

ARMADA TOWNSHIP  
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 102

ARMADA TOWNSHIP LAND DIVISION ORDINANCE

TITLE

AN ORDINANCE to control and regulate the further division of platted land pursuant to Section 263 of Act 286, Michigan Public Acts of 1967, as amended, and the division of unplatted land not resulting in a subdivision as defined by Section 102 of said Act; to provide a procedure for obtaining approval of said divisions; and an appeal from a denial thereof; to prescribe a penalty for a violation and to repeal all other ordinances or provisions thereof in conflict herewith:

THE TOWNSHIP OF ARMADA, MACOMB COUNTY, MICHIGAN ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the "ARMADA TOWNSHIP LAND DIVISION ORDINANCE".

SECTION 2. AUTHORITY

This Ordinance is adopted in accordance with and pursuant to Act 246, Michigan Public Acts of 1945, as amended, and Act 288, Michigan Public Acts of 1967, as amended.

SECTION 3. COVERAGE

This Ordinance shall apply to the further division of platted land pursuant to Section 263 of Act 288, Michigan Public Acts of 1967, as amended, and to the division of unplatted land not resulting in a subdivision as defined by Section 102 of said Act and Section 4 herein.

SECTION 4. DEFINITIONS

As used in this Ordinance:

- (a) "Board" shall mean the Armada Township Board;
- (b) "Clerk" shall mean the Armada Township Clerk, Deputy Clerk, Assessor, Treasurer or duly authorized representative;
- (c) "Divide", "Division", or "Further Division" shall mean the partitioning or dividing of a parcel or tract of land, or of a lot or outlot, by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or building development.

(d) Other terms or words shall be the same as defined by Section 102 of Act 288, Michigan Public Acts of 1967, as amended.

SECTION 5. PROCEDURE FOR APPROVAL OF DIVISIONS

It shall be unlawful for a proprietor to further divide any lot or outlet pursuant to Section 263 of Act 288, Michigan Public Acts of 1967, as amended, or to divide any parcel or tract of land not resulting in a subdivision as defined by Section 102 of said Act and Section 4 herein, except in accordance with the following procedure:

(a) The proprietor shall submit the following documents himself to the Clerk, Deputy Clerk, Assessor, Treasurer or duly authorized representative for examination:

- (1) a survey sketch certified by a registered land surveyor showing the dimensions of the parcel, tract, lot or outlet to be divided and the dimensions of the parcels, tracts, lots or outlets resulting from said division;
- (2) legal descriptions certified by a registered land surveyor of the parcels, tracts, lots or outlets resulting from said divisions;
- (3) a duly executed written memorandum of conveyance (e.g. deed, land contract or lease) suitable in form for recording with the Macomb County Clerk, Register of Deeds, which the proprietor intends to utilize for conveyance of said parcels, tracts, lots or outlets;
- (4) such other documentation as the Clerk may require pertaining to the proposed division;
- (5) together with an application fee in the amount of fifteen (\$15.00) per resultant parcel.

Amended  
6/07

2500

(b) The Clerk, Deputy Clerk, Assessor, Treasurer or other duly authorized representative shall determine whether the proposed division complies with the applicable provisions of Act 288, Michigan Public Acts of 1967, as amended, and that the resultant parcels, tracts, lots or outlets are of sufficient area and size so as to comply with applicable provisions of said Act and/or the Armada Township Zoning Ordinance. The Township Clerk may request the opinions of the Township Attorney, Engineer or Planner or seek the advice of State or County Departments. Upon approval of the proposed divisions, the Clerk shall direct a letter to the Macomb County Treasurer, indicating such approval. Copies of said letter shall be furnished to the Armada Township Supervisor, Armada Township Treasurer, and Armada Township Assessor.

(o) In the event the proposed divisions will result in parcels, tracts, lots or outlots being less than the minimum area or size required by the applicable provisions of Act 288, Michigan Public Acts of 1967, as amended, and/or the Armada Township Zoning Ordinance, the proprietor shall also file with the Clerk a duly executed affidavit suitable in form for recording with the Macomb County Clerk, Register of Deeds, signed by all persons having a legal or equitable interest in said parcels, tracts, lots or outlots acknowledging that they understand that said parcels, tracts, lots or outlots may not thereafter be developed or used separately, but only in conjunction with adjoining parcels, tracts, lots or outlots which, when together, shall satisfy the minimum area and size requirements of said Act and/or Ordinance.

#### SECTION 6. APPEAL

Any proprietor who is aggrieved by the decision of the Clerk in connection with the division of lands covered by the provisions of this Ordinance, may appeal such decision to the Board. The Board shall thereafter review the decision of the Clerk and may reverse, modify or affirm such decision in whole or part.

#### SECTION 7. VIOLATION AND PENALTY

Any person, firm, or corporation who violates the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding FIVE HUNDRED and 00/100 (\$500.00) DOLLARS or ninety (90) days in the Macomb County Jail, or both.

#### SECTION 8. REPEAL OF CONFLICTING PROVISIONS

All Resolutions or Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict, hereby repealed.

