

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL CHRISTOPHER JACKO,

Plaintiff- Appellant,

v

TYRONE TOWNSHIP, STATE TREASURER,
LIVINGSTON COUNTY DRAIN
COMMISSIONER, MANAGING DIRECTOR OF
THE LIVINGSTON COUNTY BOARD OF ROAD
COMMISSIONERS, CONSUMERS POWER
COMPANY, AMERITECH, JAMES R. BURKE,
CAROLINE L. BURKE, ROBERT STUBBS,
GERALDINE A. STUBBS, VAN ROGERS,
MICHAEL D. HILL, GABRIEL G. RIVARD,
CAROLE M. RIVARD, PAMELA F. HILL,
LAVONNE HAMMER, ROBERT L. DALY,
LUCILLE D. DALY, DAVID LEE HANOUTE,
BARBARA D. HANOUTE, LAWRENCE D.
POMAVILLE, MARY LOUISE POMAVILLE,
JOHN FEUERSTEIN, JAMES W. LENTZ, JUDITH
LENTZ, EDISON STILES, NADA STILES,
GERALD S. HEFFNER, ANTHONY KOHLER,
ROSEMARY KOHLER, LEE A. MUNDY, DEBRA
R. MUNDY, JACK BRIGGS, MARY BRIGGS,
DAVID W. BEACH, JAMIE A. BEACH, NEIL
LEUNEBERG, and BARBARA A. LEUNEBERG,

Defendants- Appellees.

UNPUBLISHED

August 1, 1997

No. 189873

Livingston Circuit Court

LC No. 94-013545-CH

Before: Young, P.J., and O'Connell and Nykamp*, JJ.

MEMORANDUM.

* Circuit judge, sitting on the Court of Appeals by assignment.

Plaintiff brought suit under the Subdivision Control Act, MCL 560.101 *et seq*; MSA 26.430(101) *et seq*, seeking to vacate or revise part of a recorded plat. Defendants moved for summary disposition on the basis that plaintiff did not own a lot in the subdivision and so lacked standing to seek vacation or revision of the plat. The trial court agreed, and granted summary disposition in favor of defendants. Plaintiff appeals as of right. We affirm.

Plaintiff argues that the trial judge erred in finding that he lacked standing to bring his lawsuit. We disagree.

At the time plaintiff filed his complaint seeking to revise the plat he did not own the subdivided lots which he sought to revise, although he did have an access easement over one of those lots. He later attempted to correct this situation by buying back a portion of a platted lot he had previously sold. MCL 560.222; MSA 26.430(222) requires that an action to revise a recorded plat “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.” MCL 560.102(f); MSA 26.430(102)(f) defines “lot” as “a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.” Plaintiff’s ownership of an easement over a platted lot or of a non-platted portion of a platted lot does not make him the owner of a lot as defined by the Subdivision Control Act. Nor can he reasonably be construed as a person of record claiming under a lot owner. He therefore lacked standing to sue to revise the plat under MCL 560.222; MSA 26.430(222).

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Peter D. O’Connell

/s/ Wesley J. Nykamp