IX [202.009] of this ordinance, and as may otherwise be provided by law.

202.009 - Penalties and enforcement.

Sec. IX.

[A.] Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

[B.] Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

202.010 - Severability.

Sec. X. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

202.011 - Repeal.

Sec. XI. 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 in the Township Zoning Ordinance, the Township Subdivision Control Ordinance, or the Township Building Code.

202.012 - Effective date.

Sec. XII. This ordinance shall take effect seven days following its publication after adoption.



**LAND DIVISION ACT**  
**Act 288 of 1967**

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.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1982, Act 529, Eff. Mar. 30, 1983;—Am. 1991, Act 59, Imd. Eff. June 27, 1991;—Am. 1996, Act 591, Eff. Mar. 31, 1997.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

*The People of the State of Michigan enact:*

**GENERAL PROVISIONS**

**560.101 Short title.**

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

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

**Compiler's note:** For transfer of powers and duties of the State Treasurer relative to subdivision control to the Department of Commerce, see E.R.O. No. 1980-1, compiled at MCL 16.732 of the Michigan Compiled Laws.

**Transfer of powers:** See MCL 16.732.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.102 Definitions.**

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 "subdivision" 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 requirements of this act by sections 108 and 109. "Subdivide" or "subdivision" 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.

(g) "Parcel" means a continuous area or acreage of land which can be described as provided for in this act.

(h) "Tract" means 2 or more parcels that share a common property line and are under the same ownership.

(i) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.

(j) "Accessible", in reference to a parcel, means that the parcel meets 1 or both of the following requirements:

(i) 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 1969 PA 200, MCL 247.321 to 247.329, and of the city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.

(ii) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

(k) "Development site" means any parcel or lot on which exists or which is intended for building development other than the following:

(i) 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.

(ii) Forestry use involving the planting, management, or harvesting of timber.

(l) "Forty acres or the equivalent" means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

(m) "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(n) "Outlot", when included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

(o) "Proprietor" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

(p) "Governing body" means the legislative body of a city or village or the township board of a township.

(q) "Municipality" means a township, city, or village.

(r) "County plat board" means the register of deeds, who shall act as chairperson, the county clerk, who shall act as secretary, and the county treasurer. If the offices of county clerk and register of deeds have been combined, the chairperson of the board of supervisors shall be a member of the plat board and shall act as chairperson. In a county where a board of auditors is authorized by law such board may elect to serve on the county plat board by adopting a resolution so ordering. A copy of the recorded resolution shall be sent to the director of the department of energy, labor, and economic growth.

(s) "Public utility" means all persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

(t) "Caption" means the name by which the plat is legally and commonly known.

(u) "Replat" means 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.

(v) "Surveyor" means a professional surveyor licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(w) "Engineer" means a civil engineer who is a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(x) "Government survey" means the land surveyed, subdivided and monumented by the United States public land survey.

(y) "Michigan coordinate system" means the system defined in 1964 PA 9, MCL 54.231 to 54.239.

(z) "Alley" means a public or private right of way shown on a plat which provides secondary access to a lot, block, or parcel of land.

(aa) "Health department" means the department of environmental quality, a city health department, a county health department, or a district health department, whichever has jurisdiction.

(bb) "Public sewer" means a sewerage system as defined in section 4101 of the natural resources and

environmental protection act, 1994 PA 451, MCL 324.4101.

(cc) "Public water" means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

(dd) "Topographical map" means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

(ee) "Flood plain" 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.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1990, Act 156, Imd. Eff. June 28, 1990;—Am. 1996, Act 78, Imd. Eff. Feb. 27, 1996;—Am. 1996, Act 591, Eff. Mar. 31, 1997;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.103 Subdivisions of land; surveys and plats, requirements.**

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

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

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

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.104 Replats; requirements; vacation of original plat.**

Sec. 104. A replat of all or any part of a recorded subdivision plat may not be approved or recorded unless proper court action has been taken to vacate the original plat or the specific part thereof, with the following exceptions:

(a) When all the owners of lots which are to be part of the replat agree in writing thereto and record the agreement with the register of deeds, and proof that notice to the abutting property owners has been given by certified mail and the governing body of the municipality in which the land included in the recorded plat is situated, has adopted a resolution or other legislative enactment vacating all areas dedicated to public use within the proposed replat.

(b) Assessors plats made, approved and recorded as provided for in sections 201 to 213.

(c) Urban renewal plats authorized by the governing body of a municipality, as provided in Act No. 344 of the Public Acts of 1945, as amended. Roads, streets, alleys and other public places shall be vacated in accordance with the provisions of law.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.105 Preliminary or final plat; approval; conditions.**

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 department's 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.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1996, Act 591, Eff. Mar. 31, 1997;—Am. 1997, Act 87, Imd. Eff. July 28, 1997.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**Administrative rules:** R 560.101 et seq. and R 560.401 et seq. of the Michigan Administrative Code.

#### **560.106 Approving authorities; limitation on powers of approval or rejection.**

Sec. 106. No approving authority or agency having the power to approve or reject plats shall condition approval upon compliance with, or base a rejection upon, any requirement other than those included in section 105.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.107 Preliminary plat; submission, discretion.**

Sec. 107. (1) Nothing contained in this act shall prohibit a proprietor from submitting a prepreliminary plat to a governing body for the proprietors information and review.

(2) Nothing contained in this act shall allow a municipality, county, or state agency to require an approval of a preliminary plat or plan other than those provided for in sections 112 to 120.

**History:** Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.108 Parent parcel or parent tract; number of parcels resulting from division; limitations; requirements.**

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) or 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.

(ii) Seven parcels or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The partitioning or splitting satisfies the requirements of section 109.

(6) A parcel or tract created under the provisions of subsection (5) may not be further partitioned or split without being subject to the platting requirements of this act, except in accordance with the provisions of subsection (5).

**History:** Add. 1996, Act 591, Eff. Mar. 31, 1997.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.109 Approval or disapproval of proposed division; requirements; exemption from platting requirements; notice of transfer; form; sale of unplatted land; statement contained in deed; ordinance; approval not determination of compliance; effect of failure to comply.**

Sec. 109. (1) A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official. However, a municipality with a population of 2,500 or less may enter into an agreement with a county to transfer to the county authority to approve or disapprove a division. An application is complete if it contains information necessary to ascertain whether the requirements of section 108 and this section are met. The assessor or other municipally designated official, or the county official, having authority to approve or disapprove a proposed division, shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for disapproval. A complete application for a proposed division shall be approved if, in addition to the requirements of section 108, all of the following requirements are met:

(a) Each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of this section and section 108. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.

(b) Each resulting parcel has a depth of not more than 4 times the width or, if an ordinance referred to in subsection (5) requires a smaller depth to width ratio, a depth to width ratio as required by the ordinance. The municipality or county having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required by this subdivision or an ordinance referred to in subsection (5). The greater depth to width ratio shall be based on standards set forth in the ordinance referred to in subsection (5). The standards may include, but are not required to include and need not be limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in subsection (5) provides otherwise, and do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.

(c) Each resulting parcel has a width not less than that required by an ordinance referred to in subsection (5).

(d) Each resulting parcel has an area not less than that required by an ordinance referred to in subsection (5).

(e) Each resulting parcel is accessible.

(f) The division meets all of the requirements of section 108.

(g) Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.

(h) The division does not isolate a cemetery so that it does not meet the requirements of either section 102(j)(i) or (ii).

(2) The right to make divisions exempt from the platting requirements of this act under section 108 and this

section can be transferred, but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. A proprietor transferring the right to make a division pursuant to this subsection shall within 45 days give written notice of the transfer to the assessor of the city or township where the property is located on a form prescribed by the state tax commission. The form shall include substantially the following questions in the mandatory information portion of the form:

(a) "Did the parent parcel or parent tract have any unallocated divisions under the land division act, 1967 PA 288, MCL 560.101 to 560.293?"

(b) "Were any unallocated divisions transferred to the newly created parcel? If so, state whether all were transferred or, if not, how many?"

(3) A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements of this act under this section and section 108 is proposed to be conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert "zero", a number, or "all"] division(s) under section 108 of the land division act, 1967 PA 288, MCL 560.108.". In the absence of a statement conforming to the requirements of this subsection, the right to make divisions under section 108(2), (3), and (4) stays with the remainder of the parent tract or parent parcel retained by the grantor.

(4) All deeds for parcels of unplatted land within this state executed after March 31, 1997 shall contain the following statement: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

(5) The governing body of a municipality or the county board of commissioners of a county having authority to approve or disapprove a division may adopt an ordinance setting forth the standards authorized in subsection (1)(b), (c), and (d). The ordinance may establish a fee for reviews under this section and section 108. The fee shall not exceed the reasonable costs of providing the services for which the fee is charged.

(6) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

(7) Compliance with this section is not a requirement for a deed to be received for record or recorded by a register of deeds.

**History:** Add. 1996, Act 591, Eff. Mar. 31, 1997;—Am. 1997, Act 87, Imd. Eff. July 28, 1997;—Am. 2012, Act 525, Imd. Eff. Dec. 28, 2012;—Am. 2017, Act 196, Eff. Mar. 13, 2018.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.109a Parcel less than 1 acre.**

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 standards as 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.

**History:** Add. 1997, Act 87, Imd. Eff. July 28, 1997.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.109b Parcels of 20 or more acres.**

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 560.293.”.

**History:** Add. 1997, Act 87, Imd. Eff. July 28, 1997.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

## PRELIMINARY PLATS

### **560.111 Preliminary plat; specifications; requirements; preapplication review meeting.**

Sec. 111. (1) Before making or submitting a final plat for approval, the proprietor shall make a preliminary plat and submit copies to authorities as provided in this section and sections 112 to 119. A preliminary plat shall show the name, location, and position of the subdivision and the subdivision plan and layout in sufficient detail on a topographic map to enable a determination of whether the subdivision meets requirements for lots, streets, roads, and highways including drainage and floodplains.

(2) The preliminary plat shall be drawn to a scale of not more than 200 feet to 1 inch and may be an original drawing or reproduction, on unbacked paper. It shall contain proper identification of the parcel of land to be divided, the name of the plat and proposed division of the land, the name and address of the proprietor and the name, address and seal of the surveyor who prepared it, all legibly printed or typewritten. Additional preliminary land development plans may be made by other qualified persons to assist approving authorities to visualize the type and scope of the development planned.

(3) The proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the municipality and to each officer or agency entitled to review the preliminary plat under sections 113 to 118. A preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the preliminary plat under sections 113, 114, and 118, and a representative of the municipality. Representatives of each agency entitled to review the preliminary plat under sections 115 to 117 shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.112 Preliminary plat; tentative approval; time period; extension.**

Sec. 112. (1) The proprietor shall submit 4 but not more than 10 copies of the preliminary plat and other data to the clerk of the municipality.

(2) The governing body shall tentatively approve and note its approval on the copy of the preliminary plat, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:

(a) Within 60 days after it was submitted to the clerk, if a preapplication review meeting was conducted under section 111(3).

(b) Within 90 days after it was submitted to the clerk, if a preapplication review meeting was not conducted under section 111(3).

(3) The governing body may require the submission of other related data as it deems necessary, if the requirement for such data has previously been adopted and published.

(4) Tentative approval under this section confers upon the proprietor for a period of 1 year from date, approval of lot sizes, lot orientation, and street layout, and application of the then-current subdivision regulations. The tentative approval may be extended if applied for by the proprietor and granted by the governing body in writing.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.112a Preliminary plat; submission of copies to officer or agency; review and action; time period.**

Sec. 112a. After the tentative approval by the governing body under section 112, the proprietor shall submit copies of a preliminary plat to each officer or agency entitled to receive those copies under sections

113 to 118 for their simultaneous review and action within the 30-day time period prescribed in sections 113 to 118.

**History:** Add. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.113 Preliminary plat; county road commissioner's approval or rejection.**

Sec. 113. (1) The proprietor shall submit 3 copies of the preliminary plat to the engineer or chairman of the county road commission if the proposed subdivision includes or abuts roads under the commission's jurisdiction.

(2) The county road commission may also require to be submitted with the preliminary plat a topographic map showing direction of drainage and proposed widths of roads under its jurisdiction or to come under its jurisdiction and private roads in unincorporated areas.

(3) The county road commission, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the county road commission shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 114 to 115 and 117 to 119.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.114 Preliminary plat; county drain commissioner's approval or rejection.**

Sec. 114. (1) The proprietor shall submit 3 copies of the preliminary plat to the county drain commissioner, if there is a county drain commissioner.

(2) The county drain commissioner or, if there is no drain commissioner, the governing body may require a topographic map showing direction of storm water drainage both within the lands proposed to be subdivided and from the land as subdivided.

(3) The county drain commissioner or governing body, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the drain commissioner or governing body shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.115 Preliminary plat; state transportation department's approval or rejection.**

Sec. 115. (1) The proprietor shall submit 3 copies of the preliminary plat to the state transportation department, if any of the proposed subdivision includes or abuts a state trunk line highway or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.

(2) The state transportation department, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the department shall note its approval on the copy to be returned to the proprietor. If the preliminary plat is approved subject to conditions or rejected, the reasons for rejection and requirements for approval shall be given in writing to the proprietor and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.116 Preliminary plat; department of environmental quality's approval or rejection.**

Sec. 116. (1) The proprietor shall submit 2 copies of the preliminary plat to the department of environmental quality for information purposes, if the land proposed to be subdivided abuts a lake or stream or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights



may be affected.

(2) The department, within 30 days after receipt of the preliminary plat, shall place the proprietor, the governing body of the municipality, and the county plat board on notice in writing if it has any objections or may furnish such information to each as may be helpful or necessary in its opinion to adequately plan the development and secure approval of the final plat.

(3) Copies of the letters required under subsection (2) shall be sent to the department of labor and economic growth.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.117 Preliminary plat; approval or rejection; fees; disposition of fees.**

Sec. 117. (1) The proprietor shall submit 2 copies of the preliminary plat to the department of environmental quality, if any of the subdivision lies wholly or in part within the floodplain of a river, stream, creek, or lake. The department of environmental quality, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject it. If the preliminary plat is approved, the department of environmental quality shall note its approval on the copy to be returned to the proprietor. If the department of environmental quality approves the preliminary plat subject to conditions or rejects the preliminary plat, the department shall give the reasons for rejection and requirements for approval in writing to the proprietor and to each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119. The determination of a floodplain area shall be based on rules specified in section 105(f).

(2) The preliminary plat submittal to the department of environmental quality under subsection (1) shall be accompanied by a fee of \$500.00 to cover the administrative cost of the department's preliminary plat review. If the department of environmental quality determines that engineering computations are required to establish the limits of the floodplain on a preliminary plat, the department shall assess an additional fee of \$1,500.00 to cover the department's cost of establishing those limits.

(3) The department of environmental quality shall forward fees collected under this section to the state treasurer for deposit in the land and water management permit fee fund created in section 30113 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.30113.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1993, Act 150, Eff. Sept. 30, 1993;—Am. 1995, Act 172, Imd. Eff. Oct. 9, 1995;—Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.118 Preliminary plat; health department's approval or rejection.**

Sec. 118. (1) The proprietor shall submit 3 copies of the preliminary plat to the health department having jurisdiction, if public water and public sewers are not available and accessible to the land proposed to be subdivided.

(2) The health department, within 30 days after receipt of the preliminary plat, shall approve it, approve it subject to conditions, or reject all or any portion of the proposed subdivision that is not suitable. If the preliminary plat is approved, the health department shall note its approval on the copy to be returned to the proprietor. If all or any portion of the preliminary plat is approved subject to conditions or is rejected, the health department shall give its reasons for rejection and requirements for approval in writing to the proprietor, the governing body, and each of the other officers and agencies to which the proprietor was required to submit the preliminary plat under sections 113 to 115 and 117 to 119.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.119 Preliminary plat; submission to county plat board and public utilities.**

Sec. 119. The proprietor shall submit 2 copies of the preliminary plat to the county plat board and to the public utilities serving the area for informational purposes.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.120 Final approval; proprietor's rights and duties; procedure; time period; extension.**

Sec. 120.

(1) After the preliminary plat is approved or is approved subject to conditions pursuant to sections 113 to 119, the proprietor shall do all of the following:

(a) Submit to the clerk of the governing body of the municipality a list of all authorities required by sections 113 to 119 to review the preliminary plat, certifying that the list shows all authorities as required by sections 113 to 119.

(b) Submit all written approvals to the clerk of the governing body.

(2) The governing body of the municipality, after receipt of the necessary approved copies of the preliminary plat, shall do all of the following:

(a) Consider and review the preliminary plat at its next meeting, or within 20 days from the date of submission, and approve it if the proprietor has met all conditions laid down by the municipality for approval of the preliminary plat.

(b) Instruct the clerk to promptly notify the proprietor of approval or rejection in writing and, if rejected, to give the reasons.

(c) Instruct the clerk to note all proceedings in the minutes of the meeting which minutes shall be open for inspection.

(3) Final approval of the preliminary plat under this section confers upon the proprietor for a period of 2 years from date of approval the conditional right that the general terms and conditions under which preliminary plat approval was granted will not be changed. The 2-year period may be extended if applied for by the proprietor and granted by the governing body in writing. Written notice of the extension shall be sent by the governing body to the other approving authorities.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

## **SURVEYS**

### **560.125 Survey requirements; monuments.**

Sec. 125. (1) For every subdivision of land there shall be a survey complying with the requirements of this section and section 126.

(2) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

(3) All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.

(4) Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

(5) If the required location of monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.

(6) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.

(7) All required monuments shall be placed flush with the ground where practicable.

(8) All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter, or other approved markers.

(9) The governing body of the municipality may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the clerk of the municipality cash or a certified check, or irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total, except that lot corner markers shall be at the rate of not less than \$10.00 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the governing body shall promptly require a surveyor to locate the

monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.126 Survey accuracy.**

Sec. 126. (1) The survey of all subdivisions shall be performed by a surveyor.

(2) The relative error of closure of the surveyed land shall be less than the ratio of 1 part in 5,000.

(3) Bearings shall be expressed in relation to the true meridian, or a previously established meridian or bearing and a statement by the surveyor on the plat stating the source of information in obtaining the bearings outlined.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### FINAL PLATS

#### **560.131 General survey requirements; date of expiration of approval.**

Sec. 131. (1) Following final approval of the preliminary plat under section 120, the proprietor shall cause a survey and a true plat thereof to be made by a surveyor.

(2) All approvals made on the preliminary plat shall expire as provided in section 120.

(3) A final plat shall not be accepted after the date of expiration of the preliminary plat approval.

(4) A final plat received by the department of labor and economic growth more than 1 year following the date of approval of the city or county treasurer shall be returned to the city or county treasurer who shall make a new certificate currently dated, relative to paid or unpaid taxes, special assessments, and tax liens or titles.

(5) All final plats of subdivided land shall comply with the provisions of this section and sections 132 to 151.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.132 Plats; specifications.**

Sec. 132. All plats shall be legibly prepared according to the following general requirements:

(a) On 1 or more sheets, 18 inches wide by 24 inches long in size, leaving a 1 1/2 inch binding margin and a 1/2 inch margin on all other sides.

(b) Of an approved material, according to published specifications of the department of the treasury.

(c) Drawn or printed with nonfading black ink true to an adequate and plainly readable scale of not more than 100 feet to an inch.

(d) The name of the plat shall not duplicate the name of any plat previously recorded in the same county unless it is an addition contiguous to the same, or which is a part of the same previously approved preliminary plat under section 120. The first subdivision bearing the name may be designated as number 1, and all additions to it shall be consecutively numbered, beginning with number 2.

(e) Lots shall be numbered consecutively beginning with lot number 1 in the first subdivision bearing the name and continuing in consecutive order throughout the several additions.

(f) A north point shall be properly located thereon.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.133 Final plat; caption.**

Sec. 133. The caption of the final plat shall be printed at the top of the plat in large, bold letters, and shall include:

(a) Name of the plat.

(b) Part of section, number of section, town and range, municipality and county.

(c) If a private claim, the number of the claim and the municipality in which the land is situated.

(d) If a tract of land that is not a section or part of a section, the name by which the tract is legally known and the town and range and municipality in which the land is situated.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.134 Final plat; description of land.**

Sec. 134. There shall be typewritten or printed on the final plat, a full and detailed description of the land embraced in the subdivision by distances and bearings. The description shall also include:

- (a) The caption of the plat.
- (b) If a private claim, the number of the claim and the municipality in which the land is situated.
- (c) If a tract of land that is not a section or part of a section, the name by which the tract is legally known and the town and range and the municipality in which it is situated.
- (d) The name of the original plat and any part of it replatted.
- (e) A description by distances and bearings of each excepted parcel.
- (f) The number of lots, the number of outlots and the number of private parks.
- (g) The intermediate traverse line, if one is required on the plat.
- (h) The area within the existing right of way of any abutting street, county road or state trunk line highway, if such area has not previously been dedicated to public use and if it is the proprietor's land.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.135 Map and engineering requirements.**

Sec. 135. The map of the subdivision, as drawn on the final plat shall comply with sections 135 to 141. It shall contain sufficient information to completely define, for the purpose of a resurvey, the location of any boundary, corner or angle point within the plat. All land lying within the boundaries of the plat shall be shown thereon in such a manner that title to the area may be clearly established as to whether dedicated to public use or reserved to private use.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.136 Final plat; exterior boundaries; requirements, specifications.**

Sec. 136. The exterior boundaries of the subdivision as drawn on the plat shall include and correctly show:

- (a) The land surveyed and divided, with reference to a corner or corners established in the government survey and indicated by distances and bearings. The Michigan coordinate system may also be used for referencing such government survey points.
- (b) The exact length and bearings thereof.
- (c) Where the exterior boundary lines show bearings and distances which vary from those recorded in abutting plats the following note shall be placed along such lines, "recorded as (show recorded bearing or distance or both)".
- (d) The area within the existing right of way of any abutting street, county road or state trunk line highway, if such area has not previously been dedicated to public use and if it is the proprietor's land.
- (e) When the subdivision is bounded by an irregular shoreline of a body of water, the bearings and distances of a closing intermediate traverse, extending across the plat so that it intersects the sidelines of the shore lots; the dimensions of the sidelines of the shore lots from the street line to the traverse line, and the distance from the traverse line to the water's edge as found at the time of the survey; distances along the traverse line between its intersections with the sidelines of the lots; the location of monuments at all angle points of the intermediate traverse. All lots extending to the water's edge shall be noted accordingly on the plat. If the proprietor intends to retain possession of the area between the intermediate traverse and the water's edge, a statement to that effect shall be noted on the plat.
- (f) The location of all boundary monuments established in the field in their proper places.
- (g) When any part of the land being subdivided is not included in the government survey, boundaries shall be indicated by distances and bearings and related to a government survey corner or if in a private claim, to a private claim corner.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.137 Final plat; public and private grounds, streets, roads and alleys.**

Sec. 137. All public or private grounds, streets, roads and alleys included in the plat shall be shown as follows:

- (a) All public or private commons, parks and other grounds except streets and alleys, by their boundaries, bearings and distances and names.
- (b) All streets and roads by their bearings, widths and names.
- (c) All streets, roads or alleys not dedicated to public use shall be marked "private" and named.
- (d) All curved portions of streets, roads or alleys shall be defined by curve data including points of curvature, points of tangency, points of compound curvature, radii of curves, central angles and the length and bearing of its long chord.
- (e) Curve data may be shown by a curve data chart or table.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.138 Final plat; flood plains.**

Sec. 138. When any part of a subdivision lies within or abuts a floodplain area, the plat shall include and show the following:

- (a) The floodplain shall be shown within a contour line, established by the water resources commission, department of conservation.
- (b) The contour line shall intersect the side lines of the lots.
- (c) The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
- (d) The floodplain area shall be clearly labeled on the plat with the words "floodplain area".

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.139 Public utilities; easements.**

Sec. 139. All public utility easements included in the plat shall be shown as follows:

- (a) By their widths and relationship to the lot or street lines.
- (b) As at least 12 feet wide where the rear lines of lots are contiguous.
- (c) As at least 6 feet wide if a lot has no adjoining subdivisions.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.140 Lots and outlots; description.**

Sec. 140. All lots and outlots included in the plat shall be shown as follows:

- (a) All lots numbered consecutively.
- (b) All outlots lettered in alphabetical order.
- (c) The length and bearing of each side lot line.
- (d) The bearing of each front and rear lot line, except as otherwise provided in this section.
- (e) A note showing the front line of any lot fronting on 2 or more streets or a body of water except for lots served by public sewers and public water or available and accessible thereto.
- (f) The bearings and depths at each end of a tier of lots comprised of rectangles or parallelograms.
- (g) The width of lots at each end of a series of lots when the front and back lines are parallel. The intermediate lots may be marked with dittos.
- (h) The distance at the time of the survey from the traverse line to the water's edge.
- (i) All curved boundaries shall be shown by curve data as required for public grounds, streets, roads and alleys in section 137.
- (j) If a replat, outlines, numbers and other identification of lots of the previous survey shall be shown by dashed lines, figures or letters.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.141 Improvements.**

Sec. 141. When the plat includes or abuts certain improvements other than streets, alleys, roads or highways, such as county drains, lagoons, slips, waterways, lakes, bays or canals, which connect with or are proposed to connect with or enlarge public waters, the included or abutting portions of such proposed improvement shall be shown on the plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.142 Certificate required for recording.**

Sec. 142. The proprietor shall provide a true copy of the final plat to each of the authorities named in sections 146 to 149. To entitle a final plat to be recorded, the following certificates, in the form prescribed by the department of labor and economic growth, lettered or printed legibly with black, durable ink or typed legibly with black ink shall appear on it and the certificates shall contain the statements and information and shall be signed and dated as prescribed in sections 141 to 151:

(a) A surveyor's certificate of compliance with the statute.

(b) A certificate of the proprietor submitting the plat.

(c) A certificate of taxes by the treasurer of the county in which the plat is situated, as required by section 135 of the general property tax act, 1893 PA 206, MCL 211.135.

(d) A certificate of taxes signed by the treasurer of the municipality in which the plat is located if the municipality does not return delinquent taxes to the state treasurer, as required by section 135 of the general property tax act, 1893 PA 206, MCL 211.135.

(e) A certificate of approval of the county drain commissioner, if there is a county drain commissioner.

(f) A certificate of approval of the board of county road commissioners, if public streets and roads shown on the plat are under its jurisdiction or to come under its jurisdiction and if any private streets or roads shown on the plat are in an unincorporated area.

(g) A certificate of approval of the governing body of the municipality. The certificate of the governing body of the municipality may not be placed on the plat unless the proprietor has deposited with the clerk both the filing and recording fee required by section 241 and the fee permitted by section 246 by the municipality for review and approval of a plat.

(h) A certificate of approval of the county plat board. The certificate may not be placed on the plat unless the filing and recording fee required by section 241 has been received by the chairperson or secretary of the county plat board.

(i) A certificate of approval of the state transportation department when the subdivision includes or abuts state trunk line highways.

(j) A certificate of approval of the department of labor and economic growth. The certificate of the department of labor and economic growth may not be placed on the plat unless the portion of the filing and recording fee due the state as provided by section 241 has been received by the department.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.143 Surveyor's certificate.**

Sec. 143. The certificate of the surveyor who surveyed, divided and mapped the land; and if a firm of surveyors also by a partner or principal officer, shall give the following information, which shall have the same force and effect as an affidavit:

(a) By whose direction he made the survey, subdivision and plat of the land described on the plat.

(b) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

(c) A statement that he has prepared the description of the land shown on the plat and that he certifies to its correctness.

(d) A statement that he has caused all of the monuments shown on the plat to be located in the ground, or that the required cash, certified check or irrevocable bank letter of credit has been deposited with the clerk of the municipality by the proprietor.

(e) A statement that the accuracy and closure of survey are within the limits required by section 126.

(f) A statement that the bearings shown on the plat are expressed as required by section 126.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.144 Proprietor's certificate.**

Sec. 144. (1) The proprietor's certificate on the plat shall include the following:

(a) The caption of the plat.

(b) A statement that the proprietor has caused the land described on the plat to be surveyed, divided, monumented, mapped, and dedicated as shown on the plat.

(c) A statement that the streets, alleys, parks, and other places shown on it that are usually public are dedicated to the use of the public.

(d) A statement that all public utility easements are private easements and that all other easements are reserved to the uses shown on the plat.

(e) The name of each street, park, or other place that is usually public and that is intended to be reserved to other than public use, and the character and purpose of that use.

(f) A statement that the plat includes all land to the water's edge.

(2) The proprietor's certificate shall be signed by the following, and each signature shall be acknowledged as deeds conveying lands are required to be acknowledged:

(a) All persons holding the title by deed of the lands.

(b) All persons holding any other title of record.

(c) All persons holding title as mortgagee or vendee under land contract or who are in possession but are not renters.

(d) The spouses of persons named in subdivisions (a), (b), and (c).

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2002, Act 21, Imd. Eff. Mar. 4, 2002.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.145 County treasurer's certificate.**

Sec. 145. (1) A certificate shall be signed and dated by the county treasurer relative to paid or unpaid taxes, special assessments and tax liens or titles, as required by section 135 of Act No. 206 of the Public Acts of 1893, as amended.

(2) The certificate shall be signed and dated by the treasurer of the municipality, if the municipality does not return delinquent taxes to the state treasurer, as required by section 135 of Act No. 206 of the Public Acts of 1893, as amended.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.146 County drain commissioner's certificate.**

Sec. 146. A certificate shall be signed and dated by the drain commissioner or where there is no drain commissioner, the body having jurisdiction, signifying that the provisions of section 192 have been met and that the plat meets his approval.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.147 County road commissioner's certificate.**

Sec. 147. (1) A certificate shall be signed by the chairperson of the board of county road commissioners.

(2) The certificate shall show the date on which the board met and approved the plat and the date the certificate was placed on the plat.

(3) The certificate shall signify both of the following:

(a) That the plat has been reviewed and conforms to the requirements of this act and the board's published rules and regulations relative to streets, alleys, roads, and highways under its jurisdiction.

(b) That the plat has the board's approval.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.148 Municipality governing board's certificate.**

Rendered Tuesday, October 9, 2018

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Sec. 148. (1) A certificate shall be signed by the clerk of the governing body of the municipality signifying the approval of the plat by the governing body which shall show the date of the meeting at which the approval was made and the date the certificate was signed by the clerk.

(2) The certificate shall include a statement that the plat was reviewed by the governing body or that the review was made in part by persons authorized by the governing body and that the plat is in conformance with all applicable provisions of the act.

(3) If a copy of the preliminary plat was required to be approved by the health department, a statement to the effect that such approval was made and the name of the health department and the date of its approval shall be included.

(4) If the minimum lot width and area prescribed in this act has been waived and the subdivision is served by public sewers and public water or is accessible thereto, the certificate shall so state and shall also state that the municipality has legally adopted zoning and subdivision control ordinances which specify lot widths and areas.

(5) If there is no county drain commissioner, a statement that the plat is in compliance with the provisions of section 192.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.149 County plat board's certificate.**

Sec. 149. (1) A certificate shall be signed and dated by the majority of the county plat board, signifying its approval of the plat.

(2) The certificate shall include a statement that the plat was reviewed for conformance to all applicable provisions of this act by the county plat board, by the county plat engineer, or both.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.150 State highway commission's certificate.**

Sec. 150. (1) A certificate shall be signed and dated by the state highway commission or by an official of the department of state highways, authorized by the commission to certify its approval on plats.

(2) The certificate shall signify that:

(a) The plat has been reviewed and conforms to the requirements of this act and the commission's published rules and regulations relative to streets, roads and highways under its jurisdiction.

(b) The plat has the commission's approval.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.151 Certificate signed by director of department of energy, labor, and economic growth; approval of plat.**

Sec. 151. (1) A certificate shall be signed and dated by the director of the department of energy, labor, and economic growth, or may be signed and dated for him by an officer of the department of energy, labor, and economic growth, if authorized by the director of the department of energy, labor, and economic growth.

(2) The certificate shall signify that:

(a) The plat conforms, in his or her opinion, to all of the requirements of this act and to the published rules and regulations of the department of energy, labor, and economic growth, relative to plats.

(b) The plat has the approval of the director of the department of energy, labor, and economic growth.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.161 Approval; general requirements.**

Sec. 161. (1) The final plat shall be submitted in accordance with the procedure prescribed in this section and sections 162 to 173.

(2) The proprietor shall submit 1 true copy of the final plat to each of the following officers or agencies, as applicable, for their simultaneous review and action within the time periods prescribed in sections 163 to 173.



167a:

- (a) The drain commissioner, if the drain commissioner's approval was required on the preliminary plat.
  - (b) The board of county road commissioners, if the board's approval was required on the preliminary plat.
  - (c) The clerk of the governing body of the municipality, together with the filing and recording fee required by section 241.
  - (d) The state transportation department, if the department's approval was required on the preliminary plat.
- (3) The sworn certificate of the surveyor who made the plat shall appear on each true copy of the final plat and shall state all of the following:
- (a) A statement that the copy is a true copy of the final plat.
  - (b) A statement that the plat is subject to the approval of each of the officers and agencies whose approval is required under sections 162 to 169, with a list of those officers and agencies.
  - (c) The date of the certificate.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.162 Drain commissioner; number of copies.**

Sec. 162. The proprietor shall submit 1 true copy of the final plat to the drain commissioner, if his or her approval was required on the preliminary plat, or 2 true copies if the proprietor requests an additional copy to be returned to him or her.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.163 Drain commissioner; approval procedure.**

Sec. 163. Within 10 days after the date of receiving the plat under section 161(2)(a), the drain commissioner shall do 1 of the following:

- (a) Approve the plat and notify the proprietor of his or her approval.
- (b) Reject the plat, give his or her reasons in writing, and return it to the proprietor. The drain commissioner shall send a copy of the letter of rejection to the clerk of the governing body and the chairperson of the county plat board.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.164 Board of county road commissioners; submission of plat.**

Sec. 164. The proprietor shall submit 1 true copy of the plat to the board of county road commissioners, when their approval was required on the preliminary plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.165 Board of county road commissioners; approval procedure.**

Sec. 165. Within 15 days after the date of receiving the plat under section 161(2)(b), a majority of the board of county road commissioners shall do 1 of the following:

- (a) Approve the plat, instruct the chairperson to certify their approval on the final plat, and notify the proprietor of the board's approval.
- (b) Reject the plat, give their reasons in writing, and return it to the proprietor. The board of county road commissioners shall send a copy of the letter of rejection to the clerk of the governing body and the chairperson of the county plat board.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.166 Municipality governing body; submission of plat.**

Sec. 166. The proprietor shall submit 1 true copy of the plat to the clerk of the governing body of the municipality, together with the filing fee required by section 241.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.167 Municipality governing body; approval procedure.**

Sec. 167. (1) At its next regular meeting, or at a meeting called within 20 days after the date of receiving the plat under section 161(2)(c), the governing body shall do 1 of the following:

(a) Approve the plat if it conforms to all of the provisions of this act and instruct the clerk to notify the proprietor of the governing board's approval and certify the governing body's approval, showing the date of the governing body's approval, the approval of the health department, when required, and the date thereof as shown as the approved preliminary plat.

(b) Reject the plat, instruct the clerk to give the reasons in writing as set forth in the minutes of the meeting, and return the plat to the proprietor.

(2) The governing body shall instruct the clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county plat board.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.167a State transportation department; receipt of plat.**

Sec. 167a. Within 10 days of receipt of the plat under section 161(2)(d), the state transportation department shall do 1 of the following:

(a) Approve the plat and notify the proprietor of its approval.

(b) Reject the plat and notify the proprietor directly, giving the reasons in writing. The commission shall send a copy of the letter of rejection to the chairperson of the county plat board.

**History:** Add. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.168 Forwarding to county plat board; procedure of board.**

Sec. 168. (1) Upon notice of each approval, the proprietor shall obtain the certificate on the final plat of each of the officers and agencies whose certificate is required by sections 145 to 148. The certificates and approvals may be obtained in any order. The proprietor shall then forward the final plat to the secretary of the county plat board, together with the filing and recording fee.

(2) Within 15 days of the date of receipt of the plat, a majority of the county plat board shall review the plat for conformance to all provisions of the act and do 1 of the following:

(a) Certify their approval on the plat.

(b) Reject the plat and notify the proprietor of the reasons in writing when returning the plat, and send a copy of the letter to the clerk of the governing body.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.169 Forwarding approval and plat copies to state administrator.**

Sec. 169. Upon approval of the plat by a majority of the county plat board, the chairperson of the board shall forward it with all copies of the plat to the state administrator.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1991, Act 59, Imd. Eff. June 27, 1991;—Am. 1993, Act 67, Imd. Eff. June 21, 1993;—Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.169a Repealed. 1993, Act 67, Eff. Oct. 1, 1998.**

**Compiler's note:** The repealed section pertained to forwarding approved plat to state administration.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.170 Repealed. 2004, Act 525, Eff. July 1, 2005.**

**Compiler's note:** The repealed section pertained to procedures to be followed by state treasurer upon receipt of plat.

**560.171 Department of labor and economic growth; plat approval or rejection; recording.**

Sec. 171. Within 15 days after receipt of the plat the department of labor and economic growth shall review the plat and do 1 of the following:

(a) If the plat conforms to all of the provisions of this act, procure at least 4 exact copies at the surveyor's expense, approve the plat, and send the original final plat to the register of deeds for recording.

(b) Reject the plat and notify the proprietor in writing of the reasons.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 525, Eff. July 1, 2005.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.172 Register of deeds; recordings; notice to director of department of energy, labor, and economic growth.**

Sec. 172. Upon receipt of the plat from the director of the department of energy, labor, and economic growth the register of deeds shall:

(a) Certify on the plat the time of recording and the book and page where recorded. He or she shall not accept a plat for recording unless it is sent to him or her by the director of the department of energy, labor, and economic growth and bears a certificate of approval of the director of the department of energy, labor, and economic growth.

(b) Note on the record the time when made.

(c) Record the book and page number of any building restrictions noted on or filed with the plat.

(d) Certify and promptly forward to the director of the department of energy, labor, and economic growth on a form specified by him or her that the plat has been recorded.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.173 Director of department of energy, labor, and economic growth; procedure following notice of recording.**

Sec. 173. When notification of recording of 1 copy of plat has been received by the director of the department of energy, labor, and economic growth, he or she shall:

(a) Transcribe the certificate of recording on all other copies.

(b) Retain 1 copy for his or her files.

(c) Mail 1 copy of the plat to the county treasurer, 1 copy to the clerk of the municipality in which the plat is located, 1 copy to the county road commission or the city planning commission, and 1 copy to the proprietor if he has submitted an extra copy for certification and mailing.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.181 Final plat; streets, alleys, roads and highways; general requirements.**

Sec. 181. All streets, alleys, roads and highways shown, or required to be shown on a plat shall comply with the requirements of sections 181 to 185 as a condition of approval of the final plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.182 Final plat; streets, alleys, and roads; municipal requirements; deposit; rebate; rejection of plat; circumstances.**

Sec. 182. (1) The governing body of a municipality in which the subdivision is situated may require the following as a condition of approval of a final plat, for all public and private streets, alleys, and roads in its jurisdiction:

(a) Conformance to the general plan, conformance to width and location requirements that it may have adopted and published, or greater width than shown on a county or state plan. However, the governing body shall not require conformance to a municipal plan that conflicts with a general plan adopted by the county or state for the location and width of certain streets, roads, and highways.

(b) Proper drainage, grading, and construction of approved materials of a thickness and width provided in

its current published construction standards.

(c) Installation of bridges and culverts where it considers necessary.

(d) Submission of complete plans for grading, drainage, and construction to be prepared and sealed by a civil engineer registered in the state.

(e) Completion of all required improvements relative to streets, alleys, and roads or a deposit by the proprietor with the clerk of the municipality in the form of cash, a certified check, or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the governing body, in an amount sufficient to insure completion within the time specified.

(2) As a condition of approval of the plat, the governing body may require a deposit to be made in the same manner as provided in subsection (1)(e), to insure performance of any of the obligations of the proprietor to make required improvements.

(3) The governing body shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(4) The governing body shall reject a plat in any of the following circumstances:

(a) The plat is isolated from or isolates other lands from existing public streets, unless suitable access is provided.

(b) The plat shows a street or road name duplicating one already in use in the municipality, except in continuing a street or road.

(c) The plat shows the name of a new street, alley, or road that is so similar to the one already in existence in the municipality that permitting that use in the subdivision may be confusing for purposes of assessing, mail delivery, and locating by the public.

(d) The plat isolates a cemetery so that it does not meet the requirements of either section 102(j)(i) or (ii).

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2012, Act 525, Imd. Eff. Dec. 28, 2012.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.183 Final plat; highways, streets, and alleys; private roads; county road commission requirements; “county road commission” defined.**

Sec. 183. (1) The county road commission may require the following as a condition of approval of final plat for all highways, streets, and alleys in its jurisdiction or to come under its jurisdiction and also for all private roads in unincorporated areas:

(a) Conformance to the general plan, width, and location requirements that the board may have adopted and published.

(b) Adequate provision for traffic safety in laying out drives which enter county roads and streets, as provided in the board's current published construction standards.

(c) Proper drainage, grading, and construction of approved materials of a thickness and width provided in its current published construction standards.

(d) Submission of complete plans for grading, drainage, and construction, to be prepared and sealed by a civil engineer registered in this state.

(e) Installation of bridges, culverts, and drainage structures where the board considers necessary.

The board may regulate cul-de-sacs and may approve or deny cul-de-sacs on an individual basis, but shall not adopt a policy or rule prohibiting cul-de-sacs.

(2) If all improvements required under subsection (1) are not made before the final plat is submitted to the board for approval, the board nonetheless shall promptly approve the final plat if the final plat otherwise meets the requirements of this act and if the proprietor posts a deposit with the board in an amount that the board determines to be sufficient to ensure performance of the proprietor's obligation to make the required improvements within the time specified. Regardless of the deposit amount, the actual cost to complete all of the improvements remains the responsibility of the proprietor or its surety agent.

(3) The deposit required under subsection (2) shall be in the form of cash, a certified check which the board shall promptly convert to cash, or an irrevocable letter of credit, as selected by the proprietor, or a surety bond as prequalified by the state transportation department and acceptable to the board. Any surety bond shall be underwritten by a surety acceptable to the board.

(4) The board shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(5) The board shall reject a final plat isolating other lands of the proprietor within or adjoining the plat from existing public streets or roads unless the proprietor provides suitable access by easement or suitable access dedicated to public use.

(6) As used in this section, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2004, Act 122, Imd. Eff. May 28, 2004;—Am. 2006, Act 336, Imd. Eff. Aug. 15, 2006.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.184 State highways; dedication; other highways and streets.**

Sec. 184. (1) The department of state highways may require, where a plat abuts a state trunk line highway, if the existing right of way was not previously dedicated to public use or acquired in fee simple, that there be included within the plat boundary and description the area within the existing right of way and that such area be dedicated to public use if it is the proprietor's land. The department of state highways may also require the following as a condition of approval for highways and streets shown on the final plat:

(a) Conformance in width and location to the plan on file at its main and district offices for state trunk line highways.

(b) Adequate provision for traffic safety in laying out roads, streets and alleys which enter state trunk line highways, as provided in the department's then currently published standards and specifications.

(c) That those portions of connecting streets and roads within state trunk line highway right of way be graded and surfaced in accordance with the department's then currently published standards and specifications.

(d) Completion of all required improvements, or a deposit by the proprietor with the department in the form of cash, a certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the department, in an amount sufficient to insure completion of all required improvements within the time specified.

(2) Following approval of the final plat, the department may require a deposit to be made in the same manner as provided in subdivision (d) of subsection (1), to insure performance of any of the obligations of the proprietor to make required improvements. If a cash deposit is required, the department shall rebate to the proprietor, as the work progresses, an amount of cash equal to the ratio of the work completed to the entire project.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.186 Final plat; lots and outlots; waiver; applicability of subsection (3); maintaining recorded plat.**

Sec. 186. (1) Except as otherwise provided in this section, as a condition of approval of the final plat, all lots and outlots subdivided as defined in section 102 shall comply with all of the following:

(a) Lots shall be numbered consecutively. If more than 1 subdivision is intended to be known by the same name or caption, the lots in those subdivisions shall be numbered consecutively throughout the several subdivisions bearing the same name.

(b) A residential lot shall not be less than 65 feet wide at the distance of 25 feet from its front line. If a lot diminishes in width from front to rear, it shall not be less than 65 feet wide at a distance of 50 feet from its front line.

(c) A residential lot shall not have an area of less than 12,000 square feet.

(d) If required by the governing body outlots designated on the plat shall be of a size, extent, and location that will not impair the intent of this act or any applicable municipal rules, regulations or policies for land development adopted and published by the governing body.

(e) Each lot and outlot shown on a plat shall have direct access to a street or road or assured permanent access is provided for in accordance with a local subdivision control ordinance or a zoning ordinance with subdivision control provisions.

(2) Minimum width and area requirements provided for in subsection (1) for residential lots may be waived in any subdivision if connection to a public water and a public sewer system is available and accessible or if the proprietor before approval of the plat posts security with the clerk of the municipality as provided in section 182, and if the municipality in which the subdivision is proposed has legally adopted zoning and subdivision control ordinances that include minimum lot width and lot area provisions for residential

buildings.

(3) The minimum width and area requirements provided for in subsection (1) for a residential lot may be waived if all of the following requirements are met:

(a) The residential lot has a public sewer system available and accessible and the sewer system will serve that residential lot.

(b) The residential lot consists of an area of not less than 7,200 square feet.

(c) The municipality in which the subdivision is proposed has legally adopted zoning and subdivision control ordinances that include minimum lot width and lot area provisions for residential buildings.

(d) The ground water supply on that residential lot meets or exceeds the water supply rules of the department of public health for subdivisions not served by public water.

(e) Except for a plat approved pursuant to subsection (5), the plat for the proposed subdivision in which the residential lot is located is submitted to the state for final plat approval before January 1, 1993.

(4) Subsection (3) does not apply to a final plat approved after December 31, 1994.

(5) Notwithstanding subsection (4), a waiver shall be granted under subsection (3) for a plat that meets the criteria in subsection (3)(a) through (d) and is contiguous to and, since September 1, 1992 has been owned by the same person as a plat that has received a waiver under subsection (3).

(6) The register of deeds shall maintain the recorded plat pursuant to section 243.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969;—Am. 1992, Act 214, Imd. Eff. Oct. 9, 1992.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.188 Improvements.**

Sec. 188. (1) If the subdivision includes or abuts certain improvements other than streets and alleys, such as county drains, lagoons, slips, waterways, lakes, bays or canals, which connect with or are proposed to connect with or enlarge public waters and such improvements are not in existence at the time of consideration by the governing body of the municipality, it may require, as a condition of approval of the final plat, the proprietor to enter into an agreement to construct such improvements within a reasonable time.

(2) The governing body may require a cash deposit, certified check or irrevocable bank letter of credit whichever the proprietor selects, or surety bond acceptable to the municipality, covering the estimated cost of construction, to be deposited with the clerk of the municipality to insure the faithful performance of the agreement. Outlots or parks used as buffer strips, if between the boundary of the subdivision and such improvements, shall not alter the requirements of this section.

(3) Any municipality may provide by ordinance for the installation of other improvements in addition to those required by this act. The governing body of the municipality, as a condition of approval of the plat, may require the proprietor to enter into an agreement, as provided in this section.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.190 Public utility easements.**

Sec. 190. The proprietor shall provide public utility easements in accordance with the provisions of section 139. The following shall apply to all public utility easements included in a subdivision:

(a) Easements intended for use of public utilities shall not be deemed to be dedicated to the public but shall be private easements for public utilities and shall be equitably shared among such utilities.

(b) The public utilities first using an easement shall be reimbursed by later users for all rearrangement or relocation costs.

(c) Permanent structures may not be erected within easement limits by the owner of the fee but he shall have the right to make any other use of the land not inconsistent with the rights of public utilities, or the other uses as noted on the plat.

(d) The public utilities shall have the right to trim or remove trees that interfere with their use of easements.

(e) Nothing in this act shall be construed to limit any regulatory powers possessed by municipalities with respect to public utilities.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.192 Storm water drainage requirements as condition of final plat approval.**

Sec. 192. The county drain commissioner or the governing body of the municipality in which the subdivision is situated, whichever has jurisdiction, shall require the following as a condition of approval of the final plat:

(a) That the proprietor provide for adequate storm water facilities within the lands proposed for platting and outlets thereto.

(b) If adequate storm water facilities within the land proposed for platting are not installed before approval of the final plat, the proprietor shall enter into an agreement with the governing body or county drain commissioner and shall post a cash deposit, certified check or irrevocable bank letter of credit whichever the proprietor selects, or a surety bond acceptable to the approving authority, in an amount sufficient for the faithful performance of the agreement. A rebate shall be made to the proprietor, as the work progresses, of amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(c) The county drain commissioner, or where there is no drain commissioner the body having jurisdiction shall require the proprietor at his or her expense to establish a county or intercounty drain according to the procedure provided in Act No. 40 of the Public Acts of 1956, as amended, being sections 280.1 to 280.630 of the Michigan Compiled Laws, if deemed necessary to insure adequate maintenance of storm water outlet facilities.

(d) That the proprietor provide adequate storm water retention basins where deemed necessary for all or a specified part of the lands proposed for platting and, if approved by the municipality in which these lands are located, that the municipality assume the cost of operation and maintenance of the retention basins.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969;—Am. 1982, Act 529, Eff. Mar. 30, 1983.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.192a Operation and maintenance of retention basins; annual appropriation; creation of special assessment district; establishment of boundaries; hearing on creation of district; duties of governing body creating district; hearing on objections to cost, roll, or spreading of assessment; manner and time assessments due, collected, and returned; notice of hearing; exclusion.**

Sec. 192a. (1) If approval of the final plat was conditioned pursuant to section 192 upon the operation and maintenance of retention basins for all or a portion of the area encompassed by the final plat, the cost of which may be defrayed by special assessments against the property benefited by the retention basins, the municipality in which this area is located may provide annually for the appropriation of funds for this purpose and create a special assessment district pursuant to subsection (2).

(2) The governing body of a municipality electing to defray the cost of operating and maintaining a retention basin by means of a special assessment shall establish, by resolution, the boundaries of the special assessment district and fix a day for a hearing on the question of creation of the special assessment district and on defraying the cost of operating and maintaining a retention basin by special assessment on the property benefited thereby.

(3) If, after the hearing conducted pursuant to subsection (2), a special assessment district is created, the governing body creating the district shall determine the annual cost of the operation and maintenance of the retention basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district. Before approval of the special assessment roll the governing body shall hold a hearing on objections to the cost, roll, or spreading of the special assessment on the roll. After the hearing, the governing body, at the same or a subsequent meeting, shall confirm or amend, or revise and then confirm, the cost projections on which the roll was developed and the spread of special assessments pursuant to this cost, and the special assessment roll.

(4) Special assessments imposed pursuant to this section shall become due, be collected, and be returned for nonpayment in the same manner and at the same time as ad valorem property tax levies of the municipality imposing the special assessment.

(5) Notice for any hearing held or required pursuant to this act shall be given pursuant to Act No. 162 of the Public Acts of 1962, being sections 211.741 to 211.745 of the Michigan Compiled Laws.

(6) Any property encompassed by the final plat for which adequate storm water facilities have been provided or extended to include, shall be excluded from a special assessment district created under this act.

**History:** Add. 1982, Act 529, Eff. Mar. 30, 1983.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.194 Flood plains; prohibit occupancy; alterations.**

Sec. 194. If any part of a proposed subdivision lies within the floodplain of a river, stream, creek or lake, approval of the final plat shall be conditioned on the following:

(a) No buildings for residential purposes and occupancy shall be located on any portion of a lot lying within a floodplain, unless approved in accordance with the rules of the water resources commission of the department of conservation.

(b) Restrictive deed covenants shall be filed and recorded with the final plat that the floodplain area will be left essentially in its natural state.

(c) The natural floodplain 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.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.196 Subdivision names; consecutive numbering of additions.**

Sec. 196. The following shall apply to all subdivisions as a condition of approval:

(a) The name of a subdivision as included in the caption of the plat shall not use the name of a previously recorded subdivision within the same county unless it is an addition thereto.

(b) The first subdivision bearing the name may be numbered 1 and all additions shall be numbered consecutively beginning with number 2.

(c) A plat duplicating the name of any existing subdivision within the same county shall be rejected by the governing body or county plat board.

(d) The governing body or county plat board may also reject plats submitted with subdivision names so closely approximating previously recorded plats that such use might easily lead to misunderstanding or confusion for purposes such as assessment and description of land.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.198 Correction of errors; surveyor's affidavit.**

Sec. 198. Subject to review and approval at a meeting of the county plat board of the county in which the subdivision is located, an affidavit by the surveyor who certified the plat may be recorded in the office of the register of deeds in which the plat is recorded but only for the purpose of correcting minor and typographical errors in distances, angles, directions, bearings, chords, lot numbers, street numbers or other details shown on a recorded plat as follows:

(a) The affidavit shall explain the purpose, exact nature, and details of the correction.

(b) If the county plat board rejects the request for recording of the affidavit, it shall give its reasons in writing.

(c) The register of deeds, after approval of the county plat board, shall note on the plat a reference to the book and page in which the affidavit is recorded and shall send a certified copy to the director of the department of energy, labor, and economic growth, who shall note or reference it on his copy of the plat. The director of the department of energy, labor, and economic growth shall send copies to all agencies which received a copy of the plat.

(d) A recorded affidavit, or a certified copy thereof, shall be prima facie evidence of the facts therein stated.

(e) Affidavits of correction may not be used to change the boundaries or shape of lots, outlots or parcels of land in a subdivision.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

ASSESSOR'S PLATS

**560.201 Assessor's plat; compliance; conditions for ordering; resolution; report; estimated cost.**

Sec. 201. (1) An assessor's plat shall comply with sections 201 to 213 and may be ordered if any 1 of the



following conditions exist:

(a) When a parcel or tract of land is owned by 2 or more persons.

(b) When the description of 1 or more of the different parcels within the area cannot be made sufficiently certain and accurate, or are deemed excessively complicated by the governing body, for the purposes of assessment and taxation without a survey or resurvey.

(2) The governing body of a municipality by adoption of a resolution may cause a plat to be made for purposes described in subsection (1) after a report from the assessor or supervisor bringing to its attention an area of land in which the stated conditions exist. It shall include in the resolution the estimated cost assessable to each parcel of land to be included in the plat for the purpose of immediate assessment, subject to final adjustment in accordance with section 203.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1976, Act 431, Imd. Eff. Jan. 11, 1977.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.201a Assessor's plat; additional conditions for ordering.**

Sec. 201a. Notwithstanding the conditions specified in sections 201(1) (a) and (b), an assessor's plat, complying with sections 201 to 213, may also be ordered if there is a person in possession under a lease agreement relating to a parcel or tract of land and all of the following conditions are met:

(a) There is in effect a lease which was executed prior to January 1, 1968.

(b) The area of the land affected by the lease is smaller than the minimum lot size or configuration required by this act, or by local ordinance, as the case may be, or if the land is of proper size and configuration but at least 75% of the portion of the boundary not abutted by streets is abutted by lands of insufficient size or configuration.

(c) The leasehold premises has been improved with a permanent structure.

**History:** Add. 1973, Act 94, Imd. Eff. Aug. 8, 1973.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.201b Assessor's plat; additional conditions for ordering.**

Sec. 201b. Notwithstanding the conditions specified in section 201(1), an assessor's plat complying with sections 201 to 213 may also be ordered by the governing body of a municipality if all of the following conditions are met:

(a) When a parcel or tract of land had been improved by 4 or more permanent residential structures before January 1, 1968.

(b) When division of the parcel or tract into lots for the purpose of selling or leasing the permanent residential structures thereon would result in a lot size or configuration smaller than required by this act or by local ordinance.

(c) Each lot be serviced by a sewage disposal and water supply system approved by the local health department having jurisdiction.

**History:** Add. 1976, Act 431, Imd. Eff. Jan. 11, 1977.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.202 Name and boundary description; plat made by surveyor.**

Sec. 202. (1) The plat shall be called an assessor's plat and given a name. It shall plainly define the boundary of each parcel, each street, alley or road and dedication to public or private use, as such, shall be evidenced by the records of the register of deeds.

(2) The plat shall be made by a surveyor.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.203 Assessor's plat; payment of costs and expenses; cost charged to land.**

Sec. 203. The actual and necessary costs and expenses of making assessor's plats shall be paid out of the general fund of the city, incorporated village, or township whose governing body ordered the plat. All of the cost may be charged to the land so platted. Of the cost charged to the land so platted, 1/2 shall be based on the proportion that the area of each parcel bears to the total area of the plat and 1/2 shall be charged equally to each parcel included in the assessor's plat, as a special assessment on the land, in the manner provided in Act Rendered Tuesday, October 9, 2018

No. 67 of the Public Acts of 1961, being sections 41.921 to 41.925 of the Michigan Compiled Laws.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969;—Am. 1976, Act 431, Imd. Eff. Jan. 11, 1977.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.204 Survey requirements; setting of monuments.**

Sec. 204. (1) The surveyor making the plat shall survey and lay out the boundaries of each parcel, street, alley or road and dedication to public or private use, according to the records of the register of deeds and whatever other evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication.

(2) The surveyor shall also:

(a) Set temporary monuments to show the results of the survey.

(b) Make a map of the proposed plat to the scale of not more than 100 feet to 1 inch.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.205 Notice to proprietors.**

Sec. 205. The proprietors of record of lands in the plat shall be notified by registered mail to their last known address, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.206 Reconciliation of boundaries within plat.**

Sec. 206. (1) The surveyor making the plat shall reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body shall be in conformity with the records of the register of deeds as nearly as is practicable.

(2) When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the proprietors of record or in possession, such lines may be the true boundaries for all purposes thereafter, even though they vary from the metes and bounds descriptions previously of record. The written agreements shall be recorded in the office of the register of deeds.

(3) When reconciliation has been completed, the temporary monuments shall be replaced with permanent monuments meeting the specifications and provisions of this act for monuments.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.207 Boundaries and numbering of lots within plat.**

Sec. 207. (1) On every assessor's plat, as certified to the governing body, shall appear the bearings and distances of lines of each parcel recorded in the office of the register of deeds, and each lot shall also be numbered as provided in this act for final plats.

(2) The provisions of this act as to surveys and monuments and as to form and procedure, insofar as they are applicable to the purposes of assessor's plats shall apply.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.208 Surveyor's certificate.**

Sec. 208. The sworn certificate of the surveyor who made the plat and, if a firm of surveyors also by a partner or principal officer, shall appear on the plat and shall state the following:

(a) The name of the governing body by whose order the plat was made, and the date of the order.

(b) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and each parcel or lot thereof.

(c) A statement that he has fully complied with the provisions of this act in filing the plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.209 Filing; county road commission approval; publication; action to correct plat.**

Sec. 209. (1) When completed, the assessor's plat shall be filed with the clerk of the governing body that ordered the plat. In unincorporated areas, the certificate of the county road commission shall first be secured, stating that the public roads shown on the plat were in existence at the time the plat was made.

(2) The clerk shall promptly give notice thereof by publication for 3 successive weeks in a newspaper of general circulation in the city, village, township or county, or if there is none, in a newspaper published in the adjoining county and having general circulation in the locality where the plat is situated.

(3) The plat shall remain on file in the clerk's office for 30 days after the first publication. At any time within the 30-day period any person or public body having an interest in any lands affected by the plat may bring a suit to have such plat corrected.

(4) If no such suit is brought within such time, the plat may be approved by the governing body.

(5) If suit is brought, approval shall be withheld until it is decided. If necessary, the plat shall be revised in accordance with such decision, then approved by the governing body.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.210 Local authorities approval; acknowledgment; review by director of energy, labor, and economic growth; recording.**

Sec. 210. The plat, when completed and certified as provided in this act with the exception of the certification by the county plat board and when approved by the governing body and in unincorporated areas by the board of county road commissioners, shall be acknowledged by the clerk thereof. When so approved and acknowledged, all copies of the plat shall be forwarded to the director of the department of energy, labor, and economic growth together with the recording fee specified in this act for all plats. The director of the department of energy, labor, and economic growth shall review the plat for adherence to the provisions of this act, or may reject it giving his or her reasons in writing. Upon approval, the director of the department of energy, labor, and economic growth shall forward the plat to the register of deeds for recording. On return of the proof of recording the required recording fee shall be sent to the register of deeds and the director of the department of energy, labor, and economic growth shall distribute the copies as required for all other final plats.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.211 Recording; notification of local authorities; apportionment of taxes.**

Sec. 211. When an assessor's plat is recorded, the register of deeds shall notify the county treasurer. The county treasurer shall notify the assessor if any part of the lands included in the plat are delinquent for taxes or special assessments for any year prior to the date of recording. The assessor or supervisor shall apportion such taxes or assessments against the individual or several lots in the plat. The apportionment of delinquent taxes and special assessments shall be governed by the provisions of section 53 of Act No. 206 of the Public Acts of 1893, as amended. The apportioned taxes and special assessment shall thereafter become a lien against the individual or several lots in the plat and treated in the same manner as taxes of the year of the original assessment for the purpose of collection and sale for delinquent taxes as provided by Act No. 206 of the Public Acts of 1893, as amended.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.212 References to plat descriptions; use; plats as evidence.**

Sec. 212. Reference to any land, as it appears on a recorded assessor's plat is sufficient for purposes of assessment and taxation. Conveyance may be made by reference to the plat and shall be as effective to pass title to the land so described as it would be if the premises had been described by metes and bounds. The plat or record thereof shall be received in evidence in all courts and places as correctly describing the several parcels of land therein designated. After an assessor's plat has been made and recorded with the register of deeds, all conveyances of lands included in the assessor's plat shall be by reference to the plat. Any instrument

dated and acknowledged after January 1, 1968, purporting to convey or mortgage any such lands except by reference to such assessor's plat may not be recorded by the register of deeds.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.213 Plat recorded after tax day; substitution of plat description; certification of acquisition of public lands.**

Sec. 213. (1) Whenever a parcel of land has been subdivided and platted and the plat recorded after the tax day, the assessing officer shall substitute the recorded plat for the description of the parcel of land on the tax roll of the succeeding tax year, and shall utilize for tax purposes descriptions of property within the platted area by lot number instead of by metes and bounds in carrying out his duties as provided in section 53 of Act No. 206 of the Public Acts of 1893, as amended.

(2) The assessing officer shall certify under his hand and seal that the municipality has acquired the title to the highways, streets, alleys and public places shown on the assessor's plat by reason of purchase, dedication, condemnation or adverse possession for public use, and if there are any roads, streets, alleys or other such places to which the municipality has not acquired title for public use the extent of their use shall be plainly stated in the dedication, and the plat shall be signed and acknowledged by the officer.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### PLAT CHANGES

#### **560.221 Vacation, correction, or revision of plat.**

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.222 Complaint; filing.**

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.222a Public utility easement as part of recorded plat; relinquishment by written agreement; parties; requirements.**

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

- (a) Each public utility or municipal entity that has the right to use the recorded easement.
- (b) The owner or owners of record of each platted lot or parcel of land subject to the easement.
- (c) A two-thirds majority of the owners of record of each platted lot or parcel of land within 300 feet of any part of the recorded easement.
- (d) The governing board of the municipality in which the subdivision covered by the plat is located.

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.223 Complaint; contents.**

Sec. 223. The complaint shall set forth:

(a) The part or parts, if any, sought to be vacated and any other correction or revision of the plat sought by the plaintiff.

(b) The plaintiff's reasons for seeking the vacation, correction, or revision.

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.224a Joinder of parties defendant.**

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

(a) The owners of record title of each lot or parcel of land included in or located within 300 feet of the lands described in the petition and persons of record claiming under those owners.

(b) The municipality in which the subdivision covered by the plat is located.

(c) The director of the department of energy, labor, and economic growth.

(d) The drain commissioner and the chairperson of the board of county road commissioners having jurisdiction over any of the land included in the plat.

(e) Each public utility which is known to the plaintiff to have installations or equipment in the subdivision or which has a recorded easement or franchise right which would be affected by the proceedings.

(f) The director of the state transportation department and the director of the department of natural resources if any of the subdivision includes or borders a state highway or federal aid road.

(g) If the requested action may result in a public highway or a portion of a public highway that borders upon, crosses, is adjacent to, or ends at a lake or the general course of a stream being vacated or altered in such a manner as would result in the loss of public access, the director of the department of natural resources and, if the subdivision is located in a township, the township. The department of natural resources and, if applicable, the township shall review the application and determine within 30 days whether the property should be retained by the state or township as an ingress and egress point, and shall convey that decision to the court.

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

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

Sec. 226. (1) Upon trial and hearing of the action, the court may order a recorded plat or any part of it to be vacated, corrected, or revised, with the following exceptions:

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

(b) A part of a county road shall not be vacated, corrected, or revised except by the county road commission having jurisdiction pursuant to chapter IV of Act No. 283 of the Public Acts of 1909, being Rendered Tuesday, October 9, 2018

sections 224.1 to 224.32 of the Michigan Compiled Laws.

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

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

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

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

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

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

(7) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 90 days under subsection (6), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 180 days.

(8) If a person shows substantial noncompliance with the requirements of subsection (4) and the circuit court has previously closed the road ending for 180 days under subsection (7), the circuit court shall order the local unit or this state to show cause why the road ending should not be permanently closed in a manner to prevent ingress and egress to the body of water. Subject to subsection (9), the circuit court shall permanently close the road ending unless the local unit or this state shows cause why the road ending should not be closed.

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

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

(11) Proceedings under subsection (5), (6), (7), or (8) shall be initiated by application of 7 owners of record

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.227 Repealed. 1978, Act 367, Imd. Eff. July 22, 1978.**

**Compiler's note:** The repealed section pertained to vesting of vacated part.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

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

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

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

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

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.228 Recording of judgment.**

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

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.229 Preparation and form of new plat; filing copies; caption; approval; distribution of copies; fees.**

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

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

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

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

final plat.

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

**Popular name:** Plat Act

**Popular name:** Subdivision Control

## FEES AND ADMINISTRATION

### **560.241 Submission of final plat; filing and recording fee; state plat review fee; disposition of fee.**

Sec. 241. (1) When a final plat is submitted to the clerk of the governing body of the municipality, the proprietor shall deposit with the plat both of the following:

(a) A filing and recording fee in an amount equal to the fee for entering and recording a real estate mortgage under section 2567 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567. The filing and recording fee is in addition to any fee the municipality may charge under this act.

(b) A state plat review fee of \$150.00, plus \$15.00 for each lot over 4 lots included in the plat. The state plat review fee shall be paid by check or money order payable to the state of Michigan.

(2) Upon approval of the plat by the governing body, the clerk shall send the filing and recording fee and the state plat review fee with the plat to the clerk of the county plat board.

(3) The clerk of the county plat board shall deposit the filing and recording fee in the county trust and agency fund for subsequent payment by county warrant from this fund to the county register of deeds in the amount of the filing and recording fee, upon submission of proof to the clerk of the county plat board that the plat has been recorded in the office of the county register of deeds.

(4) If a final plat is forwarded to the state administrator, the clerk of the county plat board shall forward the state plat review fee with the plat.

(5) A state plat review fee collected by this state shall be deposited in the state treasury for use in the administration of this act. A fund in which state plat review fees shall be deposited is created in the state treasury. This fund is a revolving fund, and money remaining in the fund at the end of the fiscal year shall be carried over in the fund to the next and succeeding fiscal years for use in the administration of this act.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1991, Act 59, Imd. Eff. June 27, 1991;—Am. 1993, Act 67, Imd. Eff. June 21, 1993;—Am. 1998, Act 549, Imd. Eff. Jan. 20, 1999;—Am. 2016, Act 231, Eff. Oct. 1, 2016.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.241a Repealed. 1993, Act 67, Eff. Oct. 1, 1998.**

**Compiler's note:** The repealed section pertained to submission of final plat and fees.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.242 Director of department of energy, labor, and economic growth; records and indexing; fees.**

Sec. 242. (1) The director of the department of energy, labor, and economic growth shall maintain a permanent file of plats and the index shall contain all pertinent information necessary to facilitate reference.

(2) A fee established by the director of the department of energy, labor, and economic growth shall be collected for copies of plats.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **560.243 Register of deeds; maintaining permanent file; expense; fee.**

Sec. 243. (1) The register of deeds shall maintain a permanent file of recorded plats.

(2) The expense of maintaining the file, such as for binders, cabinets, supplies, and reproduction pursuant to the records media act, Act No. 116 of the Public Acts of 1992, being sections 24.401 to 24.403 of the Michigan Compiled Laws, shall be provided from the general fund of the county.

(3) A fee of not less than \$1.00 per sheet shall be collected by the register of deeds for copies of plats recorded in his or her office.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1992, Act 185, Imd. Eff. Oct. 5, 1992;—Am. 1992, Act 214, Imd. Eff. Oct. 9, 1992.

**Popular name:** Plat Act



**Popular name:** Subdivision Control

#### **560.244 Proprietor's copy.**

Sec. 244. (1) If the proprietor of a subdivision desires to retain a copy of the final plat, he or she shall forward a sixth copy of it to the director of the department of energy, labor, and economic growth for certification as an exact copy of the approved and recorded plat.

(2) The true copy requested may be made upon tracing linen or some similar material.

(3) No charge shall be made for certification of the sixth copy.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.245 Abstract of title or title policy; attorney's opinion in lieu of abstract.**

Sec. 245. The proprietor submitting the plat for approval shall furnish to the governing body 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. The governing body, 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.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.246 Governing body; fees.**

Sec. 246. (1) The governing body of a municipality may adopt by ordinance a reasonable schedule of fees, based on the number of lots in the proposed subdivision. The fee charged shall be in addition to the filing and recording fee, and shall be for the examination and inspection of plats and the land proposed to be subdivided, and related expenses.

(2) A proprietor submitting a plat for approval shall be required to deposit the established fee with the clerk of the municipality and until the fee is paid, the plat shall not be considered or reviewed.

(3) The governing body may employ a surveyor as an assistant. If it is deemed more practical in a county for the county to employ a surveyor to assist governing bodies of municipalities within the county, then the board of supervisors, by resolution, may employ the surveyor and may establish a reasonable schedule of fees for his services to be charged to the governing body receiving his assistance.

(4) Until an ordinance is adopted by the governing body establishing a schedule of fees, the governing body may require the payment of a fee not to exceed \$100.00.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.247 County plat board; compensation.**

Sec. 247. (1) Each member of the county plat board shall be paid compensation and mileage for attendance at plat board meetings equal to compensation and mileage paid to supervisors for attendance at meetings of the board of supervisors. The compensation shall be payable from the general fund of the county.

(2) The duties of the county plat board shall not be considered as being a part of the duties of the regular offices of the members thereof.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.248 County road commission; fees.**

Sec. 248. The county road commission may adopt as part of the published rules by resolution, a reasonable schedule of fees, to be charged proprietors seeking approval of plats. The fee shall be for the examination of those plat features which require approval of the county road commission as provided in section 183, and plans and inspection of highways, streets and alleys, together with bridges, culverts, drainage structures or other improvements constructed in connection with the plat and related expenses.

**History:** Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.249 Board of supervisors; fees.**

Sec. 249. The county board of supervisors may adopt a reasonable schedule of fees to be charged proprietors seeking approval of plats to compensate the county drain commissioner for his examination of those plat features which require approval of the county drain commissioner as provided in section 192 and plans and inspection of drainage facilities constructed by the proprietor or existing on the plat site.

**History:** Add. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.251 Recorded plats; evidence.**

Sec. 251. A certified copy of the recorded plat in the register of deeds office shall be received in all courts in this state as prima facie evidence of the making and recording of the plat in conformity with the provisions of this act.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.252 Instruments affecting title; prohibit recording unless plat recorded.**

Sec. 252. The register of deeds shall not accept for record any instrument purporting to convey or encumber lots designated by number in a subdivision of land unless a plat showing such lots has previously been recorded.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.253 Dedication of plats; reservation of mineral rights.**

Sec. 253. (1) When a plat is certified, signed, acknowledged and recorded as prescribed in this act, every dedication, gift or grant to the public or any person, society or corporation marked or noted as such on the plat shall be deemed sufficient conveyance to vest the fee simple of all parcels of land so marked and noted, and shall be considered a general warranty against the donors, their heirs and assigns to the donees for their use for the purposes therein expressed and no other.

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

(3) A reservation or an ownership interest in mineral rights or underground gas storage rights in land shall not constitute the holding of title for the purpose of signing the proprietor's certificate.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.254 Restrictions; enforcement.**

Sec. 254. Any restriction required to be placed on platted land by a public body given the authority to review or approve plats by the provisions of this act or which names the public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction in a court of competent jurisdiction against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing but only by the public body having the right of enforcement.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.255 Lot numbers use.**

Sec. 255. When a subdivision plat has been recorded, the lots in that plat shall be described by the caption of the plat and the lot number for all purposes, including those of assessment, taxation, sale and conveyance.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.255a Land revised, altered, or vacated by order of circuit court in county in which land situated.**

Sec. 255a. Land in a subdivision dedicated to the use of the public for purposes other than pedestrian or vehicular travel, or land dedicated for a public way which is under the jurisdiction of a municipality, a portion of which public way is within 25 meters of a lake or the general course of a stream, shall not be revised, altered, or vacated except by order of the circuit court in the county in which the land is situated.

**History:** Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.255b Presumption of acceptance of land dedicated to use of public; rebuttal.**

Sec. 255b. (1) Ten years after the date the plat is first recorded, land dedicated to the use of the public in or upon the plat shall be presumed to have been accepted on behalf of the public by the municipality within whose boundaries the land lies.

(2) The presumption prescribed in subsection (1) shall be conclusive of an acceptance of dedication unless rebutted by competent evidence before the circuit court in which the land is located, establishing either of the following:

(a) That the dedication, before the effective date of this act and before acceptance, was withdrawn by the plat proprietor.

(b) That notice of the withdrawal of the dedication is recorded by the plat proprietor with the office of the register of deeds for the county in which the land is located and a copy of the notice was forwarded to the director of the department of energy, labor, and economic growth, within 10 years after the date the plat of the land was first recorded and before acceptance of the dedicated lands.

**History:** Add. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.256 Opening, vacating, extending, widening, or changing name of street or alley; recording certified copy of ordinance or resolution; copy to director of energy, labor, and economic growth.**

Sec. 256. Subject to the restrictions prescribed in section 255a, when the governing body of a municipality by resolution or ordinance opens or vacates a street or alley or a portion of a street or alley, or extends, widens, or changes the name of an existing street or alley, the clerk of the municipality within 30 days shall record a certified copy with the register of deeds, giving the name of the plat or plats affected, and shall send a copy to the director of the department of energy, labor, and economic growth. Until recorded, the ordinance or resolution shall not have force or effect.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.257 Discontinuance of street, alley, or other public land; reservation of easement; recording resolution or ordinance; copy to director of energy, labor, and economic growth.**

Sec. 257. (1) Subject to the restrictions prescribed in section 255a, when the governing body of a municipality determines that it is necessary for the health, welfare, comfort, and safety of the people of the municipality to discontinue an existing street, alley, or other public land shown on a plat, by resolution or ordinance, the governing body may reserve an easement in the street, alley, or land for public utility purposes and other public purposes within the right of way of the street, alley, or other public land vacated.

(2) The resolution or ordinance shall be recorded within 30 days with the register of deeds and a copy shall be sent to the director of the department of energy, labor, and economic growth.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1978, Act 556, Imd. Eff. Dec. 22, 1978;—Am. 2010, Act 63, Imd. Eff. May 6, 2010

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.258 Public lands; agreements for maintenance.**

Sec. 258. As a condition of final plat approval the governing body of a municipality or the board of county

road commissioners may require copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.259 Minimum standards.**

Sec. 259. The standards for approval of plats prescribed in this act are minimum standards and any municipality, by ordinance, may impose stricter requirements and may reject any plat which does not conform to such requirements.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

### **PENALTIES**

#### **560.261 Sale of land; written disclosures to buyer; voidability of sale.**

Sec. 261. No person shall sell any lot in a recorded plat or any parcel of unplatted land in an unincorporated area if it abuts a street or road which has not been accepted as public unless the seller first informs the purchaser in writing on a separate instrument to be attached to the instrument conveying any interest in such lot or parcel of land of the fact that the street or road is private and is not required to be maintained by the board of county road commissioners. In addition, any contract or agreement of sale entered into in violation of this section shall be voidable at the option of the purchaser.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.262 Monuments; removal or disturbance.**

Sec. 262. No person shall knowingly remove or disturb any monument without the permission of the governing body of the municipality in which the subdivision is located.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.263 Lots; further division; regulation.**

Sec. 263. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the ordinances of the municipality. The municipality may permit the partitioning or dividing of lots, outlots or other parcels of land into not more than 4 parts; however, any lot, outlot or other parcel of land not served by public sewer and public water systems shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area provided for in this act.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.264 Sale of land; noncompliance with act; penalty.**

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 responsible 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 ordered 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.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1997, Act 87, Eff. Oct. 1, 1997.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.265 Enforcement of act; injunctive proceedings; venue.**

Sec. 265. Any municipality, board of county road commissioners or county plat board may bring an action in its own name to restrain or prevent any violation of this act or any continuance of any such violation. Such action shall be brought in the county where the land is located, the defendant resides or has his principal place of business.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.266 Enforcement of act; prosecution, venue.**

Sec. 266. The attorney general or the prosecuting attorney of any county may prosecute any violation of this act or may bring an action in the name of the state to restrain or prevent any violation of this act or any continuance of any such violation. Such action, in the case of the attorney general, shall be brought in the circuit court of Ingham county, upon which jurisdiction thereof is conferred, and in the case of the prosecuting attorney, in the county where the land involved is located, the defendant resides, or has his principal place of business or where the purchaser resides.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.267 Sale of lands in violation of act; voidability of sale.**

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.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1997, Act 87, Imd. Eff. July 28, 1997.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.290 Department of energy, labor, and economic growth; employee in charge of plat section; qualifications.**

Sec. 290. The employee in direct charge of the plat section in the department of energy, labor, and economic growth that performs services for the director of the department of energy, labor, and economic growth under this act, and that employee's chief assistant, shall each be a professional surveyor licensed in this state.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2010, Act 63, Imd. Eff. May 6, 2010.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.291 Plats in process, approval.**

Sec. 291. Any preliminary or final plat which on January 1, 1968, has been approved by the municipality or county road commission may be processed under the law in effect at the time of approval, but not after January 1, 1970, after which time all plats submitted for approval shall comply with the requirements of this act.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 1969, Act 308, Imd. Eff. Aug. 14, 1969.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

#### **560.292 Plat recorded under former 1839 PA 91; conflict or inconsistency.**

Sec. 292. A plat recorded under former 1839 PA 91 supersedes an earlier plat to the extent of any conflict or inconsistency regarding the dedication of a parcel restricting or limiting its use for a court house in the earlier plat.

**History:** 1967, Act 288, Eff. Jan. 1, 1968;—Am. 2017, Act 117, Imd. Eff. July 27, 2017.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**560.293 Effective date.**

Sec. 293. This act shall take effect on January 1, 1968.

**History:** 1967, Act 288, Eff. Jan. 1, 1968.

**Popular name:** Plat Act

**Popular name:** Subdivision Control

**To:** Mark Stuhldreher Township Manager

**DATE:** 11/07/2018

**FROM:** Peter Gallinat Township Planner

**DATE FOR BOARD CONSIDERATION:** 11/14/2018

**ACTION REQUESTED:** Introduce Rezoning Ordinance 2018-07, conduct a first reading. Publish a notice of a public hearing to consider adoption/rejection of Rezoning Ordinance 2018-07 on 11/28/2018. (By roll call vote)

Current Action

Emergency \_\_\_\_\_

Funds Budgeted: If Yes \_\_\_\_\_ Account # \_\_\_\_\_ No \_\_\_\_\_ N/A X

Finance Approval \_\_\_\_\_

**BACKGROUND INFORMATION**

Currently there are two (2) existing parcels located at 2010 and 2040 E. Broomfield Rd. Zoned R-2A (One and Two Family Low Density Residential District) The current use of the parcels is residential. The applicant has requested both parcels to be rezoned B-4 (General Business District) because they envision the future growth of the location to be commercial. If the applicant were to sell the parcels as residential they do not believe they would be successful. The applicant believes that the widening of both Lincoln and Broomfield Rd. will only create more traffic where there is already steady traffic. If rezoned there is no intended business use proposed at this time.

The Charter Township of Union Planning Commission held a public hearing for the rezoning request on October 16, 2018. After receiving input from the applicant and public the Planning Commission carefully reviewed the request. The Planning Commission voted to recommend denial of the rezone application to the Board of Trustees as the request is not consistent with the Township’s Master Plan Future Land Use Map. The rezone would cause leap frog development from the planned growth management boundary. The two parcels are included in the Rural buffer on the Future Land Use map of the Master Plan.

**SCOPE OF SERVICES**

N/A

**JUSTIFICATION**

The rezoning request has been reviewed by the Township Planning Commission. The County Planning Commission will review the request on November 8, 2018 as required.

**PROJECT IMPROVEMENTS**

The following Board of Trustees goal is addressed with this request.

1. Community well-being and common good.

**COSTS**

N/A

**PROJECT TIME TABLE**

This is done in a 3-step process. The First step is to introduce the Ordinance at a board meeting to hold a 1<sup>st</sup> reading. At this first meeting the board votes to publish for a public hearing on the adoption of said Ordinance. The second step is to hold that public hearing for the adoption of the Ordinance at the next Township board meeting. At the next Township board meeting the board votes to adopt the Ordinance and publish a notice of the adoption. The publishing of a notice of adoption is the third and final step of the Ordinance process for the Township Board.

**RESOLUTION**

It is further resolved that the Board of Trustees shall hold a public hearing for the adoption of Ord 2018-07 on November 28, 2018.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:



APPLICATION FOR ZONING CHANGE  
CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN



APPLICATION NO. \_\_\_\_\_

DATE 9-17-18

A. I (WE) Joseph & Sandra Falseth  
Address 2040 E Broomfield Rd  
Phone 7735250

hereby file an application with the Township Clerk's office to:

- Add to or change the text of the Zoning Ordinance.
- Change the district boundaries.
- Re-zone the property from R2A  
zoning classification to B-4  
zoning classification.

B. If this application is for a text amendment please describe in detail what you would like to change. Give section numbers and proposed changes, standards, and procedures.

C. If this application is for the re-zoning of property please provide a complete legal description.

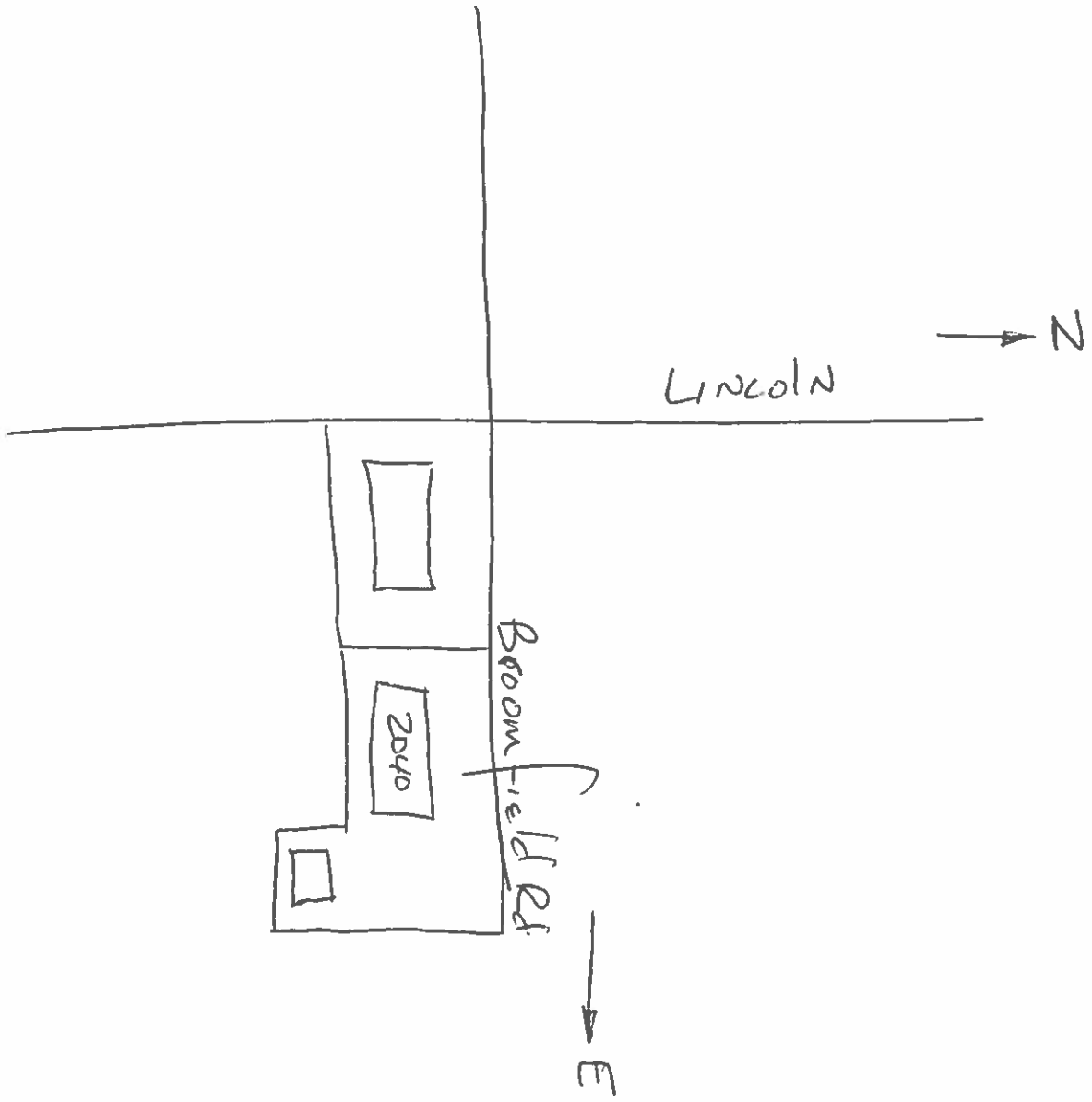
T14 N RAW Sec 28 con 208.75 ft E NW corner THS  
208.75 ft Th E 72.02 ft Th S 72 ft Th E 155 ft Th N  
280.7 ft Th W 226.95 ft To POB split off E 226.95 ft of  
007-06 For modular House Now 007-01 and 007-02

D. If this application is for re-zoning please provide a complete common description. (address, cross roads, etc.)

E. Please provide reasons for requesting text amendment or zoning change and include intended use of any land, buildings, or structures.

Increase in traffic widening of Rd to 5 lanes  
Light at corner difficult to sell house  
to a family "Ring Road" truck traffic

F. Please provide a site plan for any property to be re-zoned following the requirements outlined in Section 12 of the Union Township Zoning Ordinance 1991-5.



APPLICATION FOR ZONING CHANGE  
CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN



APPLICATION NO. \_\_\_\_\_

DATE 9-17-18

A. I (WE) Joseph & Sandra Falsetta  
Address 2010 E Broomfield Rd  
Phone 7735250

hereby file an application with the Township Clerk's office to:

- Add to or change the text of the Zoning Ordinance.
- Change the district boundaries.
- Re-zone the property from R2A  
zoning classification to B-4  
zoning classification.

B. If this application is for a text amendment please describe in detail what you would like to change. Give section numbers and proposed changes, standards, and procedures.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. If this application is for the re-zoning of property please provide a complete legal description.

T14N R4W Sec. 28 Corn At NW Cor of Sec 28 Th 5  
208.7 Ft Th E 208.75 ft Th 208.75 Ft Th 208.75 Ft  
to POB

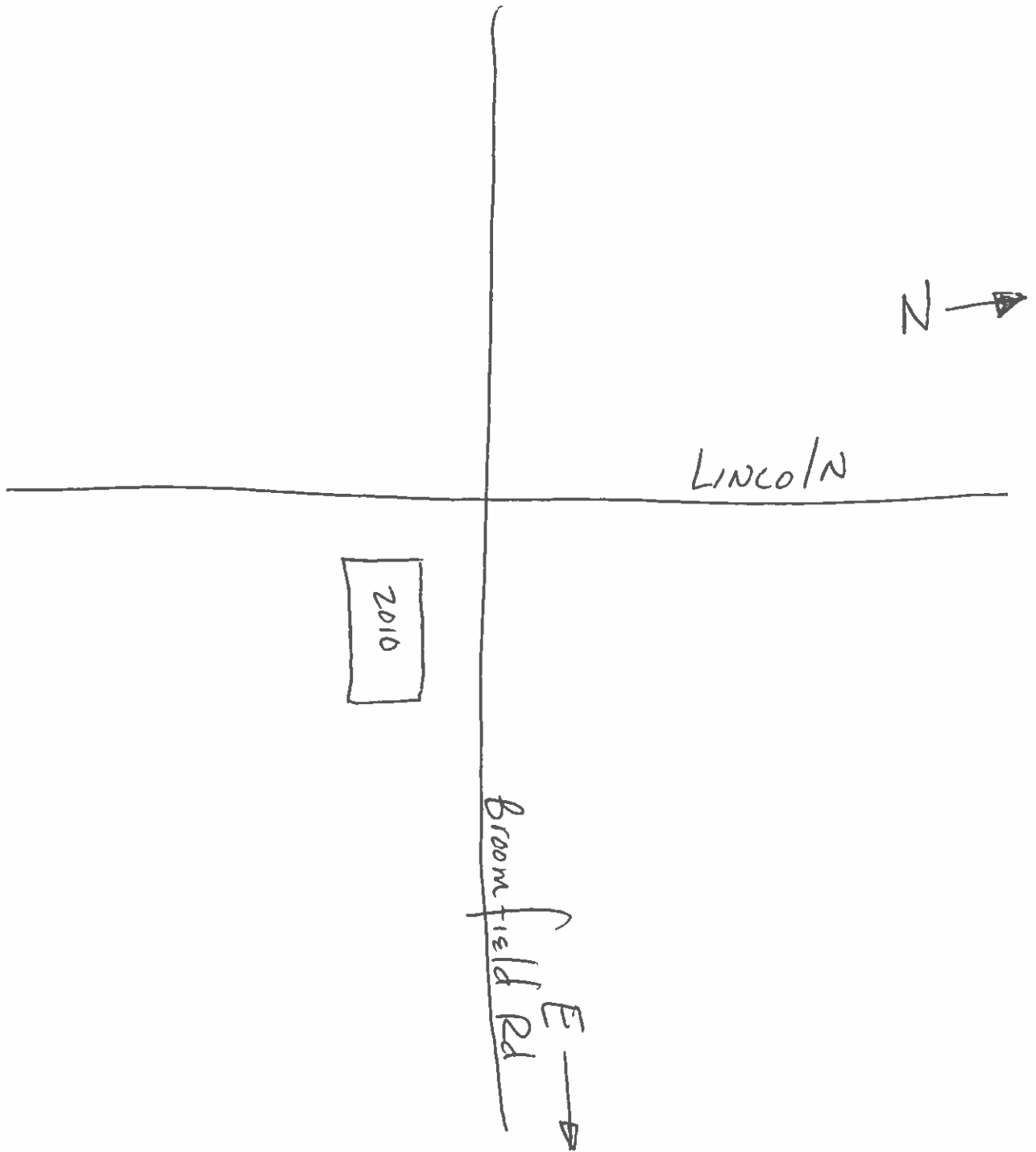
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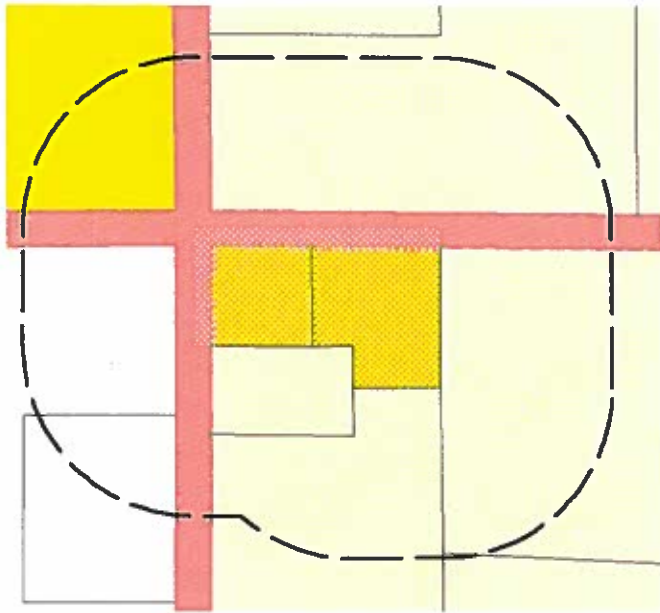
2010 E Broomfield Rd.  
South East corner of Lincoln & Broomfield Rd

E. Please provide reasons for requesting text amendment or zoning change and include intended use of any land, buildings, or structures.

Increase in traffic, widening of Rd to 5 Lanes  
light on the corner difficult to sell House  
to a family "Ring Road" truck traffic

F. Please provide a site plan for any property to be re-zoned following the requirements outlined in Section 12 of the Union Township Zoning Ordinance 1991-5.





The above maps (Buffer on top and Zoning on bottom) shows 2010 and 2040 E. Broomfield Rd. Currently zoned R-2A in YELLOW (One and Two Family Low Density Residential District) Only these two parcels (outlined in GREEN) are subject to the requested for a rezone from R-2A to B-4 (General Business District) the BEIGE colored parcels are zoned R-1 (Rural Residential District) and the WHITE colored parcels are zoned AG (Agricultural District).

## UNION TOWNSHIP PUBLIC HEARING NOTICE –REZONING

NOTICE is hereby given that a Public Hearing will be held on Tuesday, October 16, 2018, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Planning Commission for the purpose of hearing any interested persons in the following request for rezoning a of properties from R-2A (One and Two Family Low Density District) to B-4 (General Business District) as allowed by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by **Joseph and Sandra Falsetta** a rezoning of R-2A (One and Two Family Low Density Residential) to B-4 (General Business District)

Legal Description of property: T14N R4W, SEC 28; COM AT NW COR OF SEC 28; TH S 208.7 FT; TH E 208.75 FT; TH 208.75 FT; TH W 208.75 FT TO POB 98 ROLL SPLIT OFF E 226.95 FT OF 007-00 FOR MODULAR HOUSE NOW 007-01 AND 007-02

T14N R4W, SEC 28, COM 208.75 FT E OF NW COR ; TH S 208.75 FT; TH E 72.02 FT; TH S 72 FT TH E 155 FT TH N 280.7 FT TH W 226.95 FT TO POB 98 ROLL SPLIT OFF E 226.95 FT OF 007-00 FOR MODULAR HOUSE NOW 007-01 AND 007-02

This property is located at: 2010 and 2040 E. Broomfield Rd. MOUNT PLEASANT, MI 48858  
PID 14-028-10-007-01, and 14-028-10-00-02

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 241.

Peter Gallinat,  
Township Planner

MCGUIRK MINI STORAGE INC  
PO BOX 530  
MT PLEASANT, MI 48804-0530

RECKER EDWARD & TERESA  
7906 E BROOMFIELD RD  
MT PLEASANT, MI 48858

KULLMAN MARCUS  
4101 S LINCOLN RD  
MOUNT PLEASANT, MI 48858

CITY OF MT PLEASANT  
320 W BROADWAY ST  
MT PLEASANT, MI 48858

BRYAN ALAN C & CARIE M  
4051 S LINCOLN RD  
MOUNT PLEASANT, MI 48858

FALSETTA JOSEPH ET UX  
2010 E BROOMFIELD  
MT PLEASANT, MI 48858

FALSETTA JOSEPH ET UX  
2010 E BROOMFIELD  
MT PLEASANT, MI 48858

LEY MICHAEL B  
4024 S LINCOLN RD  
MOUNT PLEASANT, MI 48858

LEY EDWARD B & SHANNON L  
4056 S LINCOLN RD  
MOUNT PLEASANT, MI 48858

FIGG CLIFFORD MARTIN  
810 ASHLAND DR  
MT PLEASANT, MI 48858

## AFFIDAVIT OF PUBLICATION

2125 Butterfield Dr, Suite 102N • Troy MI 48084

CHARTER TOWNSHIP OF UNION  
2010 S Lincoln

Mount Pleasant, MI 48858  
Attention: JENNIFER LOVEBERRY

STATE OF MICHIGAN,  
COUNTY OF ISABELLA

The undersigned Cindy Slater (Cindy Slater), being duly sworn the he/she is the principal clerk of Morning Sun, morningstarpublishing.com, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

### CHARTER TOWNSHIP OF UNION

Published in the following edition(s):

Morning Sun	10/01/18
morningstarpublishing.com	10/01/18



Sworn to the subscribed before me this 4th October 2018

Notary Public, State of Michigan  
Acting in Oakland County

#### UNION TOWNSHIP PUBLIC HEARING NOTICE -REZONING

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Requested by **Joseph and Sandra Falsetta** a rezoning of R-2A (One and Two Family Low Density Residential) to B-4 (General Business District)

Legal Description of property: T14N R4W, SEC 28; COM AT NW COR OF SEC 28; TH S 208.7 FT; TH E 208.75 FT; TH 208.75 FT; TH W 208.75 FT TO POB 98 ROLL SPLIT OFF E 226.95 FT OF 007-00 FOR MODULAR HOUSE NOW 007-01 AND 007-02

T14N R4W, SEC 28, COM 208.75 FT E OF NW COR : TH S 208.75 FT; TH E 72.02 FT; TH S 72 FT TH E 155 FT TH N 280.7 FT TH W 226.95 FT TO POB 98 ROLL SPLIT OFF E 226.95 FT OF 007-00 FOR MODULAR HOUSE NOW 007-01 AND 007-02

This property is located at: 2010 and 2040 E. Broomfield Rd. MOUNT PLEASANT, MI 48858  
PID 14-028-10-007-01, and 14-028-10-00-02

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 241.

