

LAKETON TOWNSHIP
LAND DIVISION and PARCEL BOUNDARY ADJUSTMENT APPLICATION

This application SHALL be accompanied by the following; however, the Laketon Township Zoning Administrator may waive certain of the following provisions if he/she deems the information to be unnecessary in meeting the requirements of the ordinance. **All required documentation SHALL be submitted with this application, at the time of application.**

The following items must be included with this application:

- Muskegon County Treasurer's Land Division Tax Payment Certification (Per PA 23 of 2019 – Section 109.1.i (i) attached) The County charges a \$5.00 fee for this certification.
- Land Survey – legal descriptions and drawings.
- \$45.00 Application Fee; Plus, \$5.00 per parcel;
 Fee Calculation Worksheet:
 - Application Fee \$45.00
 - _____ # of new parcels x \$5.00 = _____

_____ **Total Due at time of Application**

The requirements of the State Land Division Act and Laketon Township Land Division Ordinance SHALL be satisfied prior to the issuance of a land division approval notice. A Land Division Notice SHALL be issued prior to the recording of any land division documents and/or Deeds with the County Register of Deeds.

1. LOCATION of Parent Parcel to be divided:

Address _____

Parent Parcel Number _____

ATTACH Legal description of Parent Parcel

2. PROPERTY OWNER: (Attach copy of deed)

Name _____ Phone _____

Address _____ City _____ State _____ Zip _____

E-Mail _____

3. APPLICANT: (If not the Property Owner)

Name _____ Phone _____

Business Name _____ Phone _____

Address _____ City _____ State _____ Zip _____

E-Mail _____

4. PROPOSED DIVISIONS AND ACCESS:

A. Number of New Parcels _____

B. Intended use (Residential, Commercial, etc.) _____

C. The division of the parcel provides access by: **(CHECK ONE)**

_____ Each new division has frontage on an existing public road

_____ A new public road - Proposed road name: _____

_____ A new private road - Proposed road name: _____

_____ A recorded easement (driveway)

NOTE: New road names cannot duplicate any existing road names & must be approved by Central Dispatch. New Private Roads must be approved by Laketon Township as per the Laketon Zoning Ordinance Section 3.25 PRIVATE STREETS

D. ATTACH, a legal description of any/all proposed new roads, easements or shared driveways.

E. ATTACH, a legal description for each proposed new parcel

F. *New* Tax certification from county treasurer on parent parcel accounting for past 5 years.

5. FUTURE DIVISIONS

- A. The number of future divisions that might be allowed but ARE NOT included in this application? _____
- B. The number of future divisions remaining with the Parent Parcel: _____
- C. The number of future divisions being transferred from the Parent Parcel to another parcel? _____

Identify the other parcel: _____

NOTE: See Section 109(2) of the Act. Make sure your deeds will include both statements as required in Section 109(3) and 109(4) of the Act).

- D. If a roadway maintenance agreement is required, a copy of that Agreement IS REQUIRED to be included with this application.

6. DEVELOPMENT SITE CONDITIONS &/OR LIMITS.

Check each item below that represents ANY condition which exists on ANY PART of the Parent Parcel:

- _____ is located in a DNR/State of Michigan designated critical sand dune area
- _____ is located in a Laketon Township Critical Dune Overlay District
- _____ is riparian or littoral (it is a river or lake front parcel) that may be subject to Shorelands Mgmt. Overlay District
- _____ is affected by a Lake Michigan High Risk Erosion setback
- _____ includes a wetland
- _____ includes a beach
- _____ is within a FEMA flood plain
- _____ is located in a Laketon Township Floodplain Overlay District
- _____ is located in a Laketon Township High Water Table Overlay District
- _____ includes slopes more than twenty-five percent (a 1:4 pitch or 14-degree angle) or steeper
- _____ is on muck soils or soils known to have severe limitations for on-site sewage systems.
- _____ is known or suspected to have any abandoned wells, underground storage tanks, or contaminated soils.

7. ATTACHMENTS (all required attachments MUST be included). LABEL each attachment as shown here.

- _____ A. 1. A survey, sealed by a professional surveyor at a scale of _____ (insert scale) of proposed division(s) of Parent Parcel: **OR;**
2. A map/drawing drawn to scale of _____ (insert scale) of proposed division(s) of Parent Parcel
- _____ B. The survey or map must show:
- 1) current boundaries (as of March 31, 1997)
- 2) all previous divisions made after March 31, 1997, indicate when made
- 3) the proposed division(s)
- 4) dimensions of the proposed divisions
- 5) existing and proposed road/easement rights-of-way
- 6) easements for public utilities from each parcel to existing public utility facilities
- 7) any existing improvements (buildings, wells, septic system, driveways, etc.)
- 8) proposed method of providing storm drainage
- 9) any of the features checked in question number 6
- _____ C. If applicable, A soil evaluation or septic system permit for each proposed parcel; prepared by the Health Department, or show each proposed parcel is serviced by a public sewer system.
- _____ D. If applicable, An evaluation or indication approval will occur for a water well, or a well permit for potable water for each proposed parcel prepared by the Health Department, or show each proposed parcel is serviced by a public water system.
- _____ E. Indication of approval, or permit from County Road Commission, or MDOT, for each proposed new road, easement or shared driveway.
- _____ F. A copy of any transferred division rights (Section 109(4) of the Act) in the Parent Parcel.

