

SENATE BILL No. 1043

September 10, 2014, Introduced by Senator WALKER and referred to the Committee on Local Government and Elections.

A bill to amend 1970 PA 74, entitled "Corner recordation act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, and 14 (MCL 54.202, 54.203, 54.204, 54.205, 54.206, 54.207, 54.208, and 54.210d), sections 2, 3, 6, 7, 8, and 14 as amended by 2000 PA 34, and by adding sections 3a and 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to protect and perpetuate ~~public~~ land survey corners; to require the establishment of monuments and the recording of information concerning **ORIGINAL AND PROTRACTED** public land survey corners; to prescribe the duties of ~~the register of deeds;~~ **CERTAIN STATE AND LOCAL GOVERNMENTAL OFFICERS AND ENTITIES; TO REQUIRE THE**

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1 **PROMULGATION OF RULES;** and to ~~provide~~ **PRESCRIBE** penalties.

2 Sec. 2. As used in this act:

3 ~~—— (a) "Property corner" means a geographic point on the surface~~
 4 ~~of the earth, which is on, is a part of, and controls a property~~
 5 ~~line.~~

6 ~~—— (b) "Property controlling corner" for a property means a~~
 7 ~~public land survey corner or any property corner which does not lie~~
 8 ~~on a property line of the property in question but which controls~~
 9 ~~the location of 1 or more of the property corners of the property~~
 10 ~~in question.~~

11 ~~—— (c) "Public land survey corner" means any corner actually~~
 12 ~~established and monumented in an original survey or resurvey used~~
 13 ~~as a basis of legal description for issuing a patent for the land~~
 14 ~~to a private person from the United States government.~~

15 ~~—— (d) "Corner", unless otherwise qualified, means a property~~
 16 ~~corner, a property controlling corner, a public land survey corner,~~
 17 ~~or any combination of these.~~

18 ~~(A) (e) "Accessory", with respect to a corner, means any~~
 19 ~~exclusively identifiable physical object whose spatial relationship~~
 20 ~~to the corner is recorded . Accessories may be bearing trees,~~
 21 ~~bearing objects, monuments, reference monuments, line trees, pits,~~
 22 ~~mounds, charcoal filled bottles, steel or wooden stakes, or other~~
 23 ~~objects.~~ **ON A LAND CORNER RECORDATION CERTIFICATE THAT HAS BEEN**
 24 **FILED UNDER THIS ACT.**

25 **(B) "CORNER" MEANS AN ORIGINAL PUBLIC LAND SURVEY CORNER, A**
 26 **PROTRACTED PUBLIC LAND SURVEY CORNER, A PROPERTY CONTROLLING**
 27 **CORNER, A WITNESS MONUMENT, OR A PROPERTY CORNER.**

1 (C) "COUNTY REPRESENTATIVE" MEANS THE INDIVIDUAL PERFORMING
2 THE DUTIES OF COUNTY REPRESENTATIVE UNDER SECTION 9 OF THE STATE
3 SURVEY AND REMONUMENTATION ACT, 1990 PA 345, MCL 54.269.

4 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF LICENSING AND
5 REGULATORY AFFAIRS.

6 (E) "LAND CORNER RECORDATION CERTIFICATE" MEANS A WRITTEN
7 RECORD FOR A CORNER IN THE FORM PRESCRIBED UNDER SECTION 5 THAT IS
8 TO BE FILED AS PROVIDED BY THIS ACT.

9 (f) "Monument" means a marker that occupies the position of a
10 corner and that possesses or is made to possess a magnetic field.

11 (G) "ORIGINAL PUBLIC LAND SURVEY CORNER" MEANS A CORNER
12 ESTABLISHED AND MONUMENTED PURSUANT TO ORDERS AND INSTRUCTIONS
13 ISSUED BY THE UNITED STATES GOVERNMENT FOR THE PURPOSES OF
14 DELINEATING THE UNITED STATES PUBLIC LANDS AND PRIVATE LANDS OR
15 SUBDIVIDING THE PUBLIC LANDS FOR CONVEYANCE.

16 (H) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
17 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

18 (I) "PROPERTY CONTROLLING CORNER" MEANS EITHER OF THE
19 FOLLOWING:

20 (i) A POSITION MISIDENTIFIED AS AND USED AS AN ORIGINAL PUBLIC
21 LAND SURVEY CORNER OR AS A PROTRACTED PUBLIC LAND SURVEY CORNER
22 THAT SERVES TO CONTROL PROPERTY.

23 (ii) A CORNER THAT DOES NOT LIE ON A PROPERTY LINE OF A
24 PROPERTY BUT THAT CONTROLS THE LOCATION OF 1 OR MORE OF THE
25 PROPERTY CORNERS OF THE PROPERTY.

26 (J) "PROPERTY CORNER" MEANS A GEOGRAPHIC POINT ON THE SURFACE
27 OF THE EARTH THAT IS ON, IS A PART OF, AND CONTROLS A PROPERTY

1 LINE.

2 (K) "PROTRACTED PUBLIC LAND SURVEY CORNER" MEANS ANY OF THE
3 FOLLOWING:

4 (i) A CLOSING QUARTER SECTION POSITION ALONG A TOWNSHIP OR
5 RANGE LINE OR A CENTER QUARTER SECTION POSITION THAT WAS NOT
6 ACTUALLY MONUMENTED ON THE GROUND IN THE FIELD NOTES OF THE
7 ORIGINAL FEDERAL GOVERNMENT SURVEY, BUT THAT SERVES TO COMPLETE THE
8 NOMINAL HALF-MILE GRID OF GOVERNMENT CORNERS.

9 (ii) A MONUMENTED POSITION THAT IS NOT AN ORIGINAL PUBLIC LAND
10 SURVEY CORNER, THAT LIES ON A SECTION LINE OR QUARTER LINE NEAR A
11 BODY OF WATER, AND THAT SERVES TO DEFINE THE SECTION LINE OR
12 QUARTER LINE IN LIEU OF A SUBMERGED GOVERNMENT POSITION OR AN
13 OMITTED MEANDER POSITION.

14 (iii) A SECTION OR QUARTER SECTION CORNER THAT APPEARS BY THE
15 FIELD NOTES AND PLATS OF THE UNITED STATES SURVEY OF THIS STATE, ON
16 FILE IN THE STATE ARCHIVES, TO HAVE BEEN OMITTED AND NOT PROPERLY
17 ESTABLISHED OR MONUMENTED.

18 (l) ~~(g)~~ "Reference monument" means a ~~special monument that does~~
19 ~~not occupy the same geographical position as the corner itself but~~
20 ~~whose spatial relationship to the corner is recorded and that~~
21 ~~serves to witness the corner.~~ AN ACCESSORY THAT IS EMPLOYED IF THE
22 SITE OF A CORNER IS SUCH THAT A MONUMENT CANNOT BE SET OR IS LIABLE
23 TO DESTRUCTION OR IF OCCUPATION OF THE SITE PROVIDES FOR UNSAFE
24 CONDITIONS.

25 (M) ~~(h)~~ "Surveyor" means a professional surveyor who is
26 licensed to practice professional surveying under ARTICLE 20 OF the
27 occupational code, 1980 PA 299, MCL ~~339.101 to 339.2721.~~ 339.2001 TO

1 339.2014.

2 ~~—— (i) "Board" means the board of professional surveyors, as~~
 3 ~~established by section 2002 of the occupational code, 1980 PA 299,~~
 4 ~~MCL 339.2002.~~

5 ~~—— (j) "Corner record" means a written record on a form, approved~~
 6 ~~by the board, of a corner established, reestablished, monumented,~~
 7 ~~remonumented, restored, rehabilitated, perpetuated, or used as a~~
 8 ~~control in a survey.~~

9 ~~—— (k) "County surveyor" means an individual holding the elective~~
 10 ~~office of county surveyor, subject to section 95 of 1846 RS 14, MCL~~
 11 ~~54.95, or an individual appointed as county representative pursuant~~
 12 ~~to section 9 of the state survey and remonumentation act, 1990 PA~~
 13 ~~345, MCL 54.269.~~

14 (N) "WITNESS MONUMENT" IS AN ACCESSORY THAT IS A MONUMENTED
 15 POINT NEAR A CORNER. A WITNESS MONUMENT IS ESTABLISHED ONLY IF IT
 16 IS IMPRACTICABLE TO OCCUPY THE SITE OF A CORNER WITH A MONUMENT. A
 17 WITNESS MONUMENT IS A WITNESS TO THE TRUE CORNER POINT. IF THE TRUE
 18 POINT FOR A CORNER FALLS AT AN INACCESSIBLE PLACE, SUCH AS ON A
 19 PRECIPITOUS SLOPE OR CLIFF WHERE THE CORNER CANNOT BE MONUMENTED, A
 20 WITNESS MONUMENT IS ESTABLISHED AT A SUITABLE POINT WHERE THE
 21 MONUMENT MAY BE PERMANENTLY CONSTRUCTED.

22 Sec. 3. If a ~~AN ORIGINAL~~ public land survey corner ~~or an~~
 23 ~~accessory to the corner~~ is used by a surveyor, as a ~~control in a~~
 24 ~~survey, not more than 90 days after completion of the survey,~~ **THE**
 25 **ORIGINAL PUBLIC LAND SURVEY CORNER IS USED**, the surveyor shall
 26 complete, sign, seal, and file with the register of deeds of the
 27 county where the **ORIGINAL PUBLIC LAND SURVEY** corner is situated, a

1 LAND corner ~~record~~ RECORDATION CERTIFICATE for the ORIGINAL public
2 land survey corner, ~~or accessory to the corner,~~ unless the ORIGINAL
3 PUBLIC LAND SURVEY corner monument and its accessories are as
4 described in an existing LAND corner ~~record~~ RECORDATION CERTIFICATE
5 THAT HAS BEEN filed under this act.

6 SEC. 3A. IF A PROTRACTED PUBLIC LAND SURVEY CORNER IS
7 MONUMENTED BY A SURVEYOR, OR IF A PREVIOUSLY MONUMENTED PROTRACTED
8 PUBLIC LAND SURVEY CORNER IS USED BY A SURVEYOR, NOT MORE THAN 90
9 DAYS AFTER THE PROTRACTED PUBLIC LAND SURVEY CORNER IS MONUMENTED
10 OR USED, THE SURVEYOR SHALL COMPLETE, SIGN, SEAL, AND FILE WITH THE
11 REGISTER OF DEEDS OF THE COUNTY WHERE THE PROTRACTED PUBLIC LAND
12 SURVEY CORNER IS SITUATED A LAND CORNER RECORDATION CERTIFICATE FOR
13 THE PROTRACTED PUBLIC LAND SURVEY CORNER, UNLESS THE PROTRACTED
14 PUBLIC LAND SURVEY CORNER MONUMENT AND ITS ACCESSORIES ARE AS
15 DESCRIBED IN AN EXISTING LAND CORNER RECORDATION CERTIFICATE THAT
16 HAS BEEN FILED UNDER THIS ACT.

17 SEC. 3B. IF A PROPERTY CONTROLLING CORNER HAS BEEN RECORDED OR
18 USED AS AN ORIGINAL PUBLIC LAND SURVEY CORNER OR PROTRACTED PUBLIC
19 LAND SURVEY CORNER, THE PROPERTY CONTROLLING CORNER MUST BE
20 RECORDED ON THE SAME LAND CORNER RECORDATION CERTIFICATE REQUIRED
21 TO BE FILED UNDER SECTION 3 OR 3A.

22 Sec. 4. ~~A surveyor may file a corner record as to any property~~
23 ~~corner, property controlling corner, reference monument or~~
24 ~~accessory to a corner.~~ IF SECTIONS 3, 3A, AND 3B DO NOT APPLY, A
25 SURVEYOR WHO MONUMENTS OR USES A CORNER MAY COMPLETE, SIGN, SEAL,
26 AND FILE WITH THE REGISTER OF DEEDS OF THE COUNTY WHERE THE CORNER
27 IS SITUATED A LAND CORNER RECORDATION CERTIFICATE FOR THE CORNER.

1 Sec. 5. (1) The ~~board,~~ **DEPARTMENT**, by rule, shall prescribe
2 the information ~~which shall~~ **THAT MUST** be included in ~~the~~ **A LAND**
3 corner ~~record~~ **RECORDATION CERTIFICATE** and the form in which ~~the~~ **A**
4 **LAND** corner ~~shall~~ **RECORDATION CERTIFICATE MUST** be presented and
5 filed.

6 (2) **THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO THE**
7 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
8 **24.328, TO IMPLEMENT THIS ACT.**

9 Sec. 6. (1) ~~The~~ **A** register of deeds shall receive for filing
10 ~~the~~ **A** completed **LAND** corner ~~record~~ **RECORDATION CERTIFICATE** and
11 preserve it in a hardbound book. The books ~~shall~~ **MUST** be numbered
12 in numerical order as filed.

13 (2) ~~The~~ **A** register of deeds shall number ~~the~~ **LAND** corner
14 ~~records~~ **RECORDATION CERTIFICATES** in numerical order as they are
15 filed.

16 (3) ~~The~~ **A REGISTER OF DEEDS SHALL PLACE THE** book and page
17 number in which ~~the~~ **A LAND** corner ~~record~~ **RECORDATION CERTIFICATE** is
18 filed ~~shall be placed by the register of deeds on an index which~~
19 **PROVIDED BY** the register of deeds ~~shall provide for that purpose.~~

20 (4) ~~The~~ **A** register of deeds shall make ~~these~~ **THE** records
21 **DESCRIBED IN THIS SECTION** available for public inspection during
22 all usual office hours.

23 (5) ~~The~~ **A REGISTER OF DEEDS SHALL DETERMINE THE** fee for filing
24 a **LAND** corner ~~record~~ ~~shall be determined~~ **RECORDATION CERTIFICATE** as
25 provided in section 2567(1)(a) of the revised judicature act of
26 1961, 1961 PA 236, MCL 600.2567.

27 Sec. 7. (1) If a **LAND** corner ~~record~~ **RECORDATION CERTIFICATE** is

1 required to be filed under this act, the surveyor shall monument
2 the corner, ~~and RECORD AND IDENTIFY~~ each accessory to the corner,
3 and leave the monument in such a physical condition that it remains
4 as permanent a monument as is reasonably possible. ~~If access to the~~
5 ~~corner location will create an unsafe condition, the surveyor may~~
6 ~~install at least 4 reference monuments interrelated and visible~~
7 ~~with the corner location and each other by angular and linear~~
8 ~~measurements.~~

9 (2) IF A WITNESS MONUMENT IS SET, THE SURVEYOR MAY MONUMENT
10 THE CORNER AND SHALL SET THE WITNESS MONUMENT AS FOLLOWS:

11 (A) IN A SECURE LOCATION.

12 (B) ON A LINE OF SURVEY OR PROTRACTED LINE OF SURVEY AS SHOWN
13 ON THE GENERAL LAND OFFICE PLATS THAT INTERSECTS THE CORNER.

14 (C) AS CLOSE TO THE CORNER AS PRACTICABLE.

15 (3) A SURVEYOR WHO SETS A WITNESS MONUMENT UNDER SUBSECTION
16 (2) SHALL REPORT ON THE LAND CORNER RECORDATION CERTIFICATE THE
17 RELATION BETWEEN THE WITNESS MONUMENT AND THE TRUE CORNER AND THE
18 DIRECT CONNECTING COURSE AND DISTANCE FROM THE CORNER TO THE
19 WITNESS MONUMENT.

20 (4) IF A SURVEYOR SETS REFERENCE MONUMENTS, THE SURVEYOR SHALL
21 INSTALL AT LEAST 4 REFERENCE MONUMENTS INTERRELATED AND VISIBLE
22 WITH THE CORNER AND EACH OTHER BY ANGULAR AND LINEAR MEASUREMENTS.
23 IF A SURVEYOR SETS REFERENCE MONUMENTS, THE SURVEYOR IS NOT
24 REQUIRED TO SET THE CORNER.

25 (5) A SURVEYOR WHO SETS REFERENCE MONUMENTS UNDER SUBSECTION
26 (4) SHALL REPORT ALL OF THE FOLLOWING ON THE LAND CORNER
27 RECORDATION CERTIFICATE:

1 (A) THE RELATION BETWEEN THE REFERENCE MONUMENTS AND THE
2 CORNER.

3 (B) THE DIRECT CONNECTING COURSES AND DISTANCES BETWEEN THE
4 REFERENCE MONUMENTS AND THE CORNER.

5 (C) THE DISTANCES BETWEEN EACH REFERENCE MONUMENT AND THE 2
6 REFERENCE MONUMENTS THAT ARE CLOSEST TO THE REFERENCE MONUMENT.

7 Sec. 8. A LAND corner ~~record shall~~ RECORDATION CERTIFICATE MAY
8 not be filed unless it is signed, dated, and sealed by the
9 surveyor. However, ~~in the case of~~ FOR A CERTIFICATE PREPARED BY OR
10 ON BEHALF OF an agency of the United States government or this
11 state, the certificate ~~shall~~ MUST be approved, signed, dated, and
12 sealed by the surveyor in responsible charge of the agency and may
13 also be signed by the chief of the survey party making the survey.

14 Sec. 14. (1) ~~A~~ EXCEPT AS PROVIDED IN THIS SUBSECTION OR
15 SUBSECTION (2), A person who defaces, destroys, alters, or removes
16 a ~~corner~~ monument, ACCESSORY, WITNESS MONUMENT, or reference
17 monument is guilty of a misdemeanor ~~and shall be punished~~
18 PUNISHABLE by a fine of not more than ~~\$1,000.00,~~ \$5,000.00 or
19 imprisonment for not more than 180 days, or both, and ~~shall be~~ IS
20 responsible for the costs of reestablishment and replacement of the
21 monument, ACCESSORY, WITNESS MONUMENT, OR REFERENCE MONUMENT and
22 filing of the ASSOCIATED LAND corner ~~record~~ RECORDATION CERTIFICATE
23 by a surveyor. THIS SUBSECTION DOES NOT APPLY TO AN ACCESSORY THAT
24 IS ON PRIVATE PROPERTY.

25 (2) A ~~corner~~ monument, ACCESSORY, WITNESS MONUMENT, or
26 reference monument may be temporarily removed for construction
27 purposes if the corner is properly witnessed by a surveyor before

1 removal. ~~The~~ **A monument, shall be ACCESSORY, WITNESS MONUMENT, OR**
2 **REFERENCE MONUMENT THAT IS REMOVED UNDER THIS SUBSECTION MUST BE**
3 reset ~~, AND~~ ~~rewitnessed~~ ~~, and~~ ~~refiled~~ **AN ASSOCIATED LAND CORNER**
4 **RECORDATION CERTIFICATE FILED** by a surveyor within 30 days after
5 the completion of **THE** construction. A ~~corner~~ **monument, ACCESSORY,**
6 **WITNESS MONUMENT,** or reference monument shall not be temporarily
7 removed for more than 1 year.

8 (3) A person who knows that a ~~corner~~ **monument, ACCESSORY,**
9 **WITNESS MONUMENT,** or reference monument has been defaced,
10 destroyed, altered, or removed shall report that fact **IN WRITING** to
11 the county ~~surveyor~~ **REPRESENTATIVE AND THE COUNTY PROSECUTOR** of the
12 county in which the corner is located.

13 ~~—— (2) As used in this section, "person" means an individual,~~
14 ~~partnership, corporation, association, governmental entity, or~~
15 ~~other legal entity.~~