Peter Gallinat,  
Township Planner  
Published: October 1, 2018

#### Advertisement Information

Client Id: 531226

Ad Id: 1670514

PO:

Sales Person: 200301



## Peter Gallinat

---

**From:** Alan.Bryant (T0924) <Alan.Bryant@target.com>  
**Sent:** Thursday, October 11, 2018 6:10 AM  
**To:** Peter Gallinat  
**Cc:** Alan Home  
**Subject:** Zoning 2010 and 2040 East Broomfield from R-2A to B-4

Alan and Carie Bryant  
4051 South Lincoln  
Mt Pleasant, Michigan 48858  
(989) 400 1776  
Alcbryant@gmail.com

9th October 2018

Peter Gallinat  
Township Planner  
2010 South Lincoln  
Mt Pleasant, Michigan 48858

Dear Mr. Gallinat,

I want to thank you for taking the time to explain the various zoning differences concerning the property at 2010 and 2040 East Broomfield Road and the requested change from a R-2A to a B-4 general business district. Your explanations allowed my wife and I to take the time to consider, and discuss the various impacts that the zoning change could have on our property and family. We acknowledge the township is progressing and growing which is very good for all of us. It is possible in the future the areas along Lincoln and Broomfield, as well as the properties requesting to be re-zoned may in fact need to be considered for a B-4 general business property. However, it is also likely that many of the areas, including the two properties currently requesting to be zoned B-4 could likely remain residential. It is with this uncertain and not yet determined future that Carie and I would like to voice our opposition for rezoning 2010 and 2040 East Broomfield Road to a B-4 general business district.

A primary consideration that greatly affects our opinions on this matter is the general nature of the permit and what the property could be developed into because of this non-specific characteristic. If we had the knowledge that this would be a quiet business, that may be fitting to be adjacent to a quiet, rural, and residential setting then perhaps our conclusions may be different. Our driveway and garage are only around 15 feet to the properties in question. This seems very close to be adjacent to certain kinds of business properties.

Our kids, family, and pets love spending time in the yard which was a big consideration as to why we purchased our home nearly 20 years ago. We all feel safe, secure and comfortable here. We enjoy being located in a rural setting yet close to town and work. Additionally we enjoy having neighbors on both sides of us as well as across the road. We love to have the windows open letting in spring and summer and fall breezes. Many of these windows including our bedrooms face the properties in question.

Our family has now considered what it may be like having a business next to us. What will it feel like looking out our bedroom or kitchen window at some sort of business. Would parking lot lights shine in our bedroom windows on the second floor at night? Would people be coming and going at unknown hours affect us? Could we even sleep with the windows open any longer? Would a backyard BBQ with family be interrupted by this unknown business so close to us? Would we even feel secure any longer in our home or with our property? How could our day to day quality of life be affected? The honest answer is we don't know as we don't know what kind of business or building may be built next to us.

At this time with no specific business having an interest in the properties it feels like the old adage of putting the horse before the carriage when considering the need for a zone change. After all there are no guarantees

this particular area would ever end up needing a business zoning. It is just as likely a subdivision or residential areas could be developed on any of these properties in the area. If over time residential areas prove to not be the likely then it seems logical that at this time it would be appropriate to consider re-zoning to B-4 for general business. We currently are surrounded by residential and agricultural properties and for now feel the current zoning is adequate, appropriate, and should remain as is.

We thank you for taking the time to consider our specific situation and family. We will look forward to discussing this further at the public hearing on October 16th. If between now and then you have any questions or need for further information please feel free to reach us.

Sincerely,  
Alan and Carie Bryant



**PROJECT TIME TABLE**

This is done in a 3-step process. The First step is to introduce the Ordinance at a board meeting to hold a 1<sup>st</sup> reading. At this first meeting the board votes to publish for a public hearing on the adoption of said Ordinance. The second step is to hold that public hearing for the adoption of the Ordinance at the next Township board meeting. At the next Township board meeting the board votes to adopt the Ordinance and publish a notice of the adoption. The publishing of a notice of adoption is the third and final step of the Ordinance process for the Township Board.

**RESOLUTION**

It is further resolved that the Board of Trustees shall hold a public hearing for the adoption of Ord 2018-08 on November 28, 2018.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:

APPLICATION FOR ZONING CHANGE  
CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN



APPLICATION NO. \_\_\_\_\_

DATE 9/25/18

A. I (WE) MCGUIRK MINI STORAGE INC.

Address P.O. BOX 530, MT. PLEASANT, MI 48804-0530

Phone 989-772-1309

hereby file an application with the Township Clerk's office to:

1.  Add to or change the text of the Zoning Ordinance.
2.  Change the district boundaries.
3.  Re-zone the property from AG-AGRICULTURAL  
zoning classification to R2A- ONE & TWO FAMILY DISTRICT  
zoning classification.

B. If this application is for a text amendment please describe in detail what you would like to change. Give section numbers and proposed changes, standards, and procedures.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. If this application is for the re-zoning of property please provide a complete legal description.

SEE ATTACHED SKETCH  
\_\_\_\_\_  
\_\_\_\_\_

D. If this application is for re-zoning please provide a complete common description. (address, cross roads, etc.)

4080 S WHITEVILLE (NORTHERN PORTION)  
\_\_\_\_\_  
\_\_\_\_\_

E. Please provide reasons for requesting text amendment or zoning change and include intended use of any land, buildings, or structures.

THE PROPERTY USE WILL BE RESIDENTIAL AND THE REQUESTED R2A ZONING WILL MATCH THE ADJACENT PROPERTY ZONING TO THE NORTH OF THE PROPERTY.  
\_\_\_\_\_  
\_\_\_\_\_

F. Please provide a site plan for any property to be re-zoned following the requirements outlined in Section 12 of the Union Township Zoning Ordinance 1991-5.

G. List names and addresses of property owners lying within 300 feet of the property to be re-zoned. (use seperate sheet)

H. List all or any easements or right-of-ways which have been granted said properties herein described.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATION:

I (WE) hereby certify that the afore information is accurate and assume responsibility for any error.

SIGNED:

Applicant

Date

9/25/18

Applicant

Date

Applicant

Date

\*\*\*\*\*

\*\* FOR OFFICE USE ONLY \*\*

Date application referred to Planning Commission \_\_\_\_\_

Date public hearing notice published \_\_\_\_\_

Date public hearing notice mailed \_\_\_\_\_

Planning Commission Action. \_\_\_ Adopted \_\_\_ Denied Date \_\_\_\_\_

Date referred to County Planning Commission \_\_\_\_\_

Township Board Action \_\_\_ Adopted \_\_\_ Denied Date \_\_\_\_\_

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FEE \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_

**UNION TOWNSHIP PUBLIC HEARING NOTICE –REZONING**

NOTICE is hereby given that a Public Hearing will be held on Tuesday, October 16, 2018, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Planning Commission for the purpose of hearing any interested persons in the following request for rezoning a northern portion of property from AG (Agriculture) to R-2A (One and Two Family Low Density District) as allowed by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by **McGuirk Mini Storage Inc.** A rezoning of AG (Agricultural) to R-2A (One and Two Family Low Density Residential). Northern portion of property

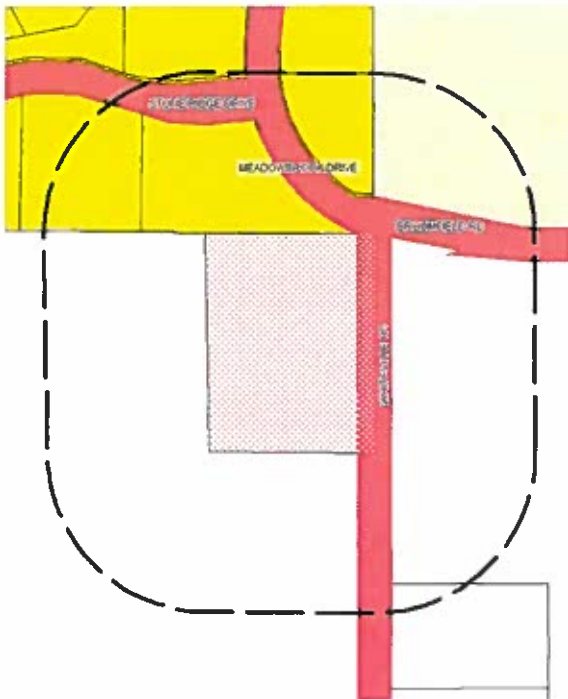
Legal Description of property: T14N R4W, SEC 30, N 23 RDS OF E 16 RDS OF NE 1/4

This property is located at: 4080 S. Whiteville Rd. MOUNT PLEASANT, MI 48858  
PID 14-030-20-001-00

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 241.

Peter Gallinat,  
Township Planner



4080 Whiteville Rd outlined in GREEN is subject to a rezone from AG (Agricultural District) to R-2A (One and Two Family Low Density Residential District) the YELLOW line depicts a 300 ft radius around the subject property. Only the one parcel outlined in GREEN is subject to the rezone. R-2A parcels are YELLOW. AG parcels are WHITE, and the BEIGE color represents R-1 (Rural Residential). The map on top is for the 300ft buffer and the map at the bottom shows the zoning for the area.



SZYDLOWSKI PHILIP P  
4141 S WHITEVILLE RD  
MT PLEASANT, MI 48858

WHITEHEAD WILLIAM D & NANCY J  
1474 E BROOMFIELD RD  
MT PLEASANT, MI 48858

MCGUIRK MINI STORAGE INC  
PO BOX 530  
MT PLEASANT, MI 48804-0530

BALL FAMILY TRUST  
180 ORCHARD LANE  
SKANDIA, MI 49885

COTTER KEITH & COTTER KIM  
777 STONE RIDGE  
MT PLEASANT, MI 48858

SCHLICHT RYAN DOUGLAS & NICOLE  
776 STONE RIDGE DR  
MOUNT PLEASANT, MI 48858

CHOWDHARY SARVJIT & USHA  
774 STONE RIDGE DR  
MT PLEASANT, MI 48858

HUNTER JOHN W & DANEA M  
995 MEADOWBROOK DR  
MT PLEASANT, MI 48858

DAVIS DAVID W  
989 MEADOWBROOK DR  
MOUNT PLEASANT, MI 48858

FIGG BETTY J REV TRUST 3/3/95  
1239 E BROOMFIELD RD  
MT PLEASANT, MI 48858

Union Township Planning Commission  
2010 S. Lincoln Rd.  
Mt. Pleasant, MI 48858

October 7, 2018

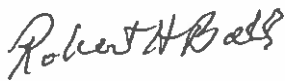
Gentlemen,

We have received notice of the McGuirk request for rezoning the parcel located at 4080 S. Whiteville Road. The map we received indicates a 300 foot "buffer zone" around the property, presumably to go into effect if the property is rezoned. This buffer zone would cover more area of our property than the area of the property McGuirk owns.

Since the term buffer usually means an area of protection of some sort or other we must assume that the proposed buffer zone would restrict certain activities on, or uses of, our property either now or in the future.

That being the case, we must vigorously oppose the rezoning request.

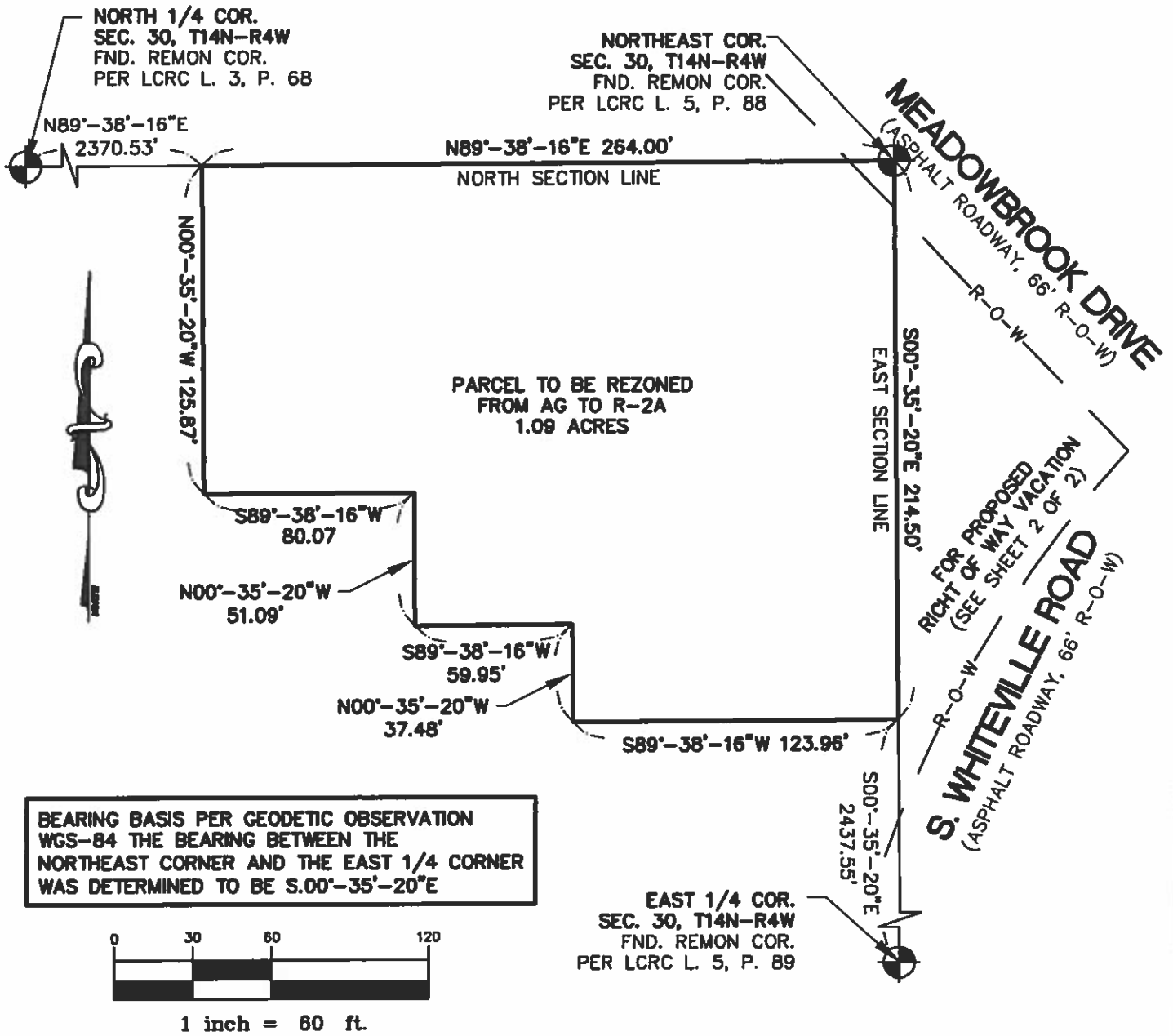
Sincerely,



Robert H. Ball  
Ball Family Trust


180 Orchard Lane  
Skandia, MI 49885

**SKETCH / DESCRIPTION**  
**MCGUIRK MINI STORAGE INC.**  
 PART OF THE NORTHEAST 1/4  
 SECTION 30, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN



**DESCRIPTION OF PARCEL TO BE REZONED FROM AG TO R-2A:**

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 30, T.14 N.-R.4 W., UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE S.00°-35'-20"E., ON AND ALONG THE EAST LINE OF SAID SECTION, 214.50 FEET; THENCE S.89°-38'-16"W., PARALLEL WITH THE NORTH LINE OF SAID SECTION, 123.96 FEET; THENCE N.00°-35'-20"W., PARALLEL WITH SAID EAST SECTION LINE, 37.48 FEET; THENCE S.89°-38'-16"W., PARALLEL WITH SAID NORTH SECTION LINE, 59.95 FEET; THENCE N.00°-35'-20"W., PARALLEL WITH SAID EAST SECTION LINE, 51.09 FEET; THENCE S.89°-38'-16"W., PARALLEL WITH SAID NORTH SECTION LINE, 80.07 FEET; THENCE N.00°-35'-20"W., PARALLEL WITH THE EAST LINE OF SAID SECTION, 125.87 FEET; THENCE N.89°-38'-16"E., ON AND ALONG SAID NORTH SECTION LINE, 264.00 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 1.09 ACRES OF LAND.

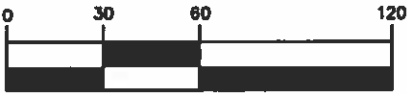
R - RECORDED	○ - FOUND IRON	⊕ - SECTION CORNER		
M - MEASURED	● - SET IRON	⊙ - 1/8 CORNER		
□ - SET WOOD STAKE	⊗ - CONCRETE MONUMENT			
 <p align="center"><b>CMS &amp; D</b>  <b>SURVEYING / ENGINEERING</b>          510 W. PICKARD STREET, SUITE C          MT. PLEASANT, MICHIGAN 48858          PHONE: (989) 775-0756          FAX: (989) 775-5012          EMAIL: info@cms-d.com</p>	SCALE: 1" = 60'	DRAWN BY: WRE		
	SURVEY DATE: N/A	CHECKED BY: TELB		
	DATE: 9-20-18	JOB NUMBER: 1804-036		
	REVISED:	SHEET NUMBER: 1 OF 2		

**SKETCH / DESCRIPTION**  
**MCGUIRK MINI STORAGE INC.**  
 PART OF THE NORTHEAST 1/4  
 SECTION 30, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

NORTHEAST COR. SEC. 30, T14N-R4W  
 NORTHWEST COR. SEC. 29, T14N-R4W  
 FND. REMON COR.  
 PER LCRC L. 5, P. 88

BEARING BASIS PER PREIN & NEWHOF PLAN SET.  
 DATED 6-29-16 THE BEARING BETWEEN THE  
 NORTHEAST CORNER AND THE EAST 1/4 CORNER  
 WAS TAKEN TO BE S.00°-12'-52"E

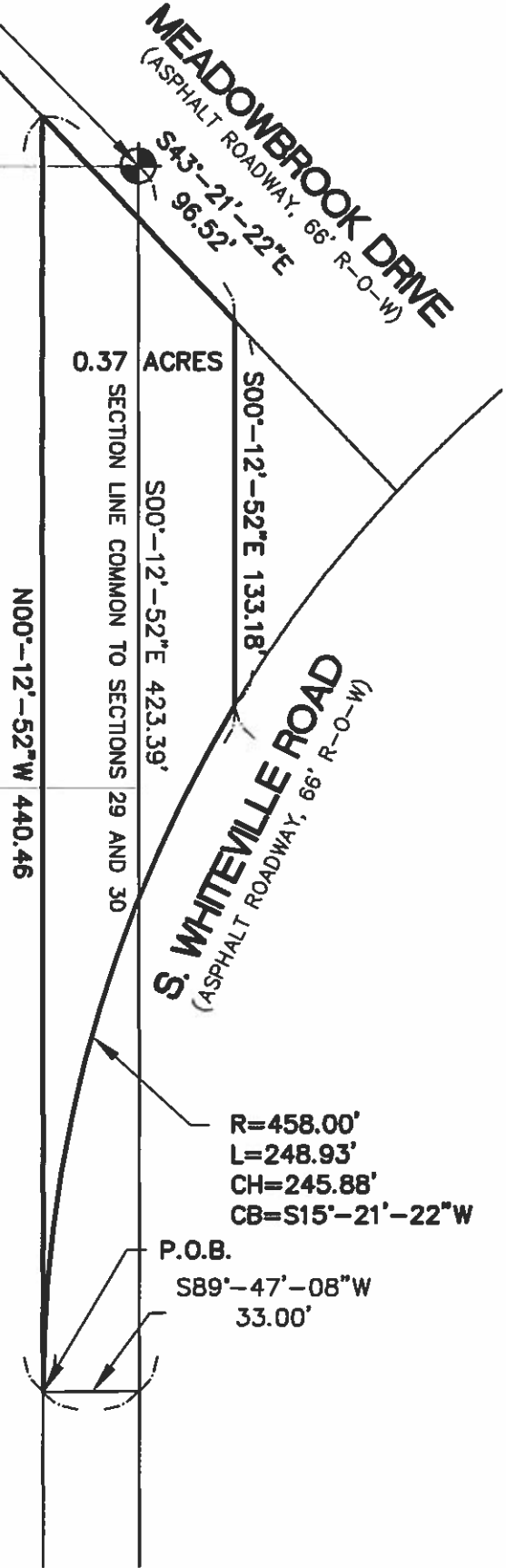
PARCEL TO BE REZONED  
 FROM AG TO R-2A  
 1.09 ACRES  
 (SEE SHEET 1 OF 2)



1 inch = 60 ft.

**ROAD RIGHT OF WAY VACATION:**

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4 OF SECTION 30, T.14 N.-R.4 W., UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN. TO FIX THE POINT OF BEGINNING, COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 30, BEING THE NORTHWEST CORNER OF SECTION 29; THENCE S.00°-12'-52"E., ON AND ALONG THE SECTION LINE COMMON TO SAID SECTIONS 29 AND 30, 423.39 FEET TO THE POINT OF CURVATURE ON THE DESIGN CONSTRUCTION CENTERLINE OF WHITEVILLE ROAD, BEING STATION 85+02.83 IN ACCORDANCE WITH PREIN & NEWHOF PLAN SET DATED 6-29-2016; THENCE S.89°-47'-08"W., PERPENDICULAR TO SAID SECTION LINE AND SAID DESIGN CENTERLINE, 33.00 FEET TO A POINT ON THE EXISTING AND PROPOSED RIGHT-OF-WAY LINE OF WHITEVILLE ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N.00°-12'-52"W., ON AND ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF WHITEVILLE ROAD, 440.46 FEET TO ITS INTERSECTION WITH THE PROPOSED SOUTHWESTERLY RIGHT-OF-WAY LINE OF MEADOWBROOK DRIVE; THENCE S.43°-21'-22"E., ON AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 96.52 FEET TO ITS INTERSECTION WITH THE EXISTING EAST RIGHT-OF-WAY LINE OF WHITEVILLE ROAD; THENCE S.00°-12'-52"E., ON AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE 133.18 FEET TO ITS INTERSECTION POINT WITH THE PROPOSED OF THE CURVE TRANSITION BETWEEN WHITEVILLE ROAD AND BROOMFIELD ROAD, SAID POINT BEING A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 458.00 FEET; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, 248.93 FEET TO THE POINT OF TANGENCY AND BACK TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THE ARC OF SAID CURVE BEING SUBTENDED BY A CHORD BEARING S.15°-21'-22"W., 245.88 FEET TO SAID POINT OF TANGENCY AND BACK TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES OF LAND.



R - RECORDED  
 M - MEASURED  
 □ - SET WOOD STAKE

○ - FOUND IRON  
 ● - SET IRON  
 ⊙ - CONCRETE MONUMENT

⊕ - SECTION CORNER  
 ⊕ - 1/8 CORNER



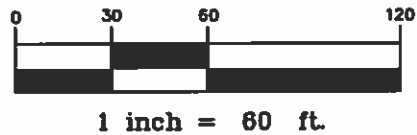
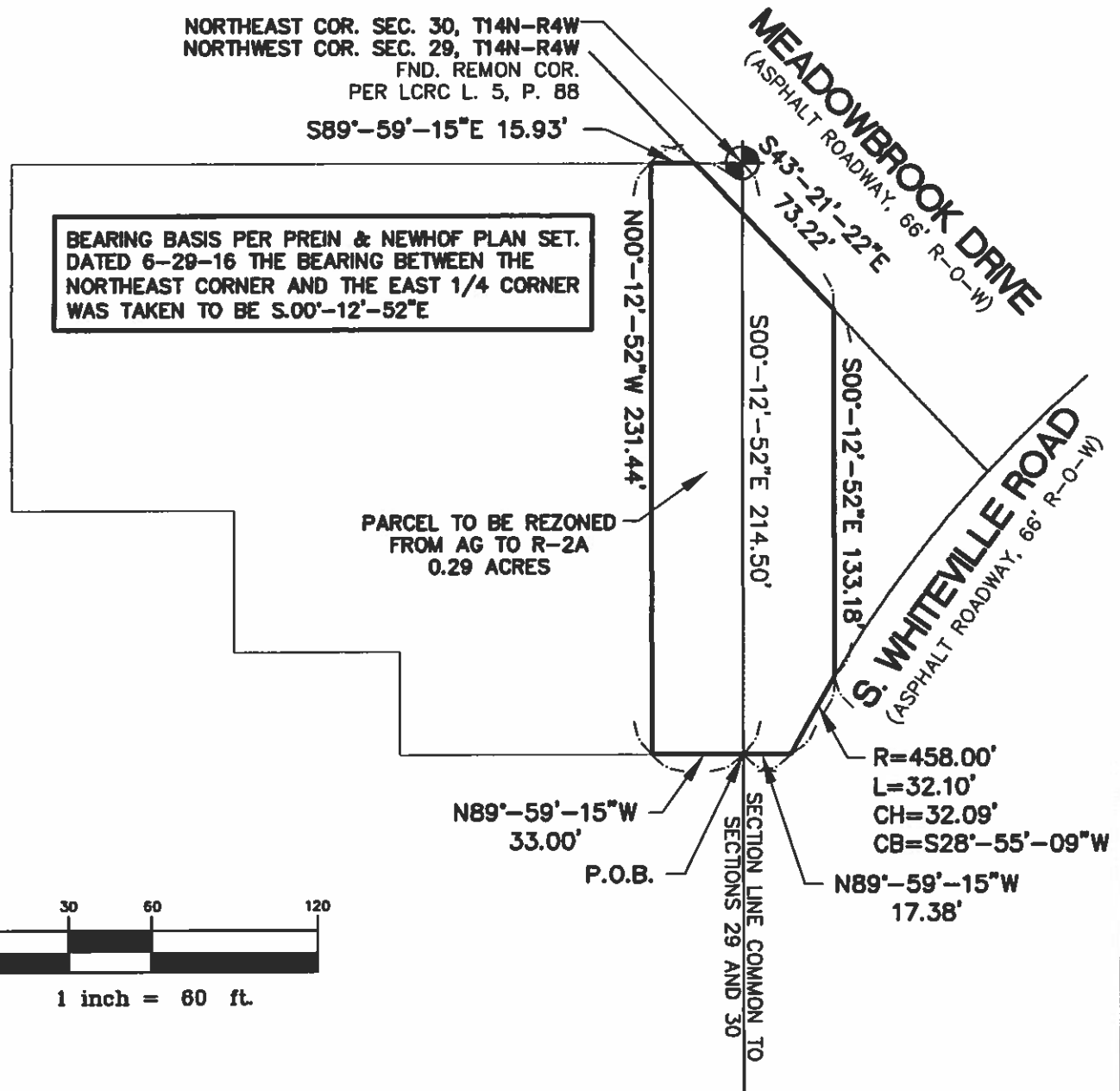
**CMS & D**  
 SURVEYING / ENGINEERING  
 510 W. PICKARD STREET, SUITE C  
 MT. PLEASANT, MICHIGAN 48858  
 PHONE: (989) 775-0756  
 FAX: (989) 775-5012  
 EMAIL: info@cms-d.com

SCALE: 1" = 60'	DRAWN BY: WRE
SURVEY DATE: N/A	CHECKED BY: TELB
DATE: 9-20-18	JOB NUMBER: 1804-036
REVISED:	SHEET NUMBER: 2 OF 3

**SKETCH / DESCRIPTION**  
**MCGUIRK MINI STORAGE INC.**  
 PART OF THE NORTHEAST 1/4  
 SECTION 30, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

NORTHEAST COR. SEC. 30, T14N-R4W  
 NORTHWEST COR. SEC. 29, T14N-R4W  
 FND. REMON COR.  
 PER LCRC L. 5, P. 88  
 S89°-59'-15"E 15.93'

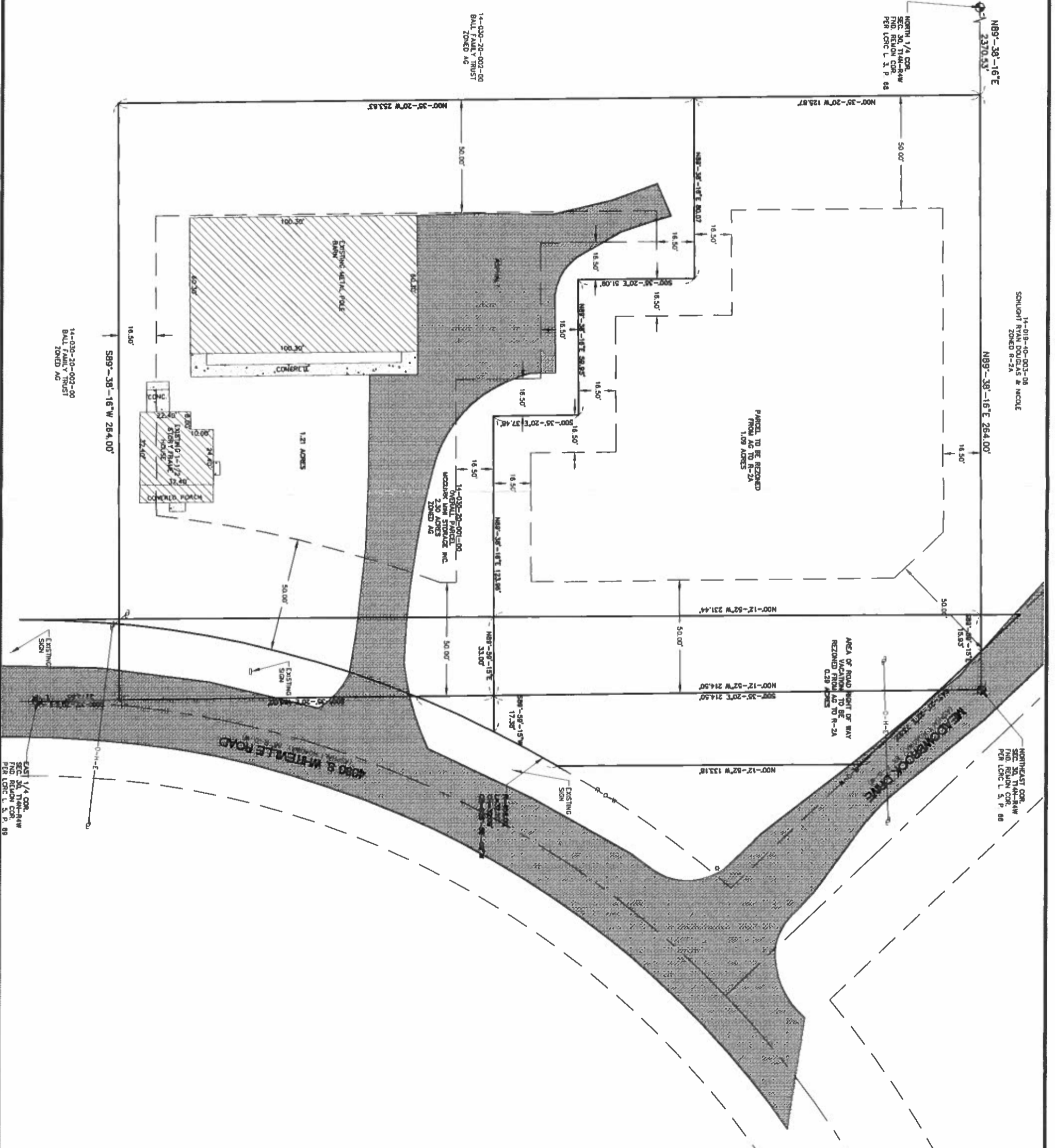
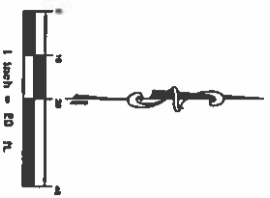
BEARING BASIS PER PREIN & NEUHOFF PLAN SET.  
 DATED 6-29-16 THE BEARING BETWEEN THE  
 NORTHEAST CORNER AND THE EAST 1/4 CORNER  
 WAS TAKEN TO BE S.00°-12'-52"E



**AREA OF ROAD RIGHT OF WAY VACATION TO BE REZONED FROM AG TO R-2A:**

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 29 AND THE NORTHWEST 1/4 OF SECTION 30, T.14 N.-R.4 W., UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN. TO FIX THE POINT OF BEGINNING, COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 30, BEING THE NORTHWEST CORNER OF SECTION 29; THENCE S.00°-12'-52"E., ON AND ALONG THE SECTION LINE COMMON TO SAID SECTIONS 29 AND 30, 214.50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S.89°-59'-15"W; PARALLEL WITH THE NORTH LINE OF SAID SECTION 30, 33.00 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY LINE OF WHITEVILLE ROAD; THENCE N.00°-12'-52"W., PARALLEL WITH SAID SECTION LINE COMMON TO SAID SECTIONS 29 AND 30, 231.44 FEET; THENCE S.89°-59'-15"E., ON AND ALONG THE NORTH LINE OF SAID SECTION 30, 15.93 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MEADOWBROOK DRIVE; THENCE S.43°-21'-22"E., ON AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 73.22 FEET TO IT'S INTERSECTION POINT WITH THE PROPOSED OF THE CURVE TRANSITION BETWEEN WHITEVILLE ROAD AND BROOMFIELD ROAD, SAID POINT BEING A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 458.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ON AND ALONG THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF WHITEVILLE ROAD, 32.10 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD BEARING S.28°-55'-09"W., 32.09 FEET TO SAID POINT; THENCE N.89°-59'-15"W., PARALLEL WITH SAID NORTH LINE OF SECTION 30, 17.38 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 0.29 ACRES OF LAND.

R - RECORDED	○ - FOUND IRON	⊕ - SECTION CORNER		
M - MEASURED	● - SET IRON	⊙ - 1/8 CORNER		
□ - SET WOOD STAKE	⊙ - CONCRETE MONUMENT			
<p><b>CMS &amp; D</b>  <b>SURVEYING / ENGINEERING</b>          510 W. PICKARD STREET, SUITE C          MT. PLEASANT, MICHIGAN 48858          PHONE: (989) 775-0756          FAX: (989) 775-5012          EMAIL: info@cms-d.com</p>	SCALE: 1" = 60'	DRAWN BY: WRE		
	SURVEY DATE: N/A	CHECKED BY: TELB		
	DATE: 9-20-18	JOB NUMBER: 1804-036		
	REVISED:	SHEET NUMBER: 3 OF 3		



SCALE 1" = 20'	JOB NUMBER: 1804-036	SUBMITTALS: SUBMITTAL TO UNION TOWNSHIP 9-25-18	REVISIONS:
SHEET NUMBER 1 OF 1	DRAWN BY: JSE/WRE		
	DESIGNED BY: N/A		
	CHECKED BY: TELB		

**TOPOGRAPHY**  
**MCGUIRK MINI STORAGE**  
 PART OF THE NORTHEAST 1/4 SECTION 30, T14N-R4W  
 AND  
 PART OF THE NORTHWEST 1/4 SECTION 29, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

**CMS & D**  
 SURVEYING / ENGINEERING  
 510 W. PICKARD STREET - SUITE C  
 MT. PLEASANT, MICHIGAN 48858  
 PHONE: (989) 775-0756  
 FAX: (989) 775-5012  
 EMAIL: info@cms-d.com

<b>To:</b> Mark Stuhldreher - Township Manager	<b>DATE:</b> November 7, 2018
<b>FROM:</b> Kim Smith – Public Services Director	<b>DATE FOR BOARD CONSIDERATION:</b> November 14, 2018
<b>ACTION REQUESTED:</b> Approval of the termination of existing 20-foot Sanitary Sewer Public Utility Easement for Aldi Foods, parcel number 14-026-40-001-18.	

Current Action  Emergency

Funds Budgeted: If Yes  Account #  No  N/A

Finance Approval \_\_\_\_\_

**BACKGROUND INFORMATION**

In August of 2012, Aldi Foods granted the Charter Township of Union a 20-foot sanitary sewer easement for the placement of an 8-inch sanitary sewer line on their parcel located at 4512 E Bluegrass Road. The sanitary sewer was installed to service their new facility.

In 2018 an expansion to the east side of the Aldi building required that a new sanitary sewer line be installed and that the line installed in 2012 be disconnected and abandoned.

The installation of the new line was completed in October of 2018, and a new sanitary sewer easement has been dedicated to the Township. The existing sanitary sewer line installed in 2012, was disconnected and abandoned. The Township no longer needs the easement granted in 2012.

**SCOPE OF SERVICES**

Termination of 20-foot Sanitary Sewer Easement for parcel number 14-026-40-001-18 granted in 2012 by Aldi Foods.

**JUSTIFICATION**

Termination of the easement eliminates township ownership and liability for the sanitary sewer line constructed in 2012.

**PROJECT IMPROVEMENTS**

Board of Trustees goals addressed by this agreement (From Policy 1.0: Global End).

- 1. Community well-being and common good**

**COSTS**

NA

**PROJECT TIME TABLE**

NA

**RESOLUTION**

Approve the termination of existing 20-foot Sanitary Sewer Public Utility Easement for Aldi Foods parcel number 14-026-40-001-18 granted in 2012.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:



**TERMINATION OF GRANT OF PUBLIC UTILITY EASEMENT**  
**(SANITARY SEWER)**

ALDI INC. (MICHIGAN), a Michigan corporation ("ALDI"), the address of which is 2625 North Stockbridge Road, Webberville, Michigan 48892, and THE CHARTER TOWNSHIP OF UNION, a Michigan municipal corporation (the "Township"), the address of which is 2010 South Lincoln, Mt. Pleasant, Michigan 48858, being all of the parties under that certain Grant of Public Utility Easement (Sanitary Sewer) dated August 30, 2012, and recorded September 14, 2012, in Liber 1604, Page 741, Isabella County Records (the "Easement"), encumbering a certain parcel of real property situated in Union Township, Isabella County, Michigan, being more particularly described on attached **Exhibit A**, hereby terminate the Easement in its entirety effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

ALDI and the Township have executed this Termination of Grant of Public Utility Easement (Sanitary Sewer) as of the date first set forth above.

ALDI INC. (MICHIGAN), a Michigan corporation

By: \_\_\_\_\_

Name: Ryan Fritsch

Its: Vice President

STATE OF MICHIGAN            )  
  ) ss.  
COUNTY OF INGHAM         )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Ryan Fritsch, the Vice President of ALDI Inc. (Michigan), a Michigan corporation, on behalf of the corporation.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, Michigan  
My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[Signature Page to Termination of Grant of Public Utility Easement (Sanitary Sewer)]

THE CHARTER TOWNSHIP OF UNION, a  
Michigan municipal corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, the \_\_\_\_\_ of The Charter Township of Union, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
\_\_\_\_\_ County, Michigan  
My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County

Prepared by, and when recorded, return to:  
Brandon J. Muller  
Clark Hill PLC  
151 South Old Woodward Avenue, Suite 200  
Birmingham, Michigan 48009

[Signature Page to Termination of Grant of Public Utility Easement (Sanitary Sewer)]

## Exhibit A

### Legal Description

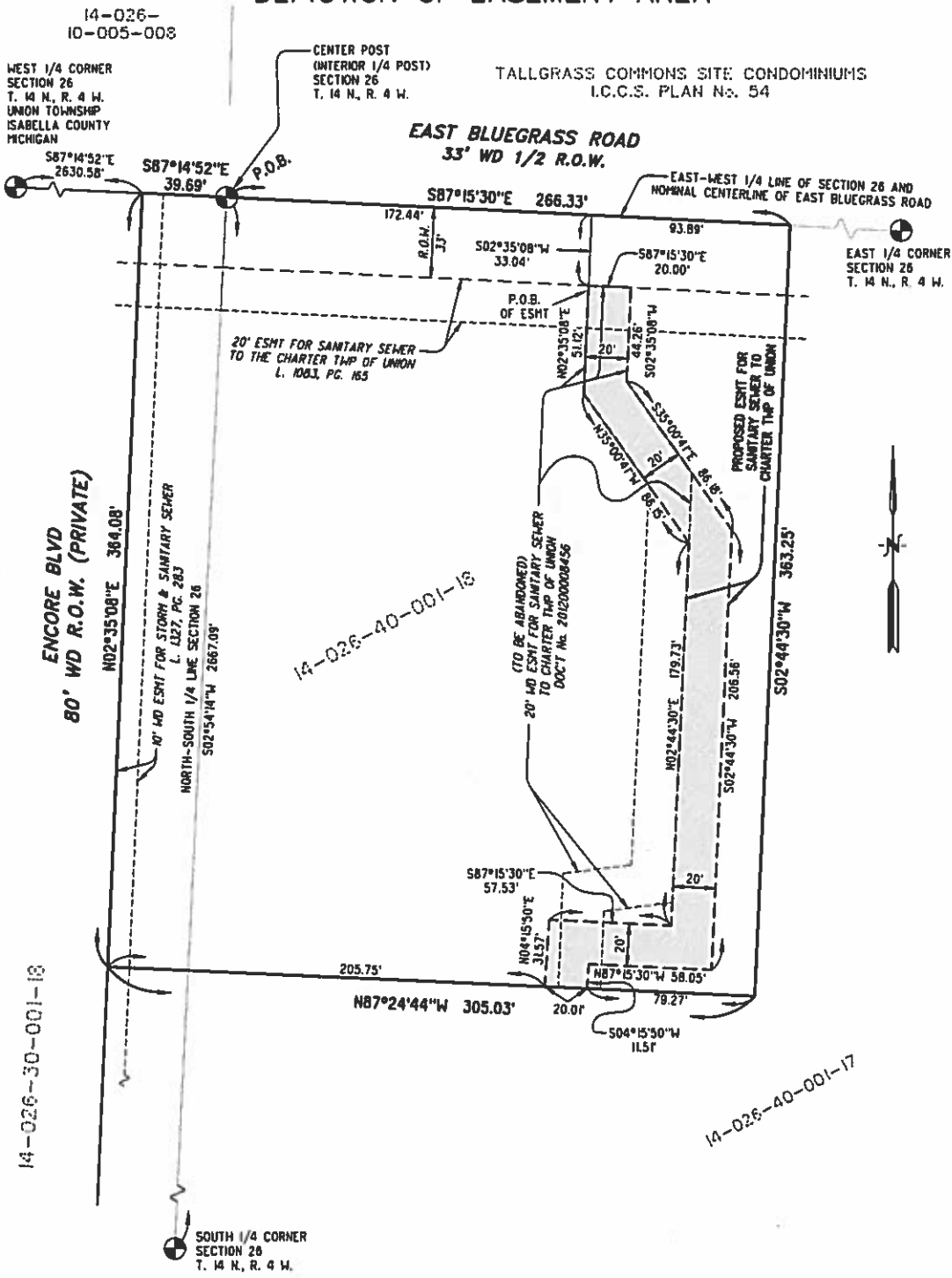
Real property located in Union Township, Isabella County, Michigan, being more particularly described as follows:

Part of the Southwest 1/4 and part of the Southeast 1/4 of Section 26, T14N, R4W, Union Township, Isabella County, State of Michigan, described as: **BEGINNING** S87°14'52"E, along the East-West 1/4 line, 2630.58 feet from the West 1/4 Corner of said Section 26; thence continuing S87°14'52"E, along said East-West 1/4 line, 39.69 feet to the Interior 1/4 Corner of said Section 26; thence S87°15'30"E, along said East-West 1/4 line, 266.33 feet; thence S02°44'30"W, 363.25 feet; thence N87°24'44"W, 305.03 feet to the East Right-of-Way line of Encore Drive; thence N02°35'08"E, along said East Right-of-Way line of Encore Drive, 364.08 feet back to the Point of Beginning. Subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel No. 14-026-40-001-18

# EXHIBIT "A"

## DEPICTION OF EASEMENT AREA



CIVIL ENGINEERS  
LAND SURVEYORS

**DESIGN INC**

PH (810) 227-8533  
FAX (810) 227-8480  
EMAIL: [design@designinc.com](mailto:design@designinc.com)  
2183 PLESS DRIVE  
BRIGHTON, MICHIGAN 48114



SCALE 1" = 60'

PREPARED FOR  
**ALDI INC (MICHIGAN)**

SECTION 26, TOWN 14 NORTH, RANGE 4 WEST UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN		
JOB No. 20-10-26-173289	DATE 10/18/18	
DWG No: 173289-SAN	DRAWN LMC	CHECKED CG

**REQUEST FOR TOWNSHIP BOARD ACTION****To:** Mark Stuhldreher – Township Manager**DATE:** November 6, 2018**FROM:** Kim Smith – Public Works Coordinator**DATE FOR BOARD CONSIDERATION:** November 14, 2018**ACTION REQUESTED:** Approval of the purchase of two replacement chassis for the existing Evoqua Water Technologies chlorine generation equipment at the Isabella Well Site in the amount of \$14,548.00.Current Action Emergency Funds Budgeted: If Yes  Account # 591-536-977.000 No  N/A Finance Approval MDS**BACKGROUND INFORMATION**

The Charter Township of Union FY '18 water budget includes the funds to purchase two replacement chassis for the existing Evoqua Water Technologies chlorine generation equipment in the FY 2018. The equipment is used for the pre-chlorination (prior to the iron filters) of the Township's raw water from the three wells located at this site. Currently the equipment is out of service until the two chassis are replaced. The township has been purchasing bulk chlorine as a temporary work around.

**SCOPE OF SERVICES**

One-time purchase of replacement two chassis for the existing Evoqua Water Technologies chlorine generation equipment for pre-chlorination at the Isabella Well Site.

**JUSTIFICATION**

This purchase will allow the Township to once again utilize our existing Evoqua equipment instead of purchasing bulk chlorine. The equipment allows us to achieve better chlorine residuals in our distribution system, will be less corrosive to our existing iron removal equipment and chlorine injection equipment, and improve the overall chemical storage and safety of our employees. The chassis are not interchangeable with other models/brands. This is a single source purchase from Evoqua Equipment.

**PROJECT IMPROVEMENTS**

The following Board of Trustees goals are addressed with this request (from Policy 1.0: Global Ends)

1. Community well-being and common good
2. Safety
3. Health

**COSTS**

\$37,600.00

**PROJECT TIME TABLE**

30 Day Delivery

**RESOLUTION**

Approval of the purchase of two chassis for the existing Evoqua Water Technologies chlorine generation equipment from Evoqua Water Technologies at the Isabella Well Site in the amount of \$14,548.00.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:

**Shawn McBride**

**From:** Dick, Jonathan M <jonathan.dick@evoqua.com>  
**ient:** Tuesday, July 24, 2018 3:36 PM  
**To:** Shawn McBride  
**Cc:** Graff, Larry E; Possiel, Bryce A  
**Subject:** RE: Charter Township Of Union  
**Attachments:** OSEC L Overview.pdf; WT.085.055.000.IE.PS.OSEC L.pdf

*Existing Equipment / sole source*

Hello Shawn,

Here is the pricing for a replacement chassis and brine tank.

W2T860284 BRINE STORAGE TANK (500 LB) 24" x 40"  
W3T106808 CHASSIS, ELECTROLYZER, OSEC BP

*→ purchasing 1/2 Ton Brine tank for Both systems*  
\$ ~~724.00~~ NO  
\$ 7,274.00 x 2 = 14,548 x 2  
*(sole source purchase)*

Depending on the condition of your current electrolyzers it may be more effective to replace your old unit with a couple of our new OSEC L units. These new units are extremely compact and include the controller, dc power supply, brine pump, and brand new electrolyzers contained in a wall mounted unit similar in size to your existing BP 48.

I have attached a brochure and some preliminary information for your review and please feel free to give me a call if you are interested in going with this new unit.

Thank you and have a great day!

*pre-chlorine system  
(prior to iron filters)*

**Jonathan Dick**  
Global Product Manager, Hypochlorite and Dosing

**Evoqua Water Technologies LLC**  
[jonathan.dick@evoqua.com](mailto:jonathan.dick@evoqua.com)  
Mobile: 719-337-8292

Have you checked the complete OSEC® offering by Wallace & Tiernan® brand? Visit [www.evoqua.com/osec](http://www.evoqua.com/osec) to start exploring today!

**From:** Shawn McBride [<mailto:smcbride@uniontownshipmi.com>]  
**Sent:** Tuesday, July 24, 2018 9:50 AM  
**To:** Dick, Jonathan M <[jonathan.dick@evoqua.com](mailto:jonathan.dick@evoqua.com)>  
**Subject:** Charter Township Of Union

**[This message came from an external mail server outside of the company.]**

Jonathan

Can I have a updated price for the?

AAC8213 **W3T106808** Chassis Sub-ASSY, Electrolyze. BP  
Also need a price for brine tank to fit the OSEC BP48 unit.

Thanks

*# 14,548<sup>00</sup>  
Chassis - Pre Chlorine  
(Prior to Iron Filters)  
Single Source*



**REQUEST FOR TOWNSHIP BOARD ACTION**

<b>To:</b> Mark Stuhldreher – Township Manager	<b>DATE:</b> November 7, 2018
<b>FROM:</b> Kim Smith – Public Works Coordinator	<b>DATE FOR BOARD CONSIDERATION:</b> November 14, 2018
<b>ACTION REQUESTED:</b> Approval of the purchase of post-chlorine generation equipment from RS Technical Services Inc. for the Isabella Well site in the amount of \$25,380.00.	

Current Action   X                        Emergency           

Funds Budgeted: If Yes   x   Account # 591-536-977.000 No            N/A           

Finance Approval                   MDS                  

**BACKGROUND INFORMATION**

In addition to purchasing two new chassis for our existing chlorine generation equipment at the Isabella Well Site the purchase of post-chlorine generation equipment (after iron filters/out to distribution system) for the Isabella Well Site is also recommended. The purchase of the post-chlorine equipment will give us the ability to separate the pre and post-chlorine injection at the site thus increasing the life of the chassis in the pre-chlorine equipment and giving our operators more control of the amount and concentration of post-chlorine sent to system. This purchase was included in the FY '18 recommended budget

**SCOPE OF SERVICES**

One-time purchase of post- chlorine generation equipment for the Isabella Well Site.

**JUSTIFICATION**

This equipment will give us the ability to better regulate our chlorine injection, maintain chlorine residuals in our distribution system, will be less corrosive to our existing equipment and improve the overall chemical storage and safety of our employees.

**PROJECT IMPROVEMENTS**

The following Board of Trustees goals are addressed with this request (from Policy 1.0: Global Ends)

1. Community well-being and common good
2. Safety
3. Health

**COSTS**

Below are cost for two different brands of similar chlorine generation equipment that will provide the correct dosage and capacity for our post-chlorine needs.

Evoqua Equipment -OSEC L 20 Equipment Purchase, ½ ton brine tank, and accessory kit (does not offer onsite start-up and training)	\$25,986.00
RS Technical Services Inc. - OSEC L 20 Equipment Purchase, accessory kit, and on-site start-up and training	<b>\$25,380.00</b>
Johnson Hatthey, MIOX Equipment Purchase, ½ ton brine tank, accessory kit, and on-site start-up and training	\$27,109.00

**PROJECT TIME TABLE**

4 – 6 week delivery

**RESOLUTION**

Approve the purchase of post-chlorine generation equipment from RS Technical Services Inc. for the Isabella Well Site in the amount of \$25,380.00.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:

# QUOTATION

\$25,380.00

## RS Technical Services, Inc.

695 Lincoln Lake Ave.  
 Lowell, Michigan 49331  
 (616)-897-7041 Fax (616)-897-3015

Quote # **CO- 14458** Rev 1

Date 9/20/2018  
 Job No:

To: **UNION TOWNSHIP WTP** Ship To: Same  
 5228 SOUTH ISABELLA RD.  
 MOUNT PLEASANT MI 48858  
 Attn Shawn McBride Attn:  
 Phone (989) 621-1361 Fax: (989) 773-1988

Shipping Details

No Partial  
  Partials  
  F.O.B. Dest  
  F.O.B. Ship Point

Item#	Qty	Part Number	Description	Unit Price	Amount	
1	1	EQUIPMENT	W3T402401 OSEC L HYPOCHLORITE GENERATOR. Capacity: 20 PPD Equivalent Chlorine / 300 GPD of 0.8% sodium hypochlorite solution. Prepiped & prewired for wall-mounting. 100-240 VAC, ~25 Amp.	18800.00	18800.00	yes
2	1	ACCESSORY	SALT BRINE TANK. Capacity: 1/2 Ton. Dimensions: 30" x 47". Includes tank w/removable lid, porous salt bed, tank adapters for water inlet & brine outlet, 1" float valve for water. Good for 5 days operation at 70 lb/day CL2 feed rate.	3600.00	3600.00	yes
3	1	ACCESSORY	W3T412286 KIT, ACCESSORIES. Includes 115 VAC Hydrogen dilution blower & air flow monitor, ultrasonic level sensor w/cable, level switch for overfil protection, leakage probe for containment basin, (1) PVC ball valve for solution outlet	2630.00	2630.00	yes
4	1	FSD	INSTALLATION & START UP PACKAGE, Labor & materials complete. We assume you have an extra circuit breaker slot in your panel which can power this new OSEC L, and that the panel can handle the added 25 amp load.	6500.00	6500.00	no

Continued on following page.

PLEASE REFERENCE THIS CO NUMBER WHEN PLACING ORDER - MINIMUM ORDER \$25.00 - EXCLUDING SHIPPING  
 This quotation is valid for 30 days and subject to the attached terms and conditions. Thereafter it is subject to change without notice. Thank you for this opportunity to quote. All freight is now prepaid and added to invoices. "Destination" customers: add freight charge to any parts price before issuing your purchase order. All returns subject to 25% restocking fee. Credit Card Order minimum is \$100.00.

# QUOTATION

## RS Technical Services, Inc.

695 Lincoln Lake Ave.  
 Lowell, Michigan 49331  
 (616)-897-7041 Fax (616)-897-3015

Quote # **CO- 14458** Rev 1

Date **9/20/2018**  
 Job No:

To: **UNION TOWNSHIP WTP** Ship To: **Same**  
 5228 SOUTH ISABELLA RD.  
 MOUNT PLEASANT MI 48858  
 Attn Shawn McBride Attn:  
 Phone (989) 621-1361 Fax: (989) 773-1988

Shipping Details  No Partial  Partials  F.O.B. Dest  F.O.B. Ship Point

Item#	Qty	Part Number	Description	Unit Price	Amount
5	0	NOTE	This system can operate from 115 vac or 230 vac. Please choose one. Either way, we will likely have to pull new wires to supply this new equipment due to the high current draw; ~25 A @ 115 vac, ~12 A @ 230 vac.	0.00	0.00

⇒ Unit fits into existing footprint at plant and will use existing storage tanks onsite.  
 ⇒ 20 Ibs Per Day production  
 ⇒ post-chlorine (out to distribution system)

*Equipment*  
 \$ 25,030.00

Subtotal: \$31,530.00 ←  
 Estimated Shipping Charges \$350.00 ←  
 Sales tax: \$0.00  
 Net 30 Day Total: \$31,880.00  
 Net 31 - 60 Day Total: \$32,358.20  
 Net 61 - 90 Day Total: \$32,843.57

*\$25,380*

**\*\* Please sign and return so that we can proceed with your order. \*\***

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Quoted By: **Robert D. Seif**  
Digitally signed by Robert D. Seif  
 DN: cn=Robert D. Seif, o=RS Technical Services, Inc., email=rdseif@rs-ts.com, c=US  
 Date: 2018.09.20 10:24:43-0400

PLEASE REFERENCE THIS CO NUMBER WHEN PLACING ORDER - MINIMUM ORDER \$25.00 - EXCLUDING SHIPPING  
 This quotation is valid for 30 days and subject to the attached terms and conditions. Thereafter it is subject to change without notice. Thank you for this opportunity to quote. All freight is now prepaid and added to invoices. "Destination" customers: add freight charge to any parts price before issuing your purchase order. All returns subject to 25% restocking fee. Credit Card Order minimum is \$100.00.

**Kim Smith**

**From:** Dick, Jonathan M <jonathan.dick@evoqua.com>  
**Sent:** Wednesday, November 7, 2018 1:37 PM  
**To:** Kim Smith  
**Cc:** Shawn McBride; Graff, Larry E; Kyle Bentley; W&T US Order Entry  
**Subject:** RE: OSEC L Generator, 20 PPD

*25,986.00*

Hello Kim,

Please see below for current pricing. Let me know if you have any questions!

QTY	Description	Part Number	UNIT
1	Brine Tank, 1000 lb Salt capacity, 30"D x 48"H	TBD – BM1000	\$
1	OSEC L 20 system, complete with:	W3T402401	\$
	(1) Local Control Panel, W&T microprocessor with 4.3" color touchscreen		
	(4) Electrolyzer Cell Assembly, 5 ppd capacity		
	(1) Brine Pump, Peristaltic, Chem-Ad, 4 l/h, 1.5 bar		
	Painted steel frame with plastic cover and interconnecting piping and wiring.		
	Certified design to NSF/ANSI Standard 61 for Drinking Water		
1	Hydrogen Dilution Fan kit (115V)	W3T428442	\$
1	Air Flow Monitor	W3T412162	\$
1	Acutec 35 Gas Detector Unit	W2T11701	\$
1	H2 Sensor, Acutec 35	W2T842927	\$
	<b>Spares</b>		
1	OSEC L Annual Maintenance Kit	W3T413947	\$
1	OSEC Electrolyzer Cartridge, 5ppd	W3T412506	\$
1	Chassis, Sub-Assy, Electrolyzer, OSEC BP	W3T106808	\$

**Jonathan Dick**  
Global Product Manager, Hypochlorite and Dosing

**Evoqua Water Technologies LLC**  
[jonathan.dick@evoqua.com](mailto:jonathan.dick@evoqua.com)  
Mobile: 719-337-8292

Have you checked the complete OSEC® offering by Wallace & Tiernan® brand? Visit [www.evoqua.com/osec](http://www.evoqua.com/osec) to start exploring today!

**From:** Kim Smith [mailto:ksmith@uniontownshipmi.com]  
**Sent:** Tuesday, November 06, 2018 9:53 AM  
**To:** Dick, Jonathan M <jonathan.dick@evoqua.com>  
**Cc:** Shawn McBride <smcbride@uniontownshipmi.com>  
**Subject:** OSEC L Generator, 20 PPD

**[This message came from an external mail server outside of the company.]**

Jonathon,  
Good morning, as discussed earlier could you please send me the pricing for the following items:

Half ton salt brine storage tank  
OSEC L Accessories Kit

Thank you,

**Kim Smith**



Department of Public Services  
Charter Township of Union  
2010 S. Lincoln Road  
Mt. Pleasant, MI 48858  
Phone (989) 772-4600 ext. 224  
Fax (989) 773-1988  
Visit us on the Web at  
<http://www.uniontownshipmi.com>

**"This institution is an equal opportunity provider, and employer."**

TY	Description	Part Number	UNIT LIST PRICE
1	Brine Tank, 1000 lb Salt capacity, 30"D x 48"H	TBD - BM1000	\$ 2,565.00
1	OSEC L 20 system, complete with:	W3T402401	\$ 18,800.00
	(1) Local Control Panel, W&T microprocessor with 4.3" color touchscreen		
	(4) Electrolyzer Cell Assembly, 5 ppd capacity		
	(1) Brine Pump, Peristaltic, Chem-Ad, 4 l/h, 1.5 bar		
	Painted steel frame with plastic cover and interconnecting piping and wiring.		
	Certified design to NSF/ANSI Standard 61 for Drinking Water		
1	Hydrogen Dilution Fan kit (115V)	W3T428442	\$ 930.00
1	Air Flow Monitor	W3T412162	\$ 374.00
1	Acutec 35 Gas Detector Unit	W2T11701	\$ 504.00
1	H2 Sensor, Acutec 35	W2T842927	\$ 2,813.00
	<b>Spares</b>		
1	OSEC L Annual Maintenance Kit	W3T413947	\$ 180.00
1	OSEC Electrilyzer Cartridge, 5ppd	W3T412506	\$ 1,280.00
1	Chassis, Sub-Assy, Electrolyzer, OSEC BP	W3T106808	\$ 7,274.40

- Yes  
- Yes

} Accessory Kit 4,621.00

} NO

- Existing Equipment

\$ 25,986.00 Total



## OSEC® L HYPOCHLORITE GENERATION SYSTEM

### WALLACE & TIERNAN® PROCESS SYSTEMS

The OSEC®L system generates < 1.0% sodium hypochlorite solution through the electrolysis of brine, consuming only water, salt and electricity. Producing hypochlorite on-site and on-demand eliminates concerns associated with transportation and storage of liquefied chlorine gas or commercial sodium hypochlorite solutions, making it ideal for any application requiring chlorination.

The system features up to four electrolyzer cartridges, each with a dedicated DC power supply for modular use giving unmatched operational flexibility.

Capacities up to 20 ppd (400 g/h) chlorine equivalent in the following configurations:

Configuration	Production Capacity, Chlorine Equivalent*		
	ppd	g/h	kg/d
1	5	100	2.4
2	10	200	4.8
3	15	300	7.2
4	20	400	9.6

\*NOMINAL PRODUCTION CAPACITY ACCORDING TO OPERATING TEMPERATURE RANGE, SALT QUALITY, AND MAINTENANCE PER MANUFACTURER'S INSTRUCTIONS, ETC.

The OSEC L system is fully automated and pre-packaged for fast installation, safe operation, and easy maintenance. With an embedded process controller the system can work in batch operation mode.

### Key Benefits

- No hazardous chemicals required – safe alternative to chlorine, bleach, and chlorine tablets
- Up to 20 ppd chlorine equivalent with interchangeable OSEC cartridges
- 50% smaller footprint than other on-site generators, plug-n-play installation
- User-friendly and intuitive operation with long service intervals
- Certified to NSF®/ANSI 61 Drinking Water



## FEATURES

### Innovative Operator Interface:

The control panel includes a full color 4.3" capacitive-touchscreen with swipe technology for intuitive operation. A microprocessor based control system provides fully automatic operation of the entire process and monitors key variables to ensure reliable operation of the system. Safety features such as continuous flow monitoring, active hydrogen ventilation, and tank overfill protection are some of the many inherently safe interlocks built into the process controls.

### Electrolyzer Cartridge Design:

The unique OSEC® electrolyzer optimizes chlorine production over a wide temperature range eliminating the need for water heaters and/or chillers while maintaining high salt and power efficiency. The innovative cartridge design minimizes unplanned downtime by reducing the cost and labor of repairs traditionally associated with on-site generation equipment.

### Modular Power Supply:

Each electrolyzer cartridge is equipped with a dedicated 540 W DC power supply. The new design enables 92% efficiency over a wide ambient temperature range without forced air convection. The modular approach of the DC power supply allows for the system to run continuously with a faulty electrolyzer or power supply (for multiple cartridge configurations).

## EASE OF INSTALLATION AND MAINTENANCE

The OSEC L system is perfect for retrofit, existing, or new applications due to the compact footprint and ability to be wall mounted or installed as a free standing module.

Once the system is on site the electricity supply, brine solution and process water connections have to be connected to the skid. The common outlet pipe for hypochlorite and hydrogen solution is piped to the hypochlorite storage tank. All components are ergonomically situated on the frame so that it may be accessed by the operator while standing upright.