- _____ G. The land division fee must be paid at time of application and the receipt **MUST** be attached.
- _____ H. All taxes and/or assessments are paid in full. County Treasurer Tax Payment Certification **MUST** be attached.

8. **IMPROVEMENTS:** Show on the drawings a detailed location of any existing improvements (buildings, well, septic, etc.) which are on the Parent Parcel, or indicate none: _____

9. **AFFIDAVIT and permission for municipal, county and state officials to enter the property for inspections:**
I agree the statements made above are true, and if found not to be true this application and any approval will be void.

Further, I agree to comply with the conditions and regulations provided with this Parent Parcel division.

Further, I agree to give permission for officials of the municipality, county and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection to verify that the information on the application is correct at a time mutually agreed with the Owner &/or Applicant.

Finally, I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance, the local zoning ordinance, and the State Land Division Act [formerly the Subdivision Control Act, P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996), MCL 560.101, et. seq.] and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restriction or other property rights.

Finally, even if this division is approved, I understand zoning, local ordinances and State Acts change from time to time, and if changed, the divisions made here must comply with the new requirements (re-apply for division approval) UNLESS the approval notice, deeds, land contracts, leases or surveys representing the approved divisions ARE RECORDED with the Register of Deeds or the APPROVED division is built upon BEFORE the changes to laws are made.

Property Owner's Signature: _____ Date _____

AND

Applicant's Signature (if different from Property Owner) _____ Date _____

OFFICE USE ONLY:

Date Package Complete: _____ Application Fee Paid: \$ _____ Receipt No. _____

All documentation reviewed on: _____

Did a site visit occur: _____ If yes, date site visit occurred: _____

ACTION:

_____ **Approved:**
Conditions, if any: _____

_____ **Denied:**
Reasons (cite): _____

Zoning Department:

Date: _____

Signature: _____

Assessing Department:

Date: _____

Signature: _____

Act No. 23
Public Acts of 2019
Approved by the Governor
June 18, 2019
Filed with the Secretary of State
June 18, 2019
EFFECTIVE DATE: September 16, 2019

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Reps. Slagh, Filler, Howell, Brixie, Cherry, Hood, Kennedy, Eisen, Cynthia Johnson, Stone and Brann

ENROLLED HOUSE BILL No. 4055

AN ACT to amend 1967 PA 288, entitled "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," by amending section 109 (MCL 560.109), as amended by 2017 PA 196.

The People of the State of Michigan enact:

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 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).

(i) One of the following are satisfied:

(i) All property taxes and special assessments due on the parcel or tract subject to the proposed division for the 5 years preceding the date of the application have been paid, as established by a certificate from the county treasurer of the county in which the parcel or tract is located. If the date of the application is on or after March 1 and before the local treasurer of the local tax collecting unit in which the parcel or tract is located has made his or her return of current delinquent taxes, the county treasurer shall include with his or her certification a notation that the return of current delinquent taxes was not available for examination. The official having authority to approve or disapprove the application shall not disapprove the application because the county treasurer's certification includes such a notation. The county treasurer shall collect a fee for a certification under this subdivision in an amount equal to the fee payable under section 1(2) of 1895 PA 161, MCL 48.101, for a certificate relating to the payment of taxes under section 135 of the general property tax act, 1893 PA 206, MCL 211.135.

(ii) If property taxes or special assessments due on the parcel or tract subject to the proposed division have not been paid, the unpaid property taxes or special assessments have been apportioned by the township or city assessing officer as provided by section 53 of the general property tax act, 1893 PA 206, MCL 211.53. Any apportioned property taxes or special assessments are a lien against the parcels or tracts as apportioned by the assessing officer and shall be treated in the same manner as property taxes and special assessments of the year of the original assessment for the purpose of collection and sale for delinquent taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(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 a review of an application 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.

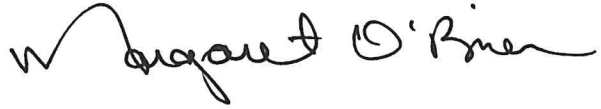
(7) Compliance with this section is not a requirement for a deed to be received for record or recorded by a register of deeds.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor