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BILL ANALYSIS

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Senate Bill 337 (as enacted)
Sponsor: Senator Dayna Polehanki
Senate Committee: Local Government
House Committee: Local Government and Municipal Finance

PUBLIC ACT 238 of 2023

Date Completed: 1-9-24

INTRODUCTION

The bill amends Public Act 132 of 1970, which provides for the filing of land surveys in the office of the register of deeds, to require the grantor, lessee, or lessor of a property to record a certified true copy of the original survey map in the county office of the register of deeds at or before the time the property is conveyed or leased. Additionally, the bill modifies the requirements for a certified survey map. Finally, the bill modifies requirements for filing land surveyed in preparation of a condominium subdivision plan and requirements for alternative survey markings if a professional surveyor is unable to set a monument on the corner of a property due to an obstruction.

The bill will take effect February 13, 2024.

BRIEF RATIONALE

The bill updates a 53-year-old law by creating uniform standards for recording copies of survey maps and by using technology to improve the accuracy of surveys. The technology used for survey standards was last updated by Public Act 132 of 1970, when maps were handwritten or typed. Contemporary surveyors use global positioning system technology, computerized mapping systems, and electronic total stations to aid in surveying a parcel. It was recommended that the law reflect these modern standards for surveying a parcel.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to Senate Bill 589 from the 2021-2022 Legislative Session.

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

MCL 54.211-54.213

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CONTENT

The bill amends Public Act 132 of 1970 to do the following:

- Require the grantor or lessee of a property to record in the office of the register of deeds in the county in which the land is located a certified true copy of the original survey map if the map is made to describe a parcel for the division of a parcel or tract.**
- Require the grantor or lessor of a property to record in the office of the register of deeds in the county in which the land is located a certified true copy of the original survey map if the map is made to describe a parcel in a conveyance of title or a parcel as created in a lease for a term of one year or longer.**
- Specify that land surveyed for preparation of a condominium subdivision plan does not have to be recorded in a county office of the register of deeds.**
- Require a professional surveyor who cannot set a corner because of a physical obstruction to establish an alternative permanent monument and to reference the corner by bearing and distance from two different monumented corners of the survey.**
- Modify the requirements for a certified survey map.**

Recording Copy of Survey

Public Act 132 provides for the recording of surveys in the office of the register of deeds relative to land divisions and prescribes the requirements for those surveys. Currently, if lands are surveyed into parcels under the Land Division Act or any boundary survey in which permanent corners are monumented, the professional land surveyor who prepared the survey must record a certified true copy in the office of the register of deeds in the county in which the land is situated.

Instead, under the bill, if lands are surveyed into parcels under the Land Division Act, the grantor or lessee of a property must record in the office of the register of deeds in the county in which the land is located a certified true copy of the original survey map at or before the time the property is conveyed or leased, unless the professional land surveyor who prepared the survey has already done so.

Currently, if a survey is made to describe a parcel in a conveyance or title or to describe a parcel as created in a lease for a year or more, a certified true copy of that survey must be recorded with the register of deeds in the county in which the land is situated within 90 days after the survey is delivered to the surveyor's client. Instead, under the bill, for a survey done for these purposes, the grantor or lessor must record, at or before the time the property is conveyed or leased, a certified true copy of the original survey map with the register of deeds in the county in which the land is situated, unless the surveyor who prepares the survey has already done so.

Currently, land platted under the Land Division Act or land previously surveyed and recorded and for which no change in boundary description is made from a previously recorded survey does not need to be recorded. Under the bill, land surveyed under Section 66 of the Condominium Act also is exempt from recording requirements.¹

¹ Section 66 of the Condominium Act prescribes requirements for a condominium subdivision plan. Among other requirements, the plan must be prepared by a licensed professional and include a survey plan.

Permanent Survey Markers

Currently, all corners of a survey must be monumented in the field with permanent markers which possess a magnetic field unless previously monumented with iron stakes, capped with some device legibly showing the license number of the licensed land surveyor placing them, and must include points of intersection of boundary or lot lines with highways streets, alleys, section lines, and meander lines, and corners of the United State Public Land Survey from which the parcel or parcels are described.

Under the bill, except as provided below, all corners must be monumented as described above and the monument must include the last five digits of the license number of the licensed professional surveyor placing the monument. In addition, if a corner can not be conveniently set because of physical obstructions such as pavement, large rocks, large roots, or utility cables, the professional surveyor must do the following:

- Establish an alternative monument that is permanent and identifiable, such as a drill hole or an "X" chiseled in concrete.
- Reference the corner by bearing and distance from two different monumented corners of the survey.

If neither of the above is feasible, the bill requires the professional surveyor to monument the corner in any practical manner and show its relationship on the certified survey map.

Survey Map Requirements; Modify

The Act prescribes standards that a certified survey map must meet, including the following:

- Lines on the map must be made with nonfading black ink on a scale of not more than 500 feet to an inch.
- The map's scale must be shown.
- A true scale reproduction of the map under the Records Reproduction Act must be recorded.
- The relative positional precision of each corner must be included.

The bill deletes these requirements. Under the bill, in addition to being typed, lettered, or otherwise reproduced legibly with nonfading ink on a scale of not more than 500 feet to an inch (as currently required), the certified survey map may be prepared by computer aided drafting. The lines of the map also must be at a scale indicated in writing numerically and by graphic bar scale and have a text of a size readily legible for the line scale selected.

Currently, under the Act, if the boundary of a parcel follows or parallels a section line, the section line must be defined at its extremities by corners established in the United States Public Land Survey or reestablished by accepted methods or protracted corners monumented under the State Survey and Remonumentation Act. Instead, under the bill, if the boundary of a parcel follows or parallels a section line, it must comply with one of the following:

- The section line must be defined at its extremities by corners established in the United States Public Land Survey, by corners reestablished by accepted methods, or by protracted quarter section corners, regardless of whether the protracted quarter section corners are monumented under the State Survey and Remonumentation Act.

- Other protracted divisions lines shown in the United State Public Land Survey must be defined at their extremities by corners established by accepted survey methods.

Currently, if an exterior boundary line shows a bearing or length that varies from that recorded in an abutting plat or certified survey, the following note must be placed along the line: "previously recorded as (show bearing or length or both)". Under the bill, this requirement applies to a condominium survey map.

Currently, a certified survey map must include the length and bearing of each line and a north arrow property oriented. The map also must include the following:

- The exact width of each street, highway, alley, and easement.
- The distance on a boundary or lot line from the point of intersection with a meander line to the apparent ordinary high-water line of Great Lakes waters and to the water's edge of inland lakes and streams.

Instead, under the bill, the certified survey map also must include the following:

- The width of the right-of-way of each street, highway, alley, and easement.
- The distance on a boundary or lot line from the point of intersection with an intermediate traverse line to the water's edge of any inland lake or stream and the date of the survey to the water's edge.
- A certification by the professional surveyor that the map meets the Act's requirements.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.