## TECHNICAL DATA

### Power consumption:

Approx. 4.4 kWh per kg (2.0 kWh per lb) chlorine

### Salt consumption:

Approx. 3.1 kg salt per kg (3.1 lb per lb) chlorine

### Sodium hypochlorite strength:

0.7% ± 0.05 equivalent chlorine between 5 - 30°C

### Dimensions (W x H x D):

720 x 1165 x 370 mm (29" x 46" x 15")

Weight: Max. 60 kg (130 lb)

### Power supply:

1/N/PE, AC, 115 - 240 V, 50/60 Hz

Certifications: CE, CSA

### Optional equipment:

Gas detector, brine saturator, hypochlorite storage, dosing, ORP/chlorine residual analyzer

### Interface:

RS 485 to connect to Wallace & Tiernan® Process Monitoring System (option)

Ethernet interface with Modbus® TCP protocol and http protocol for web visualization



Auf der Weide 10, 89312 Gönzburg, Germany  
+49 (8221) 904-0 [www.evoqua.com](http://www.evoqua.com)

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### Wallace & Tiernan® Products worldwide

<b>Australia</b> +61 3 8720 6597 info.au@evoqua.com	<b>Canada</b> +1 905 944 2800 canadainfo@evoqua.com	<b>China</b> +86 21 6057 7247 sales.cn@evoqua.com
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<b>France</b> +33 1 41 15 92 20 wtfr@evoqua.com
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<b>Germany</b> +49 8221 9040 wtger@evoqua.com
---

<b>Singapore</b> +65 6830 7165 sales.sg@evoqua.com
--

<b>UK</b> +44 300 124 0500 info.uk@evoqua.com
---

<b>USA</b> +1 856 507 9000 wt.us@evoqua.com
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\*

OSEC® L 5 - 20	OSEC L 5	OSEC L 10	OSEC L 15	OSEC L 20
Capacity equivalent chlorine (kg/day - lbs/day)	2.4 / 5.3	4.8 / 10.6	7.2 / 15.8	9.6 / 21.1
Number of cells	1	2	3	4
Cell design	Undivided, bipolar electrodes, horizontal casing			
Weight (kg / lbs)	48 / 106	53 / 117	58 / 128	63 / 139
Process requirements:				
▪ Operating water* <sup>1</sup> ( l/h - US gal/h)	14 / 3.7	28 / 7.4	42 / 11.1	56 / 14.8
▪ Salt* <sup>2</sup>	approx. 3.1 kg/kg Cl <sub>2</sub> (3.0 lb/lb Cl <sub>2</sub> )			
▪ Power consumption* <sup>3</sup>	approx. 4.1 kWh/kg Cl <sub>2</sub> (1.81 kWh/lb Cl <sub>2</sub> )			
By-Product stream:				
▪ Hydrogen gas diluted* <sup>4</sup> (m <sup>3</sup> /h – cfm)	5.93 / 3.47	11.37 / 6.95	17.80 / 10.42	23.74 / 13.89
▪ Softener reject water	34 l (9 gal) per regeneration cycle			
Product concentration	approx. 7 g/l ± 0.5 (0.7% ± 0.05)			
Cell voltage, max. (each cell)	15 V DC			
Cell current (each cell)	32.5 A			
Electrical supply	1/N/PE AC 100-240 V, 50/60 Hz			
Installation power kVA	0.93	1.61	2.29	2.98
Cos φ	0.95			
Enclosure rating, controller box	IP 65 (NEMA 4)			
Enclosure rating, connection box	IP 65 (NEMA 4)			
Ambient temperature during operation, max.	5 - 45 °C (41 - 113 °F)			
Storage and transport temperature	-5 - 60 °C (23 - 140 °F)			
<b>Connections</b>				
Dilution water	PVC DN15 (G ½" A / ¼" NPT Adapter)			
Brine inlet	Tube connector (ID4x1 mm tube)			
Hypochlorite outlet	PVC DN 25 (1")			
<b>Safety accessories</b>				
Recommended safety accessory	Hydrogen gas leak detector (refer to local requirements)			
Recommended safety accessory	Chlorine gas leak detector with flash / horn detector			
<b>Installation recommendations</b>				
Piping for hydrogen dilution blower	Material: PVC, HDPE or PP; length of pipe and number of elbows: max. 40 m length of pipe, max. 20 elbows. Pipeline valves are not allowed. Consult for details if requested.			
Brine tank for salt saturation	The softened water used for refill to be supplied by an independent softener. Material. Resistant against brine, e.g. PE, PP, PVC, PA, GFK Consult for details if requested.			
Product tank for hypochlorite (NaClO)	Vertical distance from NaClO outlet of the unit to the storage tank is maximum 10 m (33 ft). Pipe material: PVC. Consult for details if requested.			
Collecting basin	Product tank shall be placed in a collecting basin. Collecting basin should come with a leakage detector. Capacity of the collecting basin selected according to local regulations. Consult for details if requested.			
<b>Multiple units</b>				
Duty/Redundant configuration	Units can be operated in parallel, supplied by common brine tank and feed to common product (NaClO) storage tank. Consult for details if requested.			

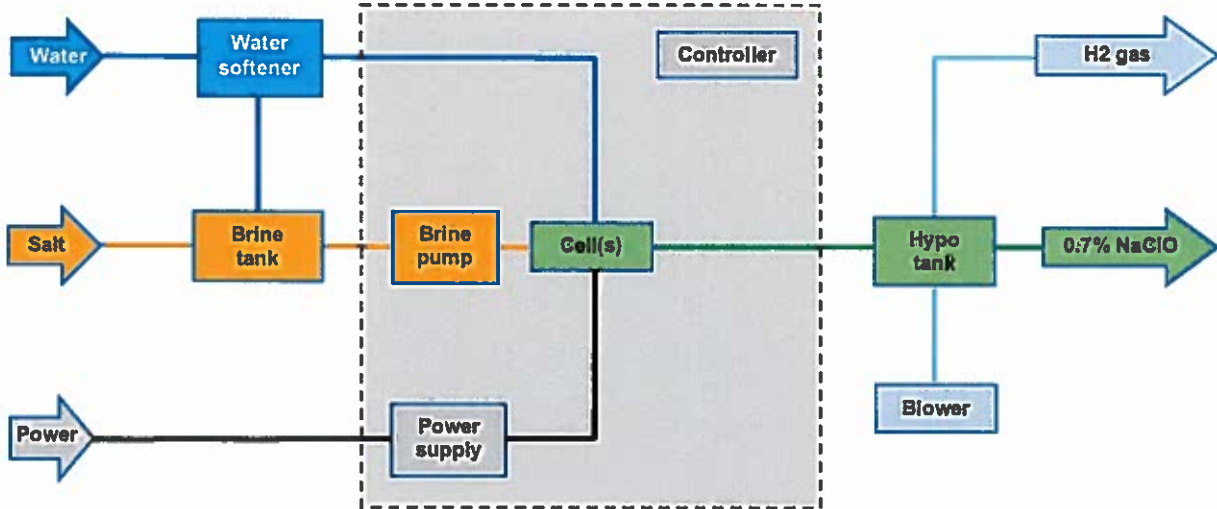
\*<sup>1</sup> Potable water, connection according to DIN 1988 T4/ DIN EN 1717, constant primary pressure min. 2 bar (29 PSI) to max. 5 bar (72 PSI), hardness max. 36° dH, temperature 5 - 30°C (41 - 86°F)

\*<sup>2</sup> Sodium chloride must meet EN14805 standard. Salt of the type OSEC® Salin preferably used in Europe.

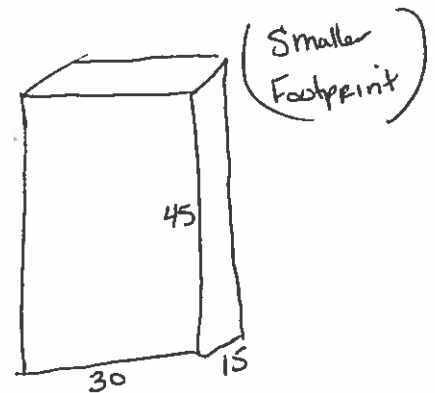
\*<sup>3</sup> Power consumption measured in DC dependent on system operating within specified parameters.

\*<sup>4</sup> Air required for dilution to bring hydrogen < 25% of lower explosive limit.

**Process flow diagram**



Dimensions	
OSEC® L (W x H x D)	746 x 1143 x 368 mm (30" x 45 x 15")
Space for maintenance and service <ul style="list-style-type: none"> <li>▪ Empty space on the front panel</li> <li>▪ Empty space on both sides</li> </ul>	min. 800 mm (32") min. 800 mm (32")
Product tank	200 / 500 / 800 / 1000 l
Recommended size	typ. 12-24 hour minimum product storage
Volume of brine tank	130 kg (287 lbs); only salt tablets allowed



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**Union Township WTP  
Mt. Pleasant, MI**

MIOX On-Site Hypochlorite Generation System  
Proposal# FP102218TM1 Rev.1

***Prepared for:***

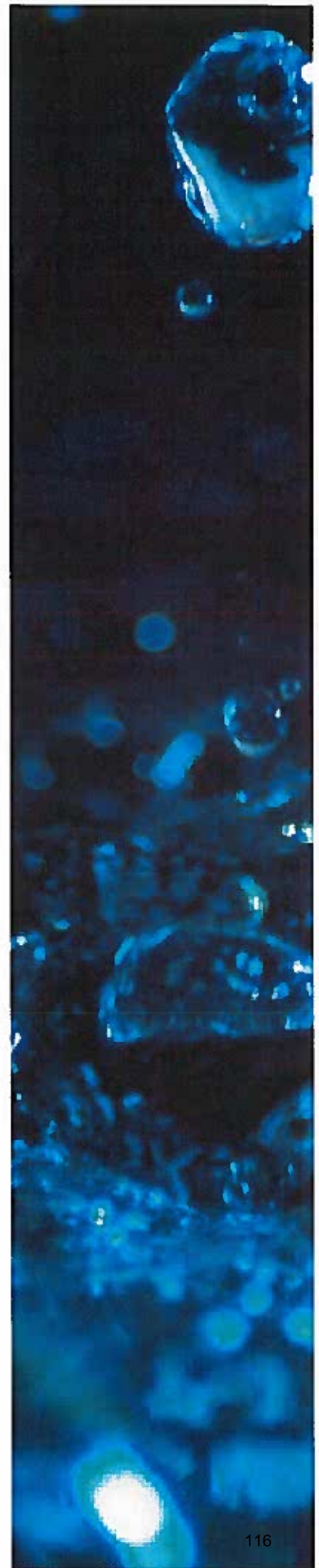
Mr. Shawn McBride  
[smcbride@uniontownshipmi.com](mailto:smcbride@uniontownshipmi.com)  
(989) 621-1361

***From MIOX:***

Thomas Muilenberg  
Director of Commercial Operations, MIOX  
[tom.muilenberg@matthey.com](mailto:tom.muilenberg@matthey.com)  
(515) 450-6238

***Represented by:***

Randy Hamlett  
Hamlett Environmental  
[randyh@hamlettenvironmental.com](mailto:randyh@hamlettenvironmental.com)  
(517) 545-2500





Proposal No. FP102218TM1 Rev. 1, October 28, 2018

---

**Union Township**  
Mt. Pleasant, MI

**Attention:**  
Mr. Shawn McBride

**Subject:**  
Supply and Delivery of MIOX On-Site Sodium Hypochlorite Generation Unit

We are pleased to present our proposal for the supply and delivery of a MIOX Corporation On-site Hypochlorite generation system for the Union Township WTP.

As requested by Customer, MIOX is proposing its Vault Standard Sodium Hypochlorite unit producing a solution at 0.80% FAC. The unit enclosure is the same for all MIOX Vault™ Series units, only the electrolytic cell and program parameters differ from one version to the other. This particular unit capacity range is from 25-lbs/d FAC up to 100-lbs/d FAC depending on the electrolytic cell selected. Customer to make sure electrical service wiring is compatible with On-Site generator power requirements.



We hope you find our information of interest; we are willing to clarify any issues or answer any questions you might have.

Sincerely,

**Thomas Muilenberg**  
Director of Commercial Operations  
Johnson Matthey



## Table of Contents

<b>1. SYSTEM PROCESS OVERVIEW .....</b>	<b>3</b>
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**Appendix 1 – Acceptance Form**

**Appendix 2 – MIOX Terms and Conditions of Purchase**

**Appendix 3 – Vault™ OSG Specification Sheet & GA Drawing**

**Appendix 4 – Salt Quality Specification**

**Appendix 5 – Water Quality Specification**



## 1. System Process Overview

MIOX systems consist of an On-Site Generator with associated ancillary equipment and tanks. A brief description of the On-Site Generator and associated ancillary equipment is outlined in this sections.

### System Process Flow Diagram

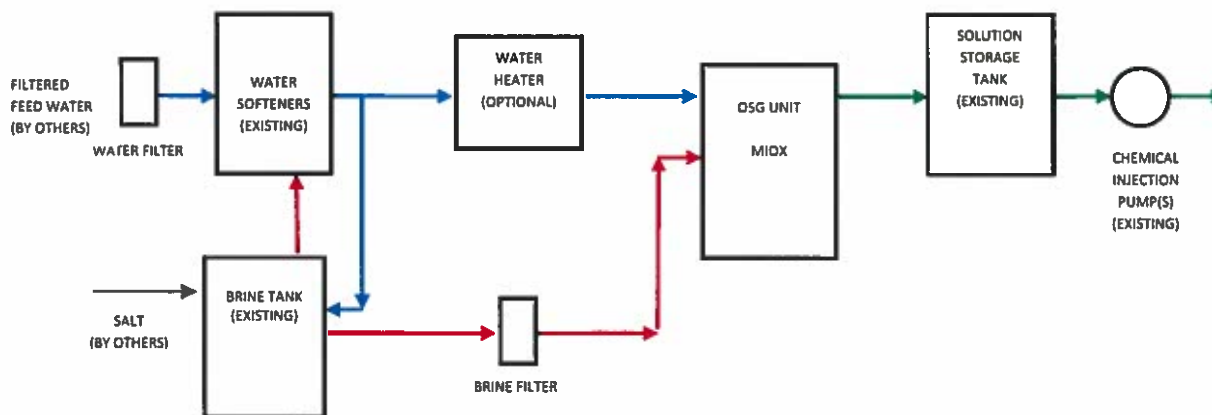


Figure 1 – simplified process flow diagram for the proposed system  
(please refer to MIOX proposed scope for actual scope provided)

### General Process Description

Clean municipal water is fed into a water filter to remove any fine debris that may exist in the feed water. Filtered water is then fed into a mechanically operated, dual water softener system. The water softeners reduces the hardness concentration of the feed water to one (1) grain per gallon or less to ensure soft water is continuously fed into the OSG electrolytic cell and hence reduces the potential for scaling buildup on the cell electrodes. Soft water is also used to fill the brine maker.

An optional hardness monitor may be installed on the discharge line of the water softeners to continuously monitor the hardness concentration and sends a signal to the OSG PLC if high hardness is detected to shutdown the OSG. Feed water temperature is controlled within the recommended range for the OSG operation by utilizing a feed water heater or feed water chiller. The OSG must be operated within a certain pressure range. A water boost pump or a pressure regulating valve are supplied and installed upstream of the OSG to ensure the operating pressure range is maintained.

Brine is generated in the brine tank/brine silo. Food grade salt is added to the tank/silo manually or via a pneumatic truck (by others). Soft water is added to brine tank/brine silo by utilizing the same feed water source. The saturated brine then passes through a brine cartridge filter, which removes any debris that may exist in the brine stream before it enters it is fed into the OSG electrolytic cell via the brine proportional pump.

Conditioned water from the water softeners is then fed into the OSG where the solution production takes place. The OSG utilizes a built-in Allen Bradley PLC, which controls and monitors the operation of system.





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Water and saturated brine are fed precisely into the electrolytic cell using a builtin flow control valve and brine proportional pumps respectively.

The produced solution is then transferred to a downstream oxidant storage tank. A level controller is installed in the oxidant storage tank and is used to maintain the oxidant level in the tank. At the start of operation when the tank is empty, the level controller sends a signal to the OSG PLC to start oxidant production. once the oxidant level in the tank reaches the maximum setpoint, the level controller sends a signal to the OSG PLC to go on standby mode until the level in the tank reaches the minimum setpoint again.

The produced solution is then transferred to the point of injection via a chemical injection pump(s) supplied by MIOX or by others.

## 2. System Configuration

### Vault™ Generator

Please refer to actual scope of supply for details of included equipment.

### On-Site Generator unit

Each Vault™ Series On-Site Generator consists of a powder coated top electrical enclosure and HDPE bottom cabinet. One compartment houses the PLC, HMI, power supply and external customer connections. The second compartment houses the electrolytic cell and system plumbing and valves.

### Electrolytic Cell

The proprietary membrane-less electrolytic cell manufactured by MIOX produces on-demand Oxidant solution.

The VAULT™ Series cell is configured to provide modular cell capacity depending on the disinfectant requirement. For this project, each cell module is configured to provide 25-lbs/day Free Available Chlorine (FAC) with up to a total of 4 modules per OSG providing 100-lbs/day FAC.



### Ancillary Equipment





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**Note:** the following is a generic description of the ancillary equipment that can be supplied with the OSG. Some of the items listed below may not apply to your application. This description should be read in conjunction with the scope table provided in the budgetary proposal for actual proposed scope of supply.



Figure 2 - Typical flow chart for a MIOX OSG systems

### Water Filtration

Feed water quality has to meet the requirements listed in the feed water quality table for a proper operation of the OSG. For additional protection to the OSG, water cartridge filter should be installed on the feed water line. If supplied by MIOX, the filter is supplied complete with manual isolation valves and pressure gauges and are shipped loose for installation by others.

### Water Softeners

MIOX OSG units require soft water. Hard water will cause severe damage to the electrolytic cell. Water hardness must be maintained below **one (1) grain/gallon (17.1 mg/L as CaCO<sub>3</sub>)**. A properly sized softener system must be installed upstream of the OSG. The softener resin is regenerated with brine from the same OSG brine generator.

### Brine Generator

A brine generator is required to provide salt storage and supply of brine to MIOX's OSG for the chemical generation process. The brine generator is also used to provide enough brine needed by the water softeners for the resin regeneration process. The brine generator is typically sized to provide salt storage for approximately 15 to 30 days. The brine generator may be designed for indoor or outdoor installation depending on local requirements and will be shipped loose for installation by others.

### Oxidant Storage Tank

The oxidant tank is an integral part of an OSG and is normally sized to meet the injection demand at the peak hourly flow of generated oxidant. The oxidant storage tank is typically sized to provide 12 to 24 hours of storage capacity. The oxidant tank must be vented directly to the atmosphere outside the facility to prevent the potential of leakage of hydrogen from the tank into the facility. An internal liquid barrier hydrogen vent system will be supplied with the tank. The oxidant storage tank may be designed for indoor or outdoor installation and will be shipped loose for installation by others.



## Other Optional Equipment

### Heater or Chiller

Feed water temperature higher or lower than the required temperature range listed in the feed water quality table will damage the electrolytic cell. In this case a water heater or water chiller must be used to maintain the required operational temperature range. If needed, the heater or chiller can be provided by MIOX. The water heater or water chiller is shipped loose for installation by others.

### Water Pressure Boost Pump

A feed water pressure lower than the minimum pressure listed in the feed water quality table requires a water pressure boost pump to be installed upstream of the OSG unit to maintain the minimum feed water pressure required by the unit. If supplied by MIOX, the pump comes with manual isolation valves, pressure gauge and a back-pressure valve and is shipped loose for installation by others. A separate electrical circuit (supplied by others) is required for the water boost pump.

### Chemical Injection Pumps

Oxidant solution is transferred to the point of injection using the MIOX supplied single injection metering pump. If supplied by MIOX, the pump comes complete with pressure relief valve, pulsation dampener, calibration column and back pressure relief valve. The pump and associated accessories are shipped loose for installation by others.

### Liquid Barrier Hydrogen Vent System (for Customer Supplied Oxidant Storage Tanks)

The Liquid Barrier Hydrogen Vent (LBS) system (see Figure 3) uses a gas trap system to prevent hydrogen gas produced during the electrolysis process from entering the oxidant storage tank. Each Customer supplied oxidant tank should be equipped with a drop tube in the oxidant tank that hydraulically locks the oxidant solution similar to a "P-trap" system in household plumbing. The hydraulic lock creates a liquid barrier preventing hydrogen gas from entering the oxidant storage tank. MIOX will provide the fitting, adaptors and strainers required for the installation of the system. The mandatory drop tube shown in the figure and the interconnect piping to be supplied by others.

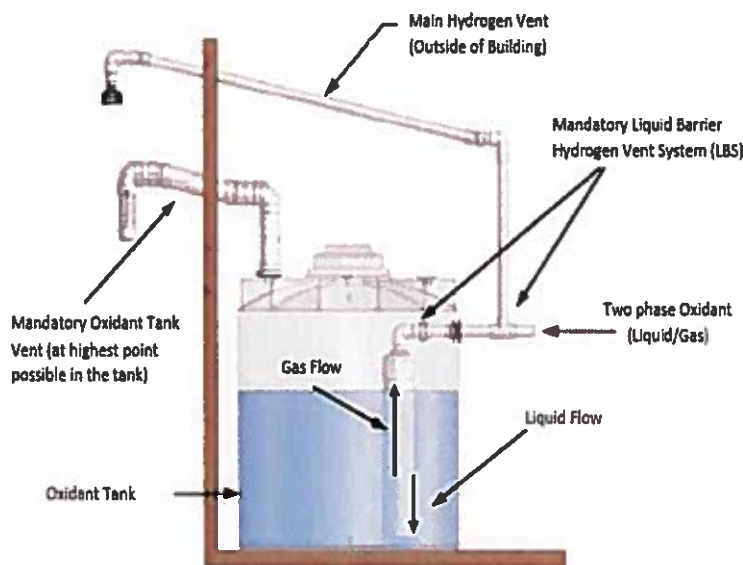


Figure 3 – Liquid Barrier Hydrogen Vent System

## 3. Scope of Supply by MIOX and Equipment Pricing



Proposal No. FP102218TM1 Rev. 1, October 28, 2018

Qty	Description	
<b>On-Site Sodium Hypochlorite Generator (OSHG) unit</b>		
One (1)	Vault™ H25SC rated at 25-lbs/day FAC. Includes: <ul style="list-style-type: none"> <li>One (1) 25-lbs/day standard electrolytic cell with power supplies and variable speed brine pump and filter located in a high-density polyethylene (HDPE) enclosure with power supply and controls mounted in a powder coated aluminum cabinet with HDPE panels.</li> <li>Unit operating voltage: 200–240VAC, 1-phase, 13-Amp with AC to DC converters</li> <li>Electrical service required for in-rush: 30-amp thermal magnetic dedicated circuit breaker</li> <li>Each MIOX Vault™ series Onsite Generator is controlled by an Allen Bradley Micro Logix 1400 PLC controller complete with an Allen Bradley Panel View Plus 600 with a 6-inch color touch screen.</li> <li>The OSG is supplied with MIOX standard wall mount assembly.</li> </ul>	
<b>Brine Tank</b>		
One (1)	500 Gallon Brine Tank <ul style="list-style-type: none"> <li>4,500 lbs salt capacity , 52" dia. X 60" high</li> <li>With inlet water connection, float valve and brine out connection</li> <li>Brine Guard gravel-less salt retention system</li> </ul>	
<b>Spare Parts</b>		
One (1)	Spare Parts Kit Vault™: <ul style="list-style-type: none"> <li>One (1) Brine Dilution Pump Assembly</li> <li>One (1) Flow sensor</li> <li>One (1) set assorted fuses</li> </ul>	<ul style="list-style-type: none"> <li>Six (6) 5-micron filter cartridges</li> <li>Five (5) Rupture Disk</li> <li>One (1) MIOX Acid Washing kit</li> </ul>
<b>Services</b>		
One (1)	Services include One (1) trip for the following: <ul style="list-style-type: none"> <li>Three (3) days for final installation inspection, startup services and operator training by a MIOX factory field service engineer.</li> </ul> <p>Included in service: Air fare, local transportation and lodging, per-diem. Additional days or trips required will be charged at \$1,100 per day plus travel and accommodation expenses.</p>	

**Total Price for Equipment Scope of Supply & Services**

**Generator, Service and Spares: \$ 25,509.00 USD**

**Brine Tank: \$ 1,600.00 USD**

**Total: \$ 27,109.00 USD**

⇒ 25 lbs Per Day Production  
 ⇒ Larger footprint / does not fit as well in space  
 ⇒ Post Chlorine (out to distribution system)



#### 4. Warranty

MIOX Corporation Standard Terms & Conditions of Purchase, as stated in the attached document, shall apply.

#### 5. Terms of Equipment Sale

The price(s) offered in this proposal is/are based on the following terms:

- Pricing:** Price(s) offered in this proposal are firm. All prices quoted are in **\$USD**
- Proposal Validity:** This proposal is valid for 30 days from date of submission.
- Payment terms:** The pricing quoted in this proposal is based on the following payment terms, subject to approval of Customer’s credit.
  - 100%** of total value, Net 30 days upon delivery.
  - Equipment shipment is contingent on receipt of all due payments.
- Shipping Terms:** F.O.B Shipping Points with freight prepaid to jobsite, unless otherwise agreed in writing  
**Freight is not included in above price.**
- Delivery:** 2 – 4 weeks for submittals after receipt of approved purchase order.  
8 – 12 weeks for shipping after approval of submittals or after authorization to proceed. Weekly minimum storage fee may apply if shipment is not authorized within 2 weeks after agreed scheduled shipment.
- Taxes:** Federal, State or local sales, use or other taxes are not included in this proposal.
- Terms & Conditions:** Commercial terms and conditions shall be in accordance with MIOX’s standard terms and conditions of purchase attached to this proposal. In no event shall Supply Contractor’s total liability for any and all claims in connection with its supply of the Goods exceed, in the aggregate, the purchase price for the Goods received by Supply Contractor. Neither party shall be liable for any indirect, special, consequential or punitive damages of any kind, regardless of the cause of action. All implied warranties are hereby disclaimed.

**To:** Mark Stuhldreher – Township Manager**DATE:** November 6, 2018**FROM:** Kim Smith – Public Works Coordinator**DATE FOR BOARD CONSIDERATION:** November 14, 2018**ACTION REQUESTED:** Approval of the Second Amendment to Site Lease and First Amendment to Short Form of Lease between the Charter Township of Union and New Cingular Wireless PCS LLC, (AT & T) at the Broadway Tower.Current Action  Emergency Funds Budgeted: If Yes  Account #  No  N/A 

Finance Approval \_\_\_\_\_

**BACKGROUND INFORMATION**

In November of 1998, the Charter Township of Union entered into a site lease with NPI – Omnipoint Wireless, LLC, at the Broadway Tower. The site lease provides 62 square feet at the base of the tower as well as the installation of wireless communication antennas and equipment on the water tower. The equipment and antennas are used for cellular telephone phone purposes. The initial lease had a ten-year term with the right to extend for two additional five-year terms for a total of 20 years.

In March of 2009, New Cingular Wireless, PCS LLC, (AT & T) purchased the Site Lease from NPI. The terms and conditions of the Site Lease remained the same, however the Amendment of the Site Lease included the installation of additional equipment, an escalation of the monthly rental amount, and eliminated the free cellular service and handsets the Township previously received.

The 20-year term of the Site Lease expired on November 2, 2018. The Township has been in negotiations with AT & T over the last several months. At the end of October 2018, tentative terms for renewal of the lease were agreed upon by both parties. The tentative terms were agreed upon contingent on approval by the Township Board of Trustees and AT & T.

Attached is a copy of the Second Amendment to the Site Lease as well as the First Amendment to Short Form of Lease that has been executed by New Cingular Wireless LLC, (AT & T). These two amendments include all of the changes to the original Site Lease.

Below is a summary of the changes to the Site Lease:

- **Extension of Term:** Initial term - Five years, with two automatic renewal terms of five years each (15-year term)
- **New Commencement Date:** November 1, 2018
- **First Term Monthly Rent:** \$2,800 per month with a 2.75% escalation every year of the first term (current rent \$2,192/month)
- **First Extension Term Monthly Rent:** New Rent = (prior rent) x (CPI percentage increase) + prior rent with a 3% cap on increase
- **Second Extension Term Monthly Rent:** Same formula as above with a 3.25% cap on increase
- Additional language regarding damage and repair to Owner equipment or premises.
- Additional language regarding tower inspections after work performed by Lessee.

- Additional language regarding site access.
- Addition of language for the placement of equipment for 911 Emergency Services by any federal, state, or local mandates.

**SCOPE OF SERVICES**

Fifteen-year Site Lease with AT & T at the Broadway Water Tower located at 5537 East Broadway Road.

**JUSTIFICATION**

The approval of the Site Lease will allow AT & T to continue to provide cellular service coverage in our area as well as continue to provide revenue to the water fund for the operation and maintenance of the Broadway Water Tower.

**PROJECT IMPROVEMENTS**

The following Board of Trustees goals are addressed with this request (from Policy 1.0: Global Ends)

1. Community well-being and common good

**COSTS**

NA

**PROJECT TIME TABLE**

15- year Lease Term

**RESOLUTION**

Approval of the Second Amendment to Site Lease and First Amendment to Short Form of Lease between the Charter Township of Union and New Cingular Wireless PCS LLC, (AT & T) at the Broadway Tower.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:

Cell Site No.: TRAVMI6341  
Cell Site Name: UNION TWP WT  
Fixed Asset No.: 10124909  
Market: MI / IN  
Address: 5537 East Broadway

## SECOND AMENDMENT TO SITE LEASE

THIS SECOND AMENDMENT TO SITE LEASE (“**Second Amendment**”), dated as of the latter of the signature dates below (the “**Effective Date**”), is by and between Charter Township of Union, a Michigan municipal corporation, having a mailing address of 2010 South Lincoln Road, Mount Pleasant, MI 48858 (hereinafter referred to as “**Owner**”), and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive NE, Atlanta, GA 30324 (hereinafter referred to as “**Tenant**”).

**WHEREAS**, Owner and Tenant entered into a Site Lease dated November 3, 1998, and as amended by First Amendment to Site Lease dated March 26, 2009 (hereinafter, collectively, the “**Site Lease**”), whereby Owner leased to Tenant a certain Site, therein described, that are a portion of the Property located at 5537 East Broadway, Mount Pleasant, MI 48858; and

**WHEREAS**, the term of the Site Lease will expire on November 2, 2018, and the parties mutually desire to renew the Site Lease, memorialize such renewal period and modify the Site Lease in certain other respects, all on the terms and conditions contained herein; and

**NOW THEREFORE**, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Tenant agree that the recitals set forth above are incorporated herein as if set forth in their entirety and further agree as follows:

1. **Extension of Term.** The term of the Site Lease shall be extended to provide that the Site Lease has a new initial term of five (5) years (“**New Initial Term**”) commencing on November 1, 2018 (“**New Term Commencement Date**”). As of the New Term Commencement Date, the existing Term and any extensions thereof, as applicable, shall be void and of no further force or consequence. Provided Tenant is not in default of this Site Lease and has complied with the access, repair, and payment terms of this Site Lease, the Site Lease will automatically renew, commencing on the expiration of the New Initial Term, for up to two (2) separate consecutive additional periods of five (5) years each (each such five (5) year additional period is hereinafter referred to as an additional “**Extension Term**”) without further action by Tenant unless Tenant notifies Owner in writing of Tenant’s intention not to renew the Site Lease at least sixty (60) days prior to the expiration of the New Initial Term or the then current additional Extension Term. Each additional Extension Term shall be on the same terms and conditions of the Site Lease, as amended herein. The New Initial Term, the additional Extension Term are collectively referred to as the Term (“**Term**”).

**2. Monthly Rent.**

a. Commencing on November 1, 2018, the current Monthly Rent payable under the Site Lease shall be Two Thousand Eight Hundred dollars (\$2,800.00) per month (the "Monthly Rent"). In year two (2) of the Initial Term, and each year of the Initial Term thereafter, the yearly Rent will increase by 2.75 % over the Rent paid during the previous year.

b. Beginning with the First Extension Term, Rent shall increase based on the following formula:  $\text{New Rent} = (\text{prior Rent}) \times (\text{CPI percentage increase}) + (\text{prior Rent})$ ; provided that, notwithstanding anything herein to the contrary, in no event will the increase in Rent be greater than three percent (3%) for the First Extension Term. Beginning on the Second Extension Term, Rent shall increase based on the same formula as provided in this section; but in no event will the increase in Rent be greater than three and one quarter percent (3.25 %) for the Second Extension Term.

c. The "CPI" will mean the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor for Urban Wage Earners and Clerical Workers (CPI-W), U.S. City Average, All Items (1982-84=100), not seasonally adjusted. In the event the CPI is converted to a different standard reference base or otherwise revised, the determination of New Rent will be made with the use of such conversion factor, formula or table for converting the CPI as may be published by the Bureau of Labor Statistics, or if the Bureau should fail to publish same, then with the use of such conversion factor, formula or table for converting the CPI as may be published by Prentice Hall, Inc., Commerce Clearinghouse or any other nationally recognized publisher of similar statistical information. If the CPI ceases to be published and there is no successor thereto, such other index as Landlord and Tenant may agree upon will be substituted for the CPI.

**3. Amendment to Section 6.a. & 6.e.**

(a) Section 6.a of the Site Lease dated November 3, 1998 shall be revised to add the following language at the end of the paragraph:

*"If Tenant fails to repair or replace any such damage as required hereunder, Owner shall have the right to make such repairs or replacement and charge the cost thereof to Tenant, which amount shall be payable by Tenant to Owner within thirty (30) days of Tenant's receipt of written notice from Landlord. Should Tenant fail to pay within 30 days, Owner may assess a late charge of 5% of the total charges due. Further, in the event Tenant fails to pay Owner said charges after 120 days, Owner shall have the right to terminate this Lease Agreement pursuant to the provisions set forth in Section 21."*

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ATT – Union Twp WT 2<sup>nd</sup> Amd  
GRANMI6341 – 10124909  
draft – 8-29-18

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(b) The first paragraph of Section 6.e of the Site Lease dated November 3, 1998 shall be deleted in its entirety and replaced with the following language:

*e. Except in cases of emergencies, any of Tenant's employees, contractors, consultants, or suppliers (collectively being "Tenants") shall give at least 24 hours' advance notice before accessing the water tank structure or any place within the compound, other than any Tenant separated fenced-in compound. In cases of an emergency and when Tenant intends to only access its equipment platform, Tenant shall still notify Owner no later than concurrent with entering the water tank compound. Owner may require an escort when Tenant is accessing the water tank structure and may assess a reasonable fee not to exceed their actual costs incurred for such services. When access is required to the structure or the compound, the following contact persons/numbers shall be used:*

*For Normal Maintenance Purposes:*

*Charter Township of Union  
2010 S. Lincoln  
Mt. Pleasant, MI  
(989) 772-4600*

*For Emergency Purposes:*

*Mt. Pleasant Answering Service  
(989) 773-5152*

**4. Amendment to Section 11.** Section 11 of the Site Lease dated November 3, 1998 shall be revised to add the following at the end of the paragraph:

*"All work shall be done to Owner's satisfaction. Tenant shall repair any deficiencies in work noted in the inspection report. If Tenant fails to make any such repairs within thirty (30) days of written notice thereof by Owner, Owner shall have right to make such repairs and charge the cost thereof to Tenant, which amount shall be payable by Tenant to Owner within sixty (60) days of receipt of written notice. Further, in the event Tenant fails to pay or timely pay Owner said charges, Owner shall have the rights as provided in Section 6.a., as amended)."*

**5. Emergency 911 Service.** In the future, without the payment of additional Monthly Rent, or any other consideration, and at a location mutually acceptable to the Owner and Tenant, Owner agrees that Tenant may add, modify and/or replace equipment in order to be in compliance with

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ATT – Union Twp WT 2<sup>nd</sup> Amd  
GRANMI6341 – 10124909  
draft – 8-29-18

Page 3

any current or future federal, state or local mandated application. Tenant shall provide documentation of the purpose of the change and the requirement for mandated services.

**6. Charges.**

a. All charges payable under this Site Lease such as utilities shall be billed by Landlord within two (2) years from the end of the calendar year in which the charges were incurred; any charges beyond such period shall not be billed by Owner, and shall not be payable by Tenant. The foregoing shall not apply to monthly Rent which is due and payable without a requirement that it be billed by Owner; nor to taxes, which are governed by Michigan's property tax law. The provisions of this subsection shall survive the termination or expiration of this Site Lease.

b. The last two sentences of Section 11 of the Site Lease dated November 3, 1998 are deleted their entirety and replaced with:

*“Tenant agrees to hire Owner’s Engineer to inspect the water tower after installation of Tenant’s equipment at their expense; and to pay the Engineer their actual reasonable unmarked up charges for such inspections, which would otherwise be charged to the Owner.”*

**7. Acknowledgement.** The parties acknowledge that: 1) this Second Amendment is entered into of each party’s free will and volition; 2) each party has read and understands this Second Amendment and the underlying Site Lease and, prior to execution of this Second Amendment, was free to consult with counsel of its choosing regarding said party’s decision to enter into this Second Amendment and to have counsel review the terms and conditions of this Second Amendment; 3) each party has been advised and is informed that should either party not enter into this Second Amendment, the underlying Site Lease, including any termination or non-renewal provision therein, would remain in full force and effect.

**8. Notices.** Section 23 of the Site Lease is hereby deleted in its entirety and replaced with the following:

*“NOTICES. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows:*

*If to Tenant:*

*New Cingular Wireless PCS, LLC  
Attn: Network Real Estate Administration*

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ATT – Union Twp WT 2<sup>nd</sup> Amd  
GRANMI6341 – 10124909  
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Re: Cell Site # TRAVMI6341  
Cell Site Name: UNION TWP WT (MI); Fixed Asset No.: 10124909  
575 Morosgo Drive NE  
Atlanta, GA 30324

*With a required copy of the notice sent to AT&T Legal at:*

*New Cingular Wireless PCS, LLC  
Attn: AT&T Legal Department  
Re: Cell Site # TRAVMI6341  
Cell Site Name: UNION TWP WT (MI); Fixed Asset No: 10124909  
208 S. Akard Street  
Dallas, Texas, 75202-4206*

*A copy sent to the Legal Department is an administrative step which alone does not constitute legal notice.*

*And as to Owner:*

*Charter Township of Union  
2010 South Lincoln Road  
Mount Pleasant, MI 48858*

*Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein."*

**9. First Amendment to Short Form of Lease.** Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge and deliver to the other a recordable First Amendment to Short Form of Lease substantially in the form of the Attachment 1. Either party may record this memorandum at any time, in its absolute discretion.

**10. Other Terms and Conditions Remain.** In the event of any inconsistencies between the Site Lease and this Second Amendment, the terms of this Second Amendment shall control. Except as expressly set forth in this Second Amendment, the Site Lease otherwise is unmodified and remains in full force and effect. Each reference in the Site Lease to itself shall be deemed also to refer to this Second Amendment.

**11. Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Site Lease.

[NO MORE TEXT ON THIS PAGE - SIGNATURES TO FOLLOW ON NEXT PAGE]

{51450117.DOCX.2}

ATT – Union Twp WT 2<sup>nd</sup> Amd  
GRANMI6341 – 10124909  
draft – 8-29-18

Page 5


AS WITNESSED, the parties have caused their properly authorized representatives to execute this Second Amendment on the dates set forth below.

OWNER:  
Charter Township of Union,  
a Michigan municipal corporation

TENANT:  
New Cingular Wireless PCS, LLC,  
a Delaware limited liability company

By: AT&T Mobility Corporation  
Its: Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By:  \_\_\_\_\_  
Name: TERRY LINDQUIST  
Title: SR. TECH PROJECT MANAGER  
Date: 10/24/18

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

{S1450117.DOCX.2}

ATT – Union Twp WT 2<sup>nd</sup> Amd  
GRANMI6341 – 10124909  
draft – 8-29-18

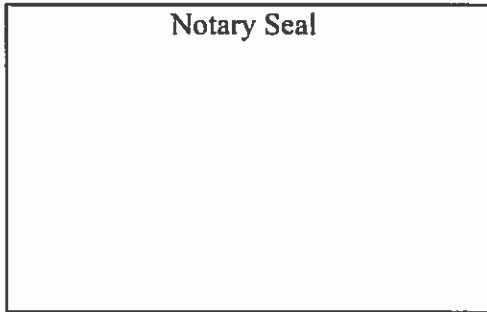
Page 6

**OWNER ACKNOWLEDGEMENT**

STATE OF MICHIGAN     )  
  ) SS.  
COUNTY OF ISABELLA    )

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
is the person who appeared before me, and said person acknowledged that said person signed this  
instrument, on oath stated that said person was authorized to execute the instrument and  
acknowledged it as the \_\_\_\_\_ of  
**Charter Township of Union, a Michigan municipal corporation**, to be the free and voluntary  
act of such party for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_.



\_\_\_\_\_  
(Signature of Notary)

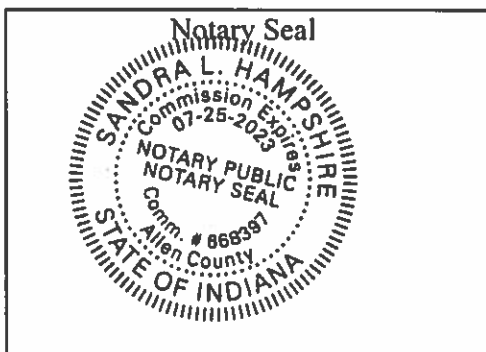
\_\_\_\_\_  
(Legibly Print or Stamp Name of Notary)  
Notary Public, Isabella County, Michigan  
My appointment expires: \_\_\_\_\_

**TENANT ACKNOWLEDGEMENT**

STATE OF INDIANA )  
 ) SS.  
COUNTY OF ALLEN )

I certify that I know or have satisfactory evidence that TERRY LUNDQUIST is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the SR. TECH. PROJ. MGR. of AT&T Mobility Corporation, the Manager of New Cingular Wireless PCS, LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/24/2018.



Sandra L. Hampshire  
(Signature of Notary)  
SANDRA L. HAMPSHIRE  
(Legibly Print or Stamp Name of Notary)  
Notary Public in and for the State of IN  
My appointment expires: 7/25/2023

**Attachment 1**

**First Amendment to Short Form of Lease**

{S1450117.DOCX.2}

ATT – Union Twp WT 2<sup>nd</sup> Amd  
GRANMI6341 – 10124909  
draft – 8-29-18

Page 9

**PARCEL #: 14-013-20-046-00**

SPACE ABOVE FOR RECORDER'S USE

**Prepared by, and  
after recording return to:**  
Md7, LLC  
Michael Fraunces, President  
10590 West Ocean Air Drive, Suite 300  
San Diego, CA 92130

Re: Cell Site #: TRAVMI6341  
Cell Site Name: UNION TWP WT (MI)  
Fixed Asset Number: 10124909  
State: MI  
County: Isabella

#### **First Amendment to Short Form of Lease**

This First Amendment to Short Form of Lease is entered into on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between Charter Township of Union, a Michigan municipal corporation, having a mailing address of 2010 South Lincoln Road, Mount Pleasant, MI 48858 (“**Owner**”) and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive NE, Atlanta, GA 30324 (“**Tenant**”).

1. Owner and Tenant entered into a certain Site Lease dated November 3, 1998, as amended by that certain First Amendment to Site Lease dated March 26, 2009, and as further amended by that certain Second Amendment to Site Lease dated \_\_\_\_\_, 20\_\_ (collectively, the “**Site Lease**”) for the purpose of installing, operating and maintaining a communications facility and other improvements. A Short Form of Lease reflecting the Site Lease was recorded on November 11, 1998, as Liber 930, Page 116, in the public records of Isabella County, State of Michigan.
2. The parties have agreed that the Site Lease has a new initial term of five (5) years (“**New Initial Term**”), commencing on November 1, 2018, subject to the provisions of the Site Lease.
3. The parties have agreed, following the New Initial Term, to add two (2) successive periods of five (5) years each upon the same terms and conditions of the Site Lease. The Site Lease will be automatically renewed unless Tenant notifies Owner in writing



of Tenant's intention not to renew the Site Lease at least sixty (60) days prior to the expiration of the existing term.

4. The portion of the land being leased to Tenant (the "Site") is described in **Exhibit 1** annexed hereto.
5. This First Amendment to Short Form of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Site Lease, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this First Amendment to Short Form of Lease and the provisions of the Site Lease, the provisions of the Site Lease shall control. The Site Lease shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Site Lease.

[NO MORE TEXT ON THIS PAGE - SIGNATURES TO FOLLOW ON NEXT PAGE]

**IN WITNESS WHEREOF**, the parties have executed this First Amendment to Short Form of Lease as of the day and year first above written.

**OWNER:**  
Charter Township of Union,  
a Michigan municipal corporation

**TENANT:**  
New Cingular Wireless PCS, LLC,  
a Delaware limited liability company

By: AT&T Mobility Corporation  
Its: Manager

By: \_\_\_\_\_

By:  \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: TERRY LUNDQUIST

Title: \_\_\_\_\_

Title: SR. TEAM PROJECT MANAGER

Date: \_\_\_\_\_

Date: 10/24/10

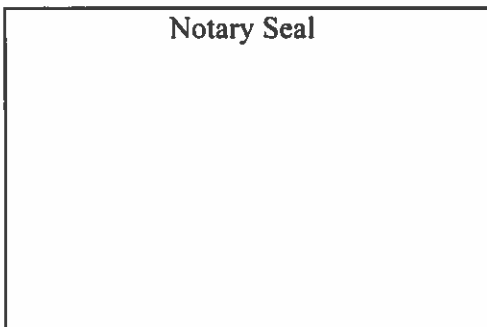
[ACKNOWLEDGEMENTS APPEAR ON NEXT PAGE]

**OWNER ACKNOWLEDGEMENT**

STATE OF MICHIGAN     )  
  ) SS.  
COUNTY OF ISABELLA    )

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
is the person who appeared before me, and said person acknowledged that said person signed this  
instrument, on oath stated that said person was authorized to execute the instrument and  
acknowledged it as the \_\_\_\_\_ of **Charter  
Township of Union, a Michigan municipal corporation**, to be the free and voluntary act of such  
party for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_.



\_\_\_\_\_  
(Signature of Notary)

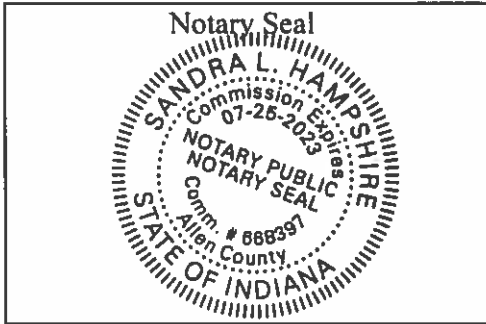
\_\_\_\_\_  
(Legibly Print or Stamp Name of Notary)  
Notary Public, Isabella County, Michigan  
My appointment expires: \_\_\_\_\_

TENANT ACKNOWLEDGEMENT

STATE OF INDIANA )  
 ) SS.  
COUNTY OF ALEX )

I certify that I know or have satisfactory evidence that TERRY HUNDQUIST is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the SR. TECH. PROJ. MGR. of AT&T Mobility Corporation, the Manager of New Cingular Wireless PCS, LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/24/2018.



Sandra L. Hampshire  
(Signature of Notary)  
SANDRA L. HAMPSHIRE  
(Legibly Print or Stamp Name of Notary)  
Notary Public in and for the State of IN  
My appointment expires: 7/25/2023

**Exhibit 1 to First Amendment to Short Form of Lease**

**Legal Description**

Street Address: 5537 East Broadway, Mount Pleasant, MI 48858

Parcel #: 14-013-20-046-00

That certain Site (and access and utility easements) on a portion of the real property described as follows:

**All that part of the Southwest Quarter of the Northeast Quarter of Section 13, T34N, R4W, Union Township, Isabella County, Michigan, described as beginning at the Southwest corner of Lot 1 of Enterprise Park, part of the Northeast Quarter, Section 13, T14N, R4W, Union Township, Isabella County, Michigan, according to the plat thereof as recorded in Liber 10 of Plats, page 589, Isabella County records; thence North 40°55'00" West along the Southwesterly line of said Lot 1, a distance of 297.02 feet; thence South 00°38'26" East, 220.99 feet; thence South 88°57'50" East 192.10 feet to the point of beginning, reserving therefrom an easement over the South 10.00 feet for drainage purposes.**

# REQUEST FOR TOWNSHIP BOARD ACTION

<b>To:</b> Mark Stuhldreher - Township Manager	<b>DATE:</b> November 6, 2018
<b>FROM:</b> Kim Smith – Public Services Director	<b>DATE FOR BOARD CONSIDERATION:</b> November 14, 2018
<b>ACTION REQUESTED:</b> Approval of Commercial Property Utility Service and Franchise Agreement for Broomfield Commons Condominium Project units B, C, D, and E located at 2420 East Broomfield Road.	

Current Action  Emergency

Funds Budgeted: If Yes  Account #  No  N/A

Finance Approval \_\_\_\_\_

### BACKGROUND INFORMATION

In May of 2015, the Charter Township of Union Board approved a Commercial Property Utility Service and Franchise Agreement for parcel number 14-028-10-002-01, located at 2420 East Broomfield Road. In October of 2018, the owner of the property established Broomfield Commons Condominium Association, thus creating the need for individual Commercial Property Utility Service and Franchise Agreements for each of the condominium units being serviced with water and sewer.

The Charter Township of Union does not have water or sewer service available in this area. The City of Mt. Pleasant does have water and sewer service available to this property. Because the City of Mt. Pleasant has water and sewer service available to the property the owner requested that the City of Mt. Pleasant provide municipal water and sewer service.

In order for one municipality to provide water and sewer service to a property located within the boundaries of another municipality a Franchise Agreement must be executed between the parties. To facilitate franchise agreements between the City of Mt. Pleasant and Union Township a template has been established for Commercial Franchise Agreements.

### SCOPE OF SERVICES

Execute an agreement for the City of Mt. Pleasant to provide municipal water and sewer service for commercial purposes to a property located within the boundaries of the Charter Township of Union.

### JUSTIFICATION

Approval of the Commercial Property Utility Service and Franchise Agreement will provide municipal water and sewer service to a parcel located within the Township that otherwise would not have access to municipal water and sewer.

**PROJECT IMPROVEMENTS**

Board of Trustees goals addressed by this agreement (From Policy 1.0: Global End).

**1. Community well-being and common good**

**COSTS**

NA

**PROJECT TIME TABLE**

NA

**RESOLUTION**

Approve the Commercial Property Utility Service and Franchise Agreement for Broomfield Commons Condominium Project units B, C, D, and E located at 2420 East Broomfield Road, Mt. Pleasant MI.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:  
No:  
Absent:

## **COMMERCIAL PROPERTY UTILITY SERVICE AND FRANCHISE AGREEMENT**

This Commercial Property Utility Service and Franchise Agreement (the "Agreement") is made as of \_\_\_\_\_, 2018, between the City of Mt. Pleasant, a Michigan municipal corporation with a principal address of 320 West Broadway, Mt. Pleasant, MI 48858 (the "City"), Broomfield Commons, a condominium association, with a principal address of 3046 Jens Way, P.O. Box 530, Mt. Pleasant, MI 48804-0530 (the "Developer") and, with respect to paragraphs 8 through 12, the Charter Township of Union, a Michigan municipal corporation with a principal address of 2010 S. Lincoln Road, Mt. Pleasant, MI 48858 (the "Township").

### **RECITALS**

- A. The Developer owns real property in the Township, as legally described on the attached **Exhibit A** (the "Property").
- B. The Developer plans to develop the Property for a commercial use and, because Township water and sewer services are unavailable in the area where the Property is located, has requested City water and sewer services.
- C. The City is amenable to accommodating the Developer's request, and the Township is amendable to granting the City a revocable franchise and consent to provide the requested services, in accordance with the terms and conditions of this Agreement.

### **TERMS AND CONDITIONS**

In exchange for the consideration in and referred to by this Agreement, the parties agree:

1. **Proposed Improvements.** A description of the improvements that the Developer proposes to construct and install relating to the provision of City water and sewer services (including any lines, pipes, pumps, valves, chambers and related appurtenances needed to connect to and receive service from the City's water and sewer systems) is attached as **Exhibit B** (the "Improvements"). The Developer shall construct and install the Improvements in accordance with Exhibit B, and shall not modify the Improvements or construct and install additional Improvements without the prior written approval of the City's Director of Public Works.
2. **Construction.** The Developer shall be responsible for all costs associated with constructing and installing the improvements, including road repair and replacement, to their preexisting condition, if roads are disturbed. The Developer shall comply with all applicable City ordinances and construction standards, applicable state and federal laws, rules and regulations, applicable permits, and other approvals. Upon completion of construction and the City's inspection and approval, the Developer shall submit "as built" drawings to the City's Division of Public Works illustrating the location of the Improvements as constructed. The City will be responsible for Miss Dig marking all City sewer and water utilities in the right-of-way serving this property.
3. **Connection.** The City shall connect the Developer to the City's water and sewer system upon completion of the Improvements and payment of all applicable fees and charges in accordance with applicable City ordinances, resolutions, rules, regulations and policies in effect on the date of this Agreement.
4. **Ownership and Maintenance.** The Developer shall retain ownership of the Improvements and shall be solely responsible for maintaining the Improvements and ensuring their proper function.



5. Compliance with Applicable Regulations. The Developer's use of the City's water and sewer systems is conditional upon compliance with the City's Municipal Sewer and Water Ordinances and all other applicable City ordinances, rules, regulations, and policies pertaining to use of the water and sewer systems, as well as applicable state and federal laws, rules and regulations, and applicable permits, certifications and approvals (the "Applicable Regulations"). The City shall have the right to inspect the Property in the same manner as for properties receiving water and sewer services within the jurisdictional boundaries of the City, and may discontinue water or sewer service to the Property for any violation of the Applicable Regulations.

6. Rates, Fees, and Charges. The City shall charge and the Developer shall timely pay (*i.e.* before the date on which payment can be made without penalties or interest) all rates, fees and charges provided in the Applicable Regulations, which shall be a lien on the Property and shall be collected as provided by law.

7. Service Interruptions. The City cannot guarantee uninterrupted water and sewer services to the Property. Indeed, periodic interruptions may occur. This Agreement does not provide the Developer any rights to continuous water or sewer service or any cause of action for damages as a result of any periodic interruption.

8. Township Ordinances. The Township shall retain jurisdiction to enforce its zoning ordinance, the Michigan Construction Code, and all other Township ordinances on the Property.

9. Protection of Roadways. The City shall not provide water or sewer services to the Property until the Developer has repaired or replaced any damaged or disturbed roadways within the Township. The City shall inspect for such damage prior to connecting the Property to the City's water or sewer system.

10. Township's Franchise and Consent. This Agreement serves as the Township's consent and revocable franchise for the City to provide water and sewer services to the Property and to use the Township's public rights-of-way for such purposes, as required by Article VII, Section 26 of the Michigan Constitution of 1963. Because this Agreement pertains to the provision of water and sewer services to commercial rather than residential property, it need not be in the form provided in the Comprehensive Agreement between the Charter Township of Union and the City of Mt. Pleasant, which the parties agreed to on December 12, 1991. Approval of the exact locations of the water mains, sewer mains, collection lines, appurtenances, or other supply lines or pipes shall be obtained from the Township.

11. Loss Payment (Indemnification). The Developer shall hold the City and the Township (defined for purposes of this paragraph to include their respective officers and employees) harmless from, defend them against (with legal counsel reasonably acceptable to them), and pay for any loss paid or owed by them arising from the Developer's use, construction, or installation of the Improvements. "Loss" means a monetary amount paid or owed for any reason, including for example: judgments, settlements, fines, replacement costs, staff compensation, decreases in property value, and expenses incurred in defending a legal claim.

12. Termination. This Agreement may be terminated as follows:

- a. The Developer may terminate this Agreement at any time, and upon such termination the City may immediately discontinue water or sewer services to the Property.
- b. The City may terminate this Agreement if the Developer violates the Applicable Regulations.
- c. The Township may revoke the franchise and consent granted in this Agreement at any time, including but not limited to such time when the Township makes water and sewer service available to the Property through its own water and sewer systems. Upon revocation of the franchise and consent, the City shall disconnect the Improvements from its water and sewer systems and cease providing water and sewer services to the Property.

13. Successors and Assigns. The terms of this Agreement shall be binding upon the parties' successors and assigns.

14. Miscellaneous. This Agreement constitutes the entire Agreement among the parties. No oral or written prior or contemporaneous agreement shall have any force or effect nor shall any subsequent agreements have any force or effect unless made in writing and signed by the parties. The captions of this Agreement

shall not be considered as part of this Agreement but shall be considered as descriptive only. The recitals however are an integral part of this Agreement.

The parties have caused this Agreement to be executed as of the date first written above.

CITY OF MT. PLEASANT

By: [Signature]  
Allison Quast-Lents, Mayor

By: [Signature]  
Jeremy Howard, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

On Oct 17, 2018, Allison Quast Lents and Jeremy Howard, personally known to me as the Mayor and Clerk of the City of Mt. Pleasant, appeared before me and acknowledged their signatures on this document.

[Signature]  
Addie Pritchard  
Notary Public, Isabella County, Michigan  
My Commission expires: 2-8-2020  
Acting in Isabella County, Michigan

Broomfield Commons

By: [Signature]  
Its: [Signature]

STATE OF MICHIGAN  
COUNTY OF Isabella

On Oct 19, 2018, appeared before me, presented a valid photograph identification, and acknowledged signature on this document.

[Signature]  
Notary Public, Isabella County, Michigan  
My Commission expires: 6-13-22  
Acting in Isabella County, Michigan

ACCEPTED WITH  
RESPECT TO PARAGRAPHS 8 THROUGH 12:

CHARTER TOWNSHIP OF UNION

By: \_\_\_\_\_  
Ben Gunning, Supervisor

By: \_\_\_\_\_  
Lisa Cody, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

On \_\_\_\_\_, 2018, Ben Gunning and Lisa Cody, personally known to me as the Supervisor and Clerk of the Charter Township of Union, appeared before me and acknowledged their signatures on this document.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission expires: \_\_\_\_\_  
Acting in Isabella County, Michigan

**Exempt from transfer taxes because this document does not convey any interest in any real property**

***Prepared by:***  
Scott G. Smith  
Dickinson Wright PLLC  
200 Ottawa Ave. NW, Suite 1000  
Grand Rapids, MI 49503

***When recorded return to:***  
Jeremy Howard, City Clerk  
City of Mt. Pleasant  
320 West Broadway,  
Mt. Pleasant, MI 48858

CC: Lisa Cody, Township Clerk  
2010 South Lincoln Road  
Mt. Pleasant, MI 48858

**Exhibit A**  
**Property Description**

37-14-048-00-002-00

T14N R4W Section 28 Unit B of Broomfield Commons Condominium Association

**EXHIBIT B**  
**BROOMFIELD COMMONS CONDOMINIUM**  
 PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4  
 OF SECTION 28, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

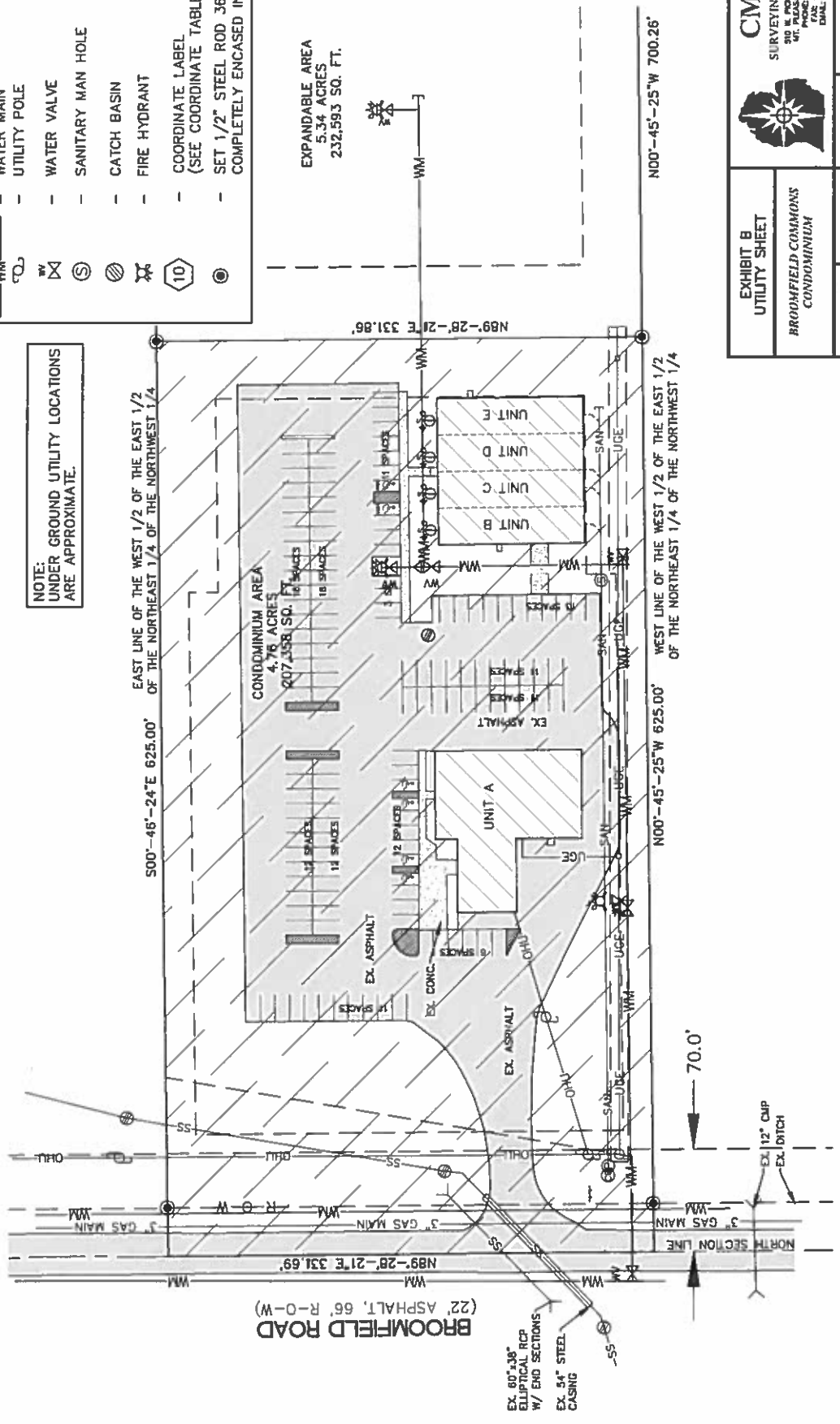


**LEGEND**

—SS—	STORM SEWER
—UG-GAS—	UNDERGROUND GAS LINE
—UG-ELEC—	UNDERGROUND ELECTRIC LINE
—OHE—	OVERHEAD ELECTRIC LINE
—SAN—	SANITARY SEWER
—WM—	WATER MAIN
—U—	UTILITY POLE
—WV—	WATER VALVE
—SMH—	SANITARY MAN HOLE
—CB—	CATCH BASIN
—FH—	FIRE HYDRANT
—CL—	COORDINATE LABEL (SEE COORDINATE TABLE)
—SR—	SET 1/2" STEEL ROD 36" IN LENGTH COMPLETELY ENCASED IN CONCRETE

NOTE:  
 UNDER GROUND UTILITY LOCATIONS  
 ARE APPROXIMATE.

EXPANDABLE AREA  
 5.34 ACRES  
 232,593 SQ. FT.



<b>EXHIBIT B</b> <b>UTILITY SHEET</b>				
	SURVEYING / ENGINEERING 810 W. PLYMOUTH STREET, SUITE C ANN ARBOR, MI 48106-1508 PHONE: (734) 775-0728 FAX: (734) 775-2012 EMAIL: info@cmsandd.com			
SUBMITTAL: JULY 2018	DRAWN BY: WRE	SCALE: 1" = 30'	JOB NUMBER: 1806-065	SHEET NUMBER: 7 OF 7

## COMMERCIAL PROPERTY UTILITY SERVICE AND FRANCHISE AGREEMENT

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### RECITALS

- A. The Developer owns real property in the Township, as legally described on the attached **Exhibit A** (the "Property").
- B. The Developer plans to develop the Property for a commercial use and, because Township water and sewer services are unavailable in the area where the Property is located, has requested City water and sewer services.
- C. The City is amenable to accommodating the Developer's request, and the Township is amendable to granting the City a revocable franchise and consent to provide the requested services, in accordance with the terms and conditions of this Agreement.

### TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree:

1. Proposed Improvements. A description of the improvements that the Developer proposes to construct and install relating to the provision of City water and sewer services (including any lines, pipes, pumps, valves, chambers and related appurtenances needed to connect to and receive service from the City's water and sewer systems) is attached as **Exhibit B** (the "Improvements"). The Developer shall construct and install the Improvements in accordance with Exhibit B, and shall not modify the Improvements or construct and install additional Improvements without the prior written approval of the City's Director of Public Works.
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4. Ownership and Maintenance. The Developer shall retain ownership of the Improvements and shall be solely responsible for maintaining the Improvements and ensuring their proper function.

5. Compliance with Applicable Regulations. The Developer's use of the City's water and sewer systems is conditional upon compliance with the City's Municipal Sewer and Water Ordinances and all other applicable City ordinances, rules, regulations, and policies pertaining to use of the water and sewer systems, as well as applicable state and federal laws, rules and regulations, and applicable permits, certifications and approvals (the "Applicable Regulations"). The City shall have the right to inspect the Property in the same manner as for properties receiving water and sewer services within the jurisdictional boundaries of the City, and may discontinue water or sewer service to the Property for any violation of the Applicable Regulations.

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12. Termination. This Agreement may be terminated as follows:

- a. The Developer may terminate this Agreement at any time, and upon such termination the City may immediately discontinue water or sewer services to the Property.
- b. The City may terminate this Agreement if the Developer violates the Applicable Regulations.
- c. The Township may revoke the franchise and consent granted in this Agreement at any time, including but not limited to such time when the Township makes water and sewer service available to the Property through its own water and sewer systems. Upon revocation of the franchise and consent, the City shall disconnect the Improvements from its water and sewer systems and cease providing water and sewer services to the Property.

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CITY OF MT. PLEASANT

By: [Signature]  
Allison Quast-Lents, Mayor

By: [Signature]  
Jeremy Howard, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

On Oct 17, 2018, Allison Quast-Lents and Jeremy Howard, personally known to me as the Mayor and Clerk of the City of Mt. Pleasant, appeared before me and acknowledged their signatures on this document.

[Signature]  
Addie Prichard  
Notary Public, Isabella County, Michigan  
My Commission expires: 2-8-2022  
Acting in Isabella County, Michigan

Broomfield Commons

By: [Signature]  
Its: [Signature]

STATE OF MICHIGAN  
COUNTY OF Isabella

On Oct. 19, 2018, appeared before me, presented a valid photograph identification, and acknowledged signature on this document.

[Signature]  
Notary Public, Isabella County, Michigan  
My Commission expires: 6-13-22  
Acting in Isabella County, Michigan

ACCEPTED WITH  
RESPECT TO PARAGRAPHS 8 THROUGH 12:

CHARTER TOWNSHIP OF UNION

By: \_\_\_\_\_  
Ben Gunning, Supervisor

By: \_\_\_\_\_  
Lisa Cody, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

On \_\_\_\_\_, 2018, Ben Gunning and Lisa Cody, personally known to me as the Supervisor and Clerk of the Charter Township of Union, appeared before me and acknowledged their signatures on this document.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission expires: \_\_\_\_\_  
Acting in Isabella County, Michigan

**Exempt from transfer taxes because this document does not convey any interest in any real property**

***Prepared by:***  
Scott G. Smith  
Dickinson Wright PLLC  
200 Ottawa Ave. NW, Suite 1000  
Grand Rapids, MI 49503

***When recorded return to:***  
Jeremy Howard, City Clerk  
City of Mt. Pleasant  
320 West Broadway,  
Mt. Pleasant, MI 48858

CC: Lisa Cody, Township Clerk  
2010 South Lincoln Road  
Mt. Pleasant, MI 48858

**Exhibit A**  
**Property Description**

37-14-048-00-003-00

T14N R4W Section 28 Unit C of Broomfield Commons Condominium Association

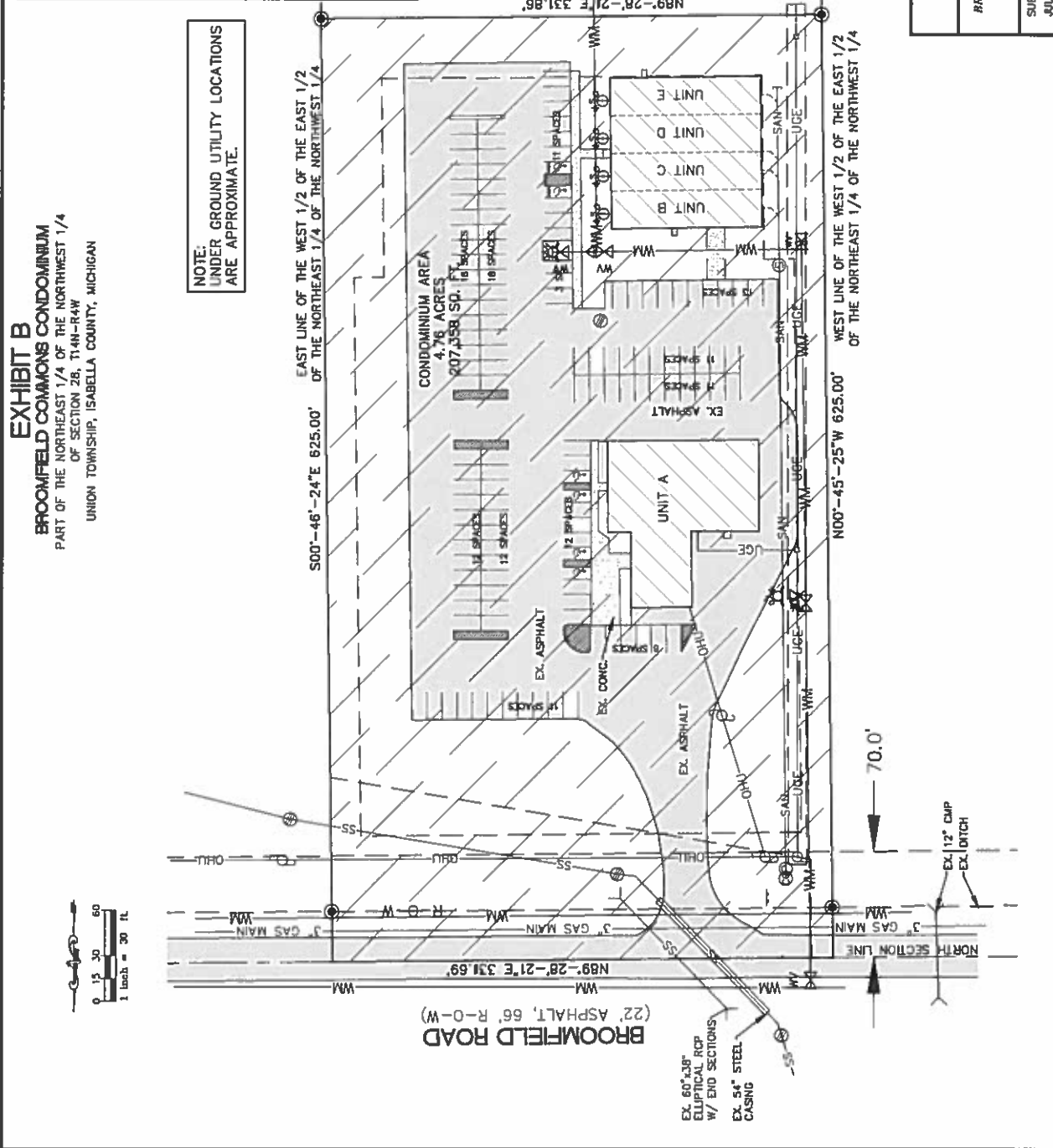
**EXHIBIT B**  
**BROOMFIELD COMMONS CONDOMINIUM**  
 PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4  
 OF SECTION 26, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

**LEGEND**

- SS — STORM SEWER
- UG-GAS — UNDERGROUND GAS LINE
- UG-ELEC — UNDERGROUND ELECTRIC LINE
- OHE — OVERHEAD ELECTRIC LINE
- SAN — SANITARY SEWER
- WM — WATER MAIN
- UPO — UTILITY POLE
- WV — WATER VALVE
- SMH — SANITARY MAN HOLE
- CB — CATCH BASIN
- FH — FIRE HYDRANT
- CL — COORDINATE LABEL (SEE COORDINATE TABLE)
- SR — SET 1/2" STEEL ROD 36" IN LENGTH COMPLETELY ENCASED IN CONCRETE

NOTE:  
 UNDER GROUND UTILITY LOCATIONS  
 ARE APPROXIMATE.

EXPANDABLE AREA  
 5.34 ACRES  
 232,593 SQ. FT.



<p><b>EXHIBIT B</b>                  UTILITY SHEET</p> <p>BROOMFIELD COMMONS                  CONDOMINIUM</p>	<p><b>CMS &amp; D</b>                  SURVEYING / ENGINEERING                  510 W. PLYMOUTH STREET, SUITE C                  ANN ARBOR, MI 48106                  PHONE: (734) 775-0728                  FAX: (734) 775-3012                  DDC# 1016000-0000</p>		<p>SHEET NUMBER                  7 OF 7</p>
	<p>SCALE:                  1" = 30'</p>	<p>JOB NUMBER:                  1806-085</p>	<p>DRAWN BY:                  WRE</p>
<p>SUBMITTAL:                  JULY 2018</p>	<p>SHEET NUMBER</p>		

## **COMMERCIAL PROPERTY UTILITY SERVICE AND FRANCHISE AGREEMENT**

This Commercial Property Utility Service and Franchise Agreement (the "Agreement") is made as of \_\_\_\_\_, 2018, between the City of Mt. Pleasant, a Michigan municipal corporation with a principal address of 320 West Broadway, Mt. Pleasant, MI 48858 (the "City"), Broomfield Commons, a condominium association, with a principal address of 3046 Jens Way, P.O. Box 530, Mt. Pleasant, MI 48804-0530 (the "Developer") and, with respect to paragraphs 8 through 12, the Charter Township of Union, a Michigan municipal corporation with a principal address of 2010 S. Lincoln Road, Mt. Pleasant, MI 48858 (the "Township").

### **RECITALS**

- A. The Developer owns real property in the Township, as legally described on the attached **Exhibit A** (the "Property").
- B. The Developer plans to develop the Property for a commercial use and, because Township water and sewer services are unavailable in the area where the Property is located, has requested City water and sewer services.
- C. The City is amenable to accommodating the Developer's request, and the Township is amendable to granting the City a revocable franchise and consent to provide the requested services, in accordance with the terms and conditions of this Agreement.

### **TERMS AND CONDITIONS**

In exchange for the consideration in and referred to by this Agreement, the parties agree:

1. **Proposed Improvements.** A description of the improvements that the Developer proposes to construct and install relating to the provision of City water and sewer services (including any lines, pipes, pumps, valves, chambers and related appurtenances needed to connect to and receive service from the City's water and sewer systems) is attached as **Exhibit B** (the "Improvements"). The Developer shall construct and install the Improvements in accordance with Exhibit B, and shall not modify the Improvements or construct and install additional Improvements without the prior written approval of the City's Director of Public Works.
2. **Construction.** The Developer shall be responsible for all costs associated with constructing and installing the improvements, including road repair and replacement, to their preexisting condition, if roads are disturbed. The Developer shall comply with all applicable City ordinances and construction standards, applicable state and federal laws, rules and regulations, applicable permits, and other approvals. Upon completion of construction and the City's inspection and approval, the Developer shall submit "as built" drawings to the City's Division of Public Works illustrating the location of the Improvements as constructed. The City will be responsible for Miss Dig marking all City sewer and water utilities in the right-of-way serving this property.
3. **Connection.** The City shall connect the Developer to the City's water and sewer system upon completion of the Improvements and payment of all applicable fees and charges in accordance with applicable City ordinances, resolutions, rules, regulations and policies in effect on the date of this Agreement.
4. **Ownership and Maintenance.** The Developer shall retain ownership of the Improvements and shall be solely responsible for maintaining the Improvements and ensuring their proper function.

5. Compliance with Applicable Regulations. The Developer's use of the City's water and sewer systems is conditional upon compliance with the City's Municipal Sewer and Water Ordinances and all other applicable City ordinances, rules, regulations, and policies pertaining to use of the water and sewer systems, as well as applicable state and federal laws, rules and regulations, and applicable permits, certifications and approvals (the "Applicable Regulations"). The City shall have the right to inspect the Property in the same manner as for properties receiving water and sewer services within the jurisdictional boundaries of the City, and may discontinue water or sewer service to the Property for any violation of the Applicable Regulations.

6. Rates, Fees, and Charges. The City shall charge and the Developer shall timely pay (*i.e.* before the date on which payment can be made without penalties or interest) all rates, fees and charges provided in the Applicable Regulations, which shall be a lien on the Property and shall be collected as provided by law.

7. Service Interruptions. The City cannot guarantee uninterrupted water and sewer services to the Property. Indeed, periodic interruptions may occur. This Agreement does not provide the Developer any rights to continuous water or sewer service or any cause of action for damages as a result of any periodic interruption.

8. Township Ordinances. The Township shall retain jurisdiction to enforce its zoning ordinance, the Michigan Construction Code, and all other Township ordinances on the Property.

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11. Loss Payment (Indemnification). The Developer shall hold the City and the Township (defined for purposes of this paragraph to include their respective officers and employees) harmless from, defend them against (with legal counsel reasonably acceptable to them), and pay for any loss paid or owed by them arising from the Developer's use, construction, or installation of the Improvements. "Loss" means a monetary amount paid or owed for any reason, including for example: judgments, settlements, fines, replacement costs, staff compensation, decreases in property value, and expenses incurred in defending a legal claim.

12. Termination. This Agreement may be terminated as follows:

- a. The Developer may terminate this Agreement at any time, and upon such termination the City may immediately discontinue water or sewer services to the Property.
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CITY OF MT. PLEASANT

By: [Signature]  
Allison Quast-Lents, Mayor

By: [Signature]  
Jeremy Howard, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

On Oct 17, 2018, Allison Quast-Lents and Jeremy Howard, personally known to me as the Mayor and Clerk of the City of Mt. Pleasant, appeared before me and acknowledged their signatures on this document.

[Signature]  
Addie Pritchard  
Notary Public, Isabella County, Michigan  
My Commission expires: 2-8-2022  
Acting in Isabella County, Michigan

Broomfield Commons

By: [Signature]  
Its: [Signature]

STATE OF MICHIGAN  
COUNTY OF Isabella

On Oct 19, 2018, appeared before me, presented a valid photograph identification, and acknowledged signature on this document.

[Signature]  
Vanessa Leigh McBride  
Notary Public, Isabella County, Michigan  
My Commission expires: 6-13-22  
Acting in Isabella County, Michigan

ACCEPTED WITH  
RESPECT TO PARAGRAPHS 8 THROUGH 12:

CHARTER TOWNSHIP OF UNION

By: \_\_\_\_\_  
Ben Gunning, Supervisor

By: \_\_\_\_\_  
Lisa Cody, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

On \_\_\_\_\_, 2018, Ben Gunning and Lisa Cody, personally known to me as the Supervisor and Clerk of the Charter Township of Union, appeared before me and acknowledged their signatures on this document.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission expires: \_\_\_\_\_  
Acting in Isabella County, Michigan

**Exempt from transfer taxes because this document does not convey any interest in any real property**

***Prepared by:***  
Scott G. Smith  
Dickinson Wright PLLC  
200 Ottawa Ave. NW, Suite 1000  
Grand Rapids, MI 49503

***When recorded return to:***  
Jeremy Howard, City Clerk  
City of Mt. Pleasant  
320 West Broadway,  
Mt. Pleasant, MI 48858

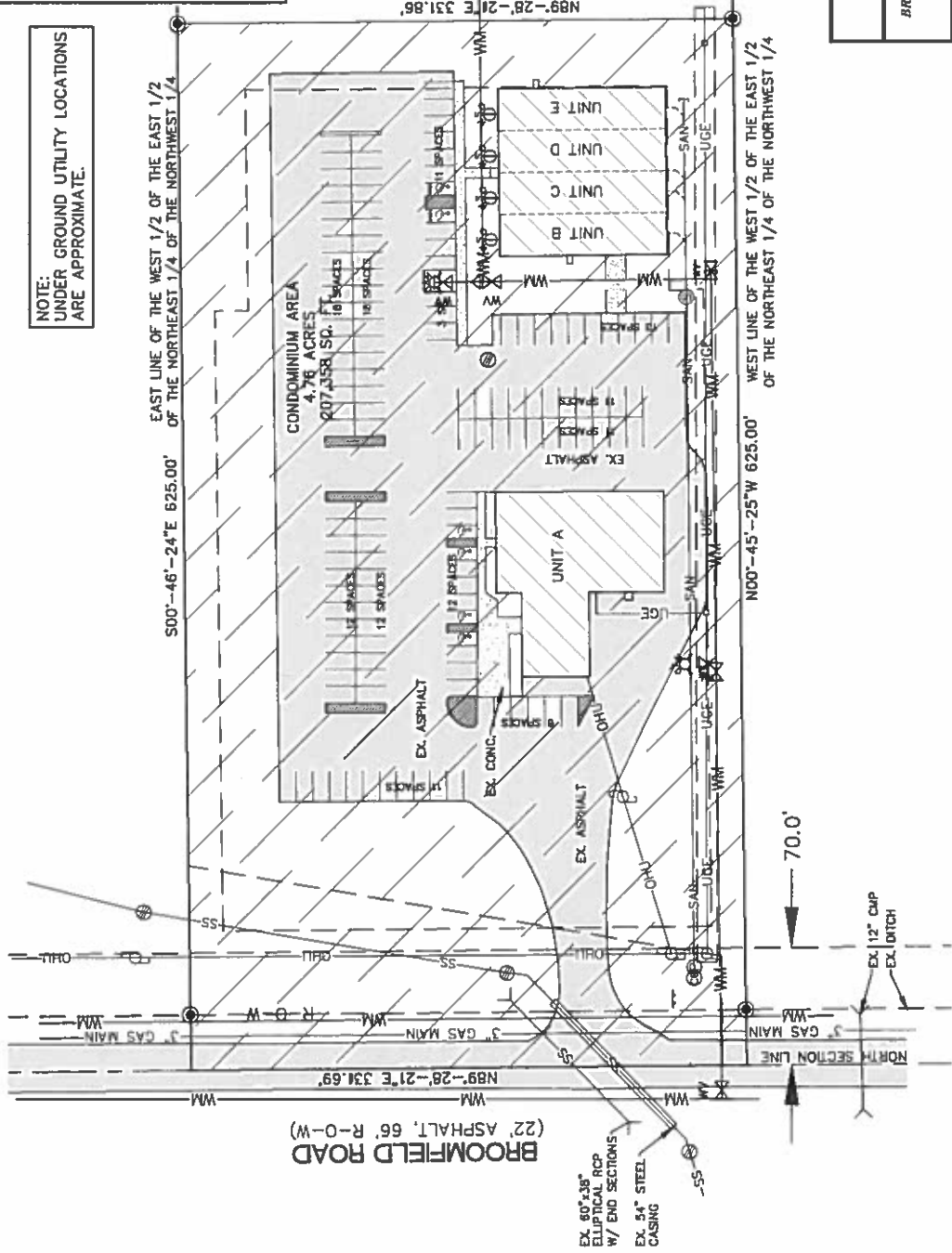
CC: Lisa Cody, Township Clerk  
2010 South Lincoln Road  
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**Exhibit A**  
**Property Description**

37-14-048-00-004-00

T14N R4W Section 28 Unit D of Broomfield Commons Condominium Association

**EXHIBIT B**  
**BROOMFIELD COMMONS CONDOMINIUM**  
 PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4  
 OF SECTION 26, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN



NOTE:  
 UNDER GROUND UTILITY LOCATIONS  
 ARE APPROXIMATE.

**LEGEND**

SS	STORM SEWER
UG-GAS	UNDERGROUND GAS LINE
UG-ELEC	UNDERGROUND ELECTRIC LINE
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FH	FIRE HYDRANT
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○	SET 1/2" STEEL ROD 36" IN LENGTH COMPLETELY ENCASED IN CONCRETE

EXPANDABLE AREA  
 5.34 ACRES  
 232,593 SQ. FT.

	<b>CMS &amp; D</b> SURVEYING / ENGINEERING 818 W. PEARSON STREET, SUITE C ANN ARBOR, MI 48106 PHONE: (734) 775-0728 FAX: (734) 775-8012 DALLI, MILLER & LEM	JOB NUMBER:	1806-065	SHEET NUMBER:	7 OF 7
		SUBMITTAL:	JULY 2018	SCALE:	1" = 30'
EXHIBIT B UTILITY SHEET		DRAWN BY:	WRE		
BROOMFIELD COMMONS CONDOMINIUM					

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### RECITALS

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CITY OF MT. PLEASANT

By: [Signature]  
Allison Quast-Lents, Mayor

By: [Signature]  
Jeremy Howard, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

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[Signature]  
Addie Pitman  
Notary Public, Isabella County, Michigan  
My Commission expires: 2-8-2022  
Acting in Isabella County, Michigan

Broomfield Commons

By: [Signature]  
Its: [Signature]

STATE OF MICHIGAN  
COUNTY OF Isabella

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Notary Public, Isabella County, Michigan  
My Commission expires: 4-13-22  
Acting in Isabella County, Michigan

ACCEPTED WITH  
RESPECT TO PARAGRAPHS 8 THROUGH 12:

CHARTER TOWNSHIP OF UNION

By: \_\_\_\_\_  
Ben Gunning, Supervisor

By: \_\_\_\_\_  
Lisa Cody, Clerk

STATE OF MICHIGAN  
COUNTY OF ISABELLA

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My Commission expires: \_\_\_\_\_  
Acting in Isabella County, Michigan

**Exempt from transfer taxes because this document does not convey any interest in any real property**



***Prepared by:***  
Scott G. Smith  
Dickinson Wright PLLC  
200 Ottawa Ave. NW, Suite 1000  
Grand Rapids, MI 49503

***When recorded return to:***  
Jeremy Howard, City Clerk  
City of Mt. Pleasant  
320 West Broadway,  
Mt. Pleasant, MI 48858

**CC:** Lisa Cody, Township Clerk  
2010 South Lincoln Road  
Mt. Pleasant, MI 48858

**Exhibit A**  
**Property Description**

37-14-048-00-005-00

T14N R4W Section 28 Unit E of Broomfield Commons Condominium Association

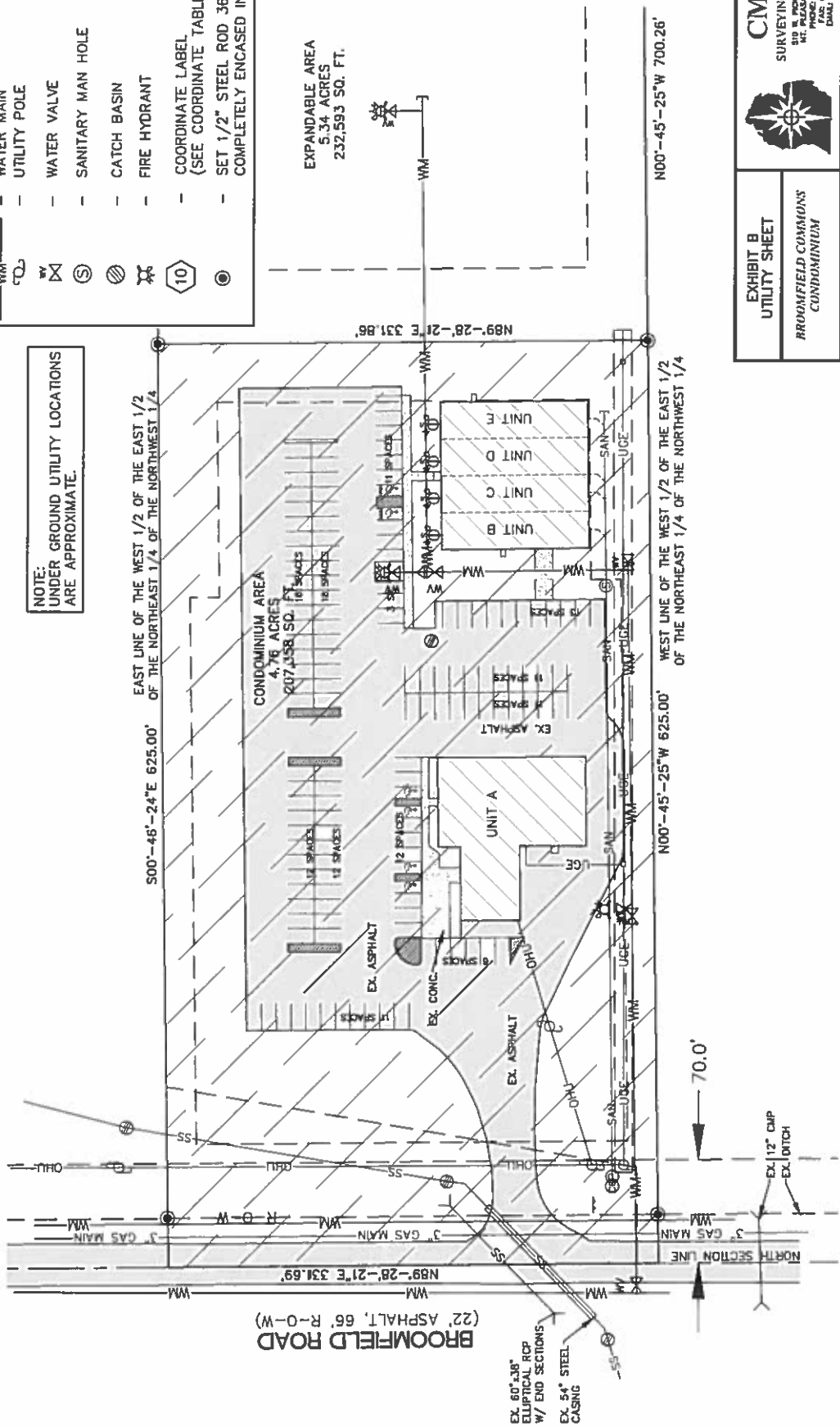
**EXHIBIT B**  
**BROOMFIELD COMMONS CONDOMINIUM**  
 PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4  
 OF SECTION 26, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN

**LEGEND**

SS	STORM SEWER
UG-GAS	UNDERGROUND GAS LINE
UG-ELEC	UNDERGROUND ELECTRIC LINE
OHE	OVERHEAD ELECTRIC LINE
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WM	WATER MAIN
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WV	WATER VALVE
SMH	SANITARY MAN HOLE
C	CATCH BASIN
FH	FIRE HYDRANT
10	COORDINATE LABEL (SEE COORDINATE TABLE)
○	SET 1/2" STEEL ROD 36" IN LENGTH COMPLETELY ENCASED IN CONCRETE

NOTE:  
 UNDER GROUND UTILITY LOCATIONS  
 ARE APPROXIMATE.

EXPANDABLE AREA  
 5.34 ACRES  
 232,593 SQ. FT.



<p><b>EXHIBIT B</b>                  UTILITY SHEET</p> <p>BROOMFIELD COMMONS                  CONDOMINIUM</p>		<p><b>CMS &amp; D</b>                  SURVEYING / ENGINEERING                  410 W. PEARSON STREET, SUITE C                  ANN ARBOR, MI 48106                  PHONE: (734) 773-4800                  FAX: (734) 773-2012                  EMAIL: info@cms-d.com</p>	
		<p>SUBMITTAL:                  JULY 2018</p>	<p>DRAWN BY:                  WRE</p>

### Legal Descriptions for Broomfield Commons Condominium Project

Date: October 12, 2018

Parent Parcel # 37-14-028-10-002-01

#### New Parcel numbers for the project and legal descriptions.

37-14-048-00-001-00  
T14N R4W SEC 28 Unit # A of Broomfield Commons Condominium Association. *not Seized at this time*

\* 37-14-048-00-002-00  
T14N R4W SEC 28 Unit B of Broomfield Commons Condominium Association.

\* 37-14-048-00-003-00  
T14N R4W SEC 28 Unit C of Broomfield Commons Condominium Association *Requires Franchise Agreements*

\* 37-14-048-00-004-00  
T14N R4W SEC 28 Unit D of Broomfield Commons Condominium Association

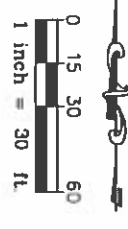
\* 37-14-048-00-005-00  
T14N R4W SEC 28 Unit E of Broomfield Commons Condominium Association *not Seized*

37-14-048-00-006-00  
T14N R4W SEC 28 Unit F of Broomfield Commons Condominium Association  
Common Area Parking Lot.

Expandable Area for future development:  
37-14-028-10-002-02  
Division under the Condominium Act. *not Seized*

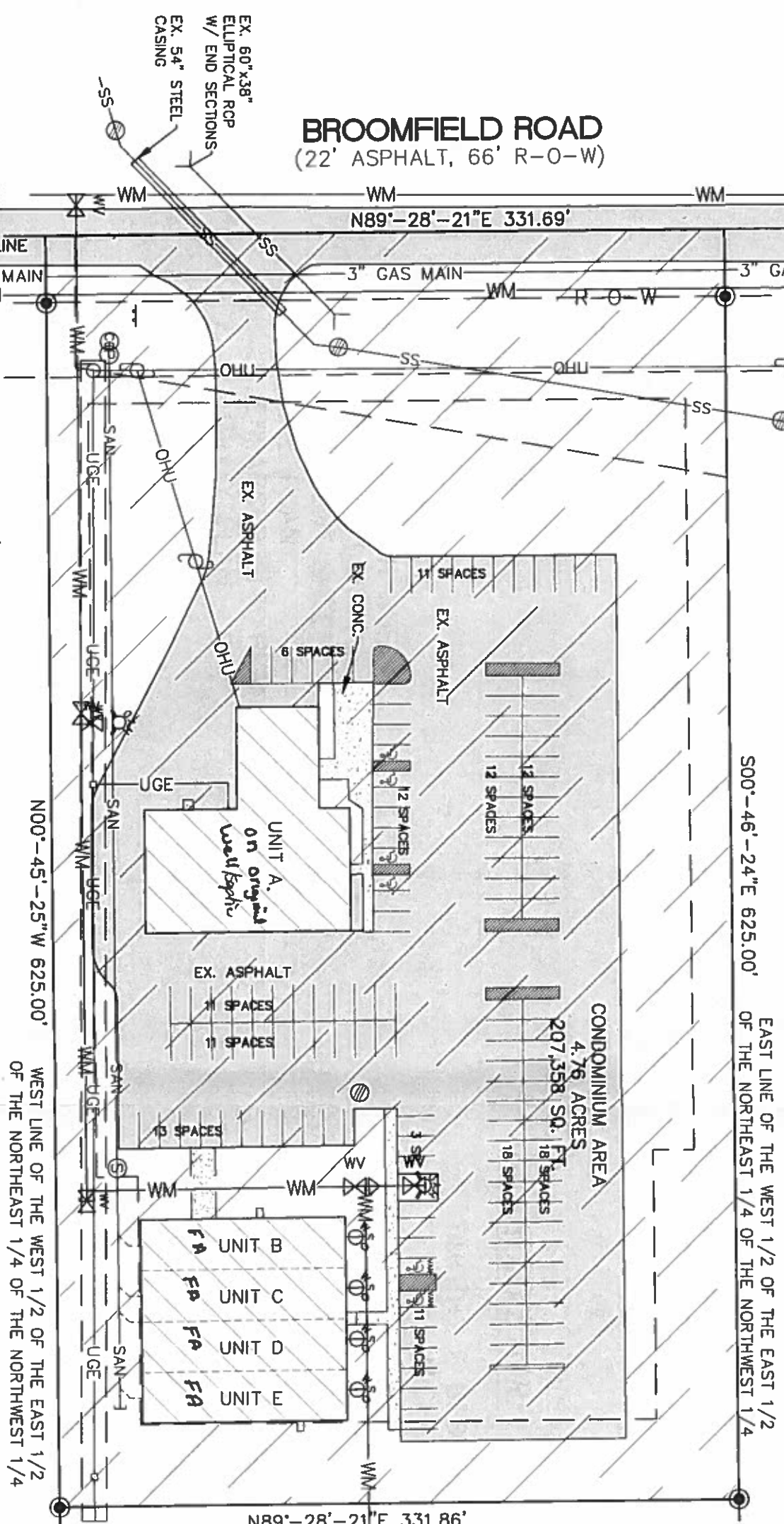
*not Seized*

**BROOMFIELD COMMONS CONDOMINIUM**  
 PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4  
 OF SECTION 28, T14N-R4W  
 UNION TOWNSHIP, ISABELLA COUNTY, MICHIGAN



**NOTE:**  
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<b>LEGEND</b>	
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UG-GAS	UNDERGROUND GAS LINE
UG-ELEC	UNDERGROUND ELECTRIC LINE
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⊕	WATER VALVE
⊕	SANITARY MAN HOLE
⊕	CATCH BASIN
⊕	FIRE HYDRANT
⑩	COORDINATE LABEL (SEE COORDINATE TABLE)
—	SET 1/2" STEEL ROD 36" IN LENGTH COMPLETELY ENCASED IN CONCRETE



<b>UTILITY SHEET</b>		<b>CMS &amp; D</b>	
<b>BROOMFIELD COMMONS CONDOMINIUM</b>		SURVEYING / ENGINEERING	
SUBMITTAL: JULY 2018		510 W. PICKARD STREET, SUITE C MT. PLEASANT, MICHIGAN 48858 PHONE: (989) 775-0756 FAX: (989) 775-5012 EMAIL: info@cms-d.com	
DRAWN BY: WRE		JOB NUMBER: 1806-065	
SCALE: 1" = 30'		SHEET NUMBER: 7 OF 7	