

CONWAY TOWNSHIP LAND DIVISION ORDINANCE
CONWAY TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
(Ordinance No. 24)

As amended on March 21, 2017 and February 18, 2020

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant to but not limited to the Land Division Act, Public Act 288 of 1967, as amended (MCL 560.101, *et seq.*) and the Township Ordinances Act, Public Act 246 of 1945, as amended (MCL 41.181, *et seq.*), 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.

Section 1. Title

This ordinance shall be known and cited as the Land Division Ordinance.

Section 2. Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), 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.

Section 3. Definitions

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

(a) "*Applicant*" 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.

(b) "*Divide*" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/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 Land Division Act (MCLs 560.108 and 560.109). "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one 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 the Land Division Act, or the requirements of other applicable local ordinances.

(c) "*Exempt split*" or "*exempt division*" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/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.

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

Section 4. Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the Township in accordance with this Ordinance and the 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 Land Division Act.
- (b) A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
- (c) An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

Section 5. Application for Land Approval

An applicant shall file all of the following with the Zoning Administrator before making any division either by deed, land contract, lease for more than one year, or for building development:

- (a) A completed application on such form as may be approved by the Township Board.
- (b) Proof of fee ownership of the land proposed to be divided.
- (c) A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- (d) Proof that all standards of the Land Division Act and this Ordinance have been met.
- (e) Proof that all taxes then due and payable have been paid.
- (f) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- (g) A fee to cover the costs of review of the application and administration of this Ordinance and the Land Division Act as set by the Township Board.

Section 6. Procedure for Review of Applications for Land Division Approval

(a) The Zoning Administrator has been designated by the Township Board as the person with authority to approve or disapprove all proposed divisions. An advisory committee comprised of the Assessor and a designee from the Planning Commission ("Committee") shall make recommendations to the Zoning Administrator on all applications. The Committee's recommendation is not binding. The Zoning Administrator shall review and render decisions on complete land division applications. The Planning Commission shall name its Committee designee. In the event one Committee member is unavailable to participate on an application

review, whether due to conflict of interest or necessary meeting schedule, upon said unavailability being reduced to writing and submitted to the Zoning Administrator or other Committee member, the Clerk of the Township shall serve as an alternate Committee member for that application only.

(b) The Zoning Administrator shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

(c) The Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

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

(e) The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section 7. Standards for Approval of Land Divisions

A proposed land division reviewable by the Township shall be approved, upon receipt of a completed application, including compliance with all items requested in the Land Division Checklist, if the following criteria are met:

(a) Each resulting parcel has a width no less than that required by the applicable zoning district established in this Ordinance.

(b) Each resulting parcel has an area no less than that required by the applicable zoning district established in this Ordinance.

(c) 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 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.

(d) The proposed land division(s) comply with all requirements of this Ordinance and the Land Division Act.

(e) All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

Section 8. Consequences of Noncompliance with Land Division Approval Requirement

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll. The Township shall have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this

Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto. In addition, any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute and pursuant to Township ordinance. A violator of this Ordinance may also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 9. Severability

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.

Section 10. Repeal

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section 11. Effective Date

This ordinance shall take effect 30 days after publication as required by law.

ORDINANCE DECLARED ADOPTED on May 19, 2015, Resolution No. 150519-5. Amended on March 21, 2017, Resolution No. 170321-09, and February 18, 2020, Resolution No. 200218-

CERTIFICATION, I hereby declare that the above is a true copy of the ordinance amendments adopted by the Conway Township Board at a meeting held on February 18, 2020 at the Conway Township Hall, pursuant to the required statutory procedures.

Dated: February 19, 2020

Respectfully submitted,



Elizabeth Whitt, Conway Township Clerk

CONWAY TOWNSHIP LAND DIVISION ORDINANCE
CONWAY TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
(Ordinance No. 24)

As amended on March 21, 2017, February 18, 2020, and April 20, 2021

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant to but not limited to the Land Division Act, Public Act 288 of 1967, as amended (MCL 560.101, *et seq.*) and the Township Ordinances Act, Public Act 246 of 1945, as amended (MCL 41.181, *et seq.*), 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.

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This ordinance shall be known and cited as the Land Division Ordinance.

Section 2. Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), 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.

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(c) "*Exempt split*" or "*exempt division*" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/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.

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

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- (c) An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

Section 5. Application for Land Approval

An applicant shall file all of the following with the Zoning Administrator or other Township designated official before making any division either by deed, land contract, lease for more than one year, or for building development:

- (a) A completed application on such form as may be approved by the Township Board.
- (b) Proof of fee ownership of the land proposed to be divided.
- (c) A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- (d) Proof that all standards of the Land Division Act and this Ordinance have been met.
- (e) Proof that all taxes then due and payable have been paid.
- (f) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- (g) A fee to cover the costs of review of the application and administration of this Ordinance and the Land Division Act as set by the Township Board.

Section 6. Procedure for Review of Applications for Land Division Approval

- (a) The Zoning Administrator or other Township designated official shall have the authority to approve or disapprove all proposed divisions. The Zoning Administrator or other Township designated official shall review and render decisions on complete land division applications.
- (b) The Zoning Administrator or other Township designated official shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to

this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

(c) The Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.

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

(e) The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section 7. Standards for Approval of Land Divisions

A proposed land division reviewable by the Township shall be approved, upon receipt of a completed application, including compliance with all items requested in the Land Division Checklist, if the following criteria are met:

(a) Each resulting parcel has a width no less than that required by the applicable zoning district established in this Ordinance.

(b) Each resulting parcel has an area no less than that required by the applicable zoning district established in this Ordinance.

(c) 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 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.

(d) The proposed land division(s) comply with all requirements of this Ordinance and the Land Division Act.

(e) All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

Section 8. Consequences of Noncompliance with Land Division Approval Requirement

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll. The Township shall have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto. In addition, any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute and pursuant to Township ordinance. A violator of this Ordinance may also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 9. Severability

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.

Section 10. Repeal

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section 11. Effective Date

This ordinance shall take effect 30 days after publication as required by law.

ORDINANCE DECLARED ADOPTED on May 19, 2015, Resolution No. 150519-5. Amended on March 21, 2017, Resolution No. 170321-09, February 18, 2020, Resolution No. 200218-____, April 20, 2021, Resolution No. 210420-01.

CERTIFICATION, I hereby declare that the above is a true copy of the ordinance amendments adopted by the Conway Township Board at a meeting held on April 20, 2021 at the Conway Township Hall, pursuant to the required statutory procedures.

Dated: _____

Respectfully submitted,

Elizabeth Whitt, Conway Township Clerk

CONWAY TOWNSHIP LAND DIVISION ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN (Ordinance No. 24)

Preamble:

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C. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/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.

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

Section 4: Prior Approval Requirement for Land Divisions

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An applicant shall file all of the following with the Township Assessor or other official designated by the Township Board for review and approval 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 on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee to cover the costs of review of the application and administration of this Ordinance and the Land Division Act as set by the Township Board.

Section 6: Procedure for Review of Applications for Land Division Approval

- A. A committee comprised of the Assessor, the Zoning Administrator, and a designee from the Planning Commission ("Committee") shall review and render decisions on complete land division applications. The Planning Commission shall designate one of its members to serve on the Committee.
- B. The Committee shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- C. The Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

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- B. Each resulting parcel has an area no less than that required by the applicable zoning district established in this Ordinance.
- C. 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 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.
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therefor, for public utilities and emergency and other vehicles.

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Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll. The Township shall have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto. In addition, any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute and pursuant to Township ordinance. A violator of this Ordinance may also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 9: Severability

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.

Section 10: Repeal

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section 11: Effective Date

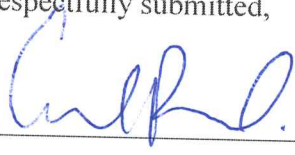
This ordinance shall take effect 30 days after publication as required by law.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Conway Township Board at a meeting held on May 19, 2015 at the Conway Township Hall, pursuant to the required statutory procedures.

Dated: _____

Respectfully submitted,



Cindy Dickerson, Conway Township Clerk



REGULAR MEETING

May 19, 2015

TIME: 7:00 pm

Supervisor Rife called the meeting to order at 7:30 pm with the pledge to the American flag. Present: Parsons, Rife, West, Dickerson, Absent – Grubb. A few township residents also present.

Motion to approve agenda as amended. Moved by West. Support from Dickerson. Motion passed. Delete item G1., Add item G6. – Herrington Road Dust Control, Correction to Item H11. – change spelling of the word 'Rolls' to 'Roles'.

Motion to approve minutes of the April 2015 Board meeting. Moved by West. Support from Dickerson. Motion passed.

No response to Call to Public.

Pertinent communication information presented from Clerk and Supervisor.

Township attorney Cooper activity update: - preparing generic road/driveway agreements expecting to present for Board review at the June meeting, - explained and recommended various policy and procedure options to comply with the Freedom of Information Act statute, - provided a land division ordinance for review and notified Board that the township assessor would need to charge the township to attend meetings requiring additional time beyond her regular work hours.

RESOLUTION TO ESTABLISH LAND DIVISION ORDINANCE
Resolution No. 150519-5
Conway Township

WHEREAS, the Conway Township Board of Trustees ("Board") desires to enact a general law ordinance creating a three person committee to administratively process requests for the division of land pursuant to the Land Division Act, 1967 PA 288, MCL 560.101, *et seq.*, as amended ("LDA");

WHEREAS, the Township's current process requires land division applications to be reviewed by the Planning Commission and approved by the Township Board;

WHEREAS, the Board desires to alter this process to make it more efficient and timely for the citizens of Conway Township;

WHEREAS, authority is provided to the Board to establish such an ordinance pursuant to the LDA and MCL 41.181;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board hereby enacts the proposed Conway Township Land Division Ordinance, to become general ordinance No. 24, as presented.
2. All other ordinances, policies, and procedures that are in conflict are hereby repealed.

The foregoing resolution offered by Board Member Supervisor Rife.

Second offered by Board Member Trustee Parsons.

Upon roll call vote the board members voted as follows:

Rife: yea
Dickerson: yea
Grubb: absent
West: yea
Parsons: yea

The Supervisor declared the resolution adopted.

Supervisor Rife reported that he met with the engineer regarding the condition of the township parking lot. The engineer will provide documented opinion that he feels the condition of the lot is from normal wear and tear. Trustee Parsons will look into finding a company to re-seal the lot.

Motion to make arrangements for one dust control application on Herrington Road. Moved by Parsons. Support from West. Motion passed.

Clerk Dickerson presented zoning administrator update. Updates provided by planning commissioner Bowdoin, fire authority West, recreation representative Stock, supervisor Rife and clerk Dickerson.

Motion to hire a surveyor to verify measurements in the old section of the Antrim cemetery. Moved by Dickerson. Support from Rife. Motion passed.

Motion to create an official township cemetery committee comprised of five individuals to receive pay of \$50.00 per diem for monthly meetings. Moved by Dickerson. Support from West. Motion was not voted on. Motion was tabled for further research.

Motion to accept April 2015 financial report presented by Trustee Parsons. Moved by West. Support from Dickerson. Motion passed. March balance = \$210,448.39, total April income = \$260.53, total April expenses = \$25,874.67, balance as of April 30, 2015 = \$184,834.25. Road improvement fund balance as of April 30, 2015 = \$42,879.69

Emergency Preparedness Committee report from Bob Carusi. He is working to increase participation in the committee.

Road committee report provided by Supervisor Rife. Discussions included use of a five year plan for work on primary and secondary roads and additional road millage.

Supervisor Rife reported the township internet committee has not met yet. He did meet with Iosco Township staff also working on an internet plan for their township and their research indicates cost as a major factor, including grants and millage.

Motion to contract, at a cost not to exceed \$500, with John Enos to provide a two-hour training class about township roles and responsibility and to allow per diem for zoning and planning committees. Moved by Dickerson. Support from West. Motion passed.

Board members approved the use of a zoning and land use waiver document presented for their review.

Members discussed need to develop by-laws to provide guidance to township advisory committees. Attorney Cooper suggested creating a generic policy that could be adjusted as needed depending on longevity, purpose and task of the committee.

Members recognized need to develop policy and procedure applicable to all township-related internet sites.

**RESOLUTION TO RESCIND RESOLUTIONS
#150317-1, 150317-2, 150317-3, 150317-4
Resolution No. 150519**

WHEREAS, the Conway Township Board of Trustees ("Board") at its regular meeting on March 17, 2015, acted to increase the salary of the officers comprising the Township Board by the cost of living by adopting Resolutions #150317-1, #150317-2, #150317-3, and #150317-4 ("Resolutions");

WHEREAS, after passing these Resolutions, it was brought to the attention of the Board that the salaries contained in those Resolutions was incorrect and actually constituted a decrease in salary;

WHEREAS, the Board wishes to rescind its prior adoption of the Resolutions and provide for a new vote with the correct salaries reflecting the cost of living increase.

NOW, THEREFORE, BE IT RESOLVED that: