

SENATE BILL NO. 337

May 11, 2023, Introduced by Senators POLEHANKI, BAYER, IRWIN and GEISS and referred to the Committee on Local Government.

A bill to amend 1970 PA 132, entitled

"An act to provide for the filing of surveys in the office of the register of deeds relative to land divisions; and to prescribe the conditions of the survey,"

by amending sections 1, 2, and 3 (MCL 54.211, 54.212, and 54.213), sections 1 and 3 as amended by 2018 PA 193 and section 2 as amended by 1988 PA 24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) If lands are surveyed into parcels under sections
2 108 to 109b of the land division act, 1967 PA 288, MCL 560.108 to
3 560.109b, ~~or any boundary survey where permanent corners are~~

1 ~~monumented, the professional land surveyor who prepared the survey~~
 2 ~~shall record a certified copy~~ **the grantor or lessor shall, by the**
 3 **time the property is conveyed or leased, file for recording** in the
 4 office of the register of deeds in the county in which the land is
 5 ~~situated.~~ **located a certified copy of the original survey map that**
 6 **complies with section 3, unless the professional surveyor who**
 7 **prepared the survey has already done so.**

8 (2) If a survey is made ~~for the purposes of describing to~~
 9 **describe** a parcel in a conveyance of title or ~~describing a parcel~~
 10 as created in a lease for a **term of 1 year or more,** ~~a certified~~
 11 ~~copy of that survey shall, within 90 days after the delivery of the~~
 12 ~~survey to the professional land surveyor's client, be filed longer,~~
 13 **the grantor or lessor shall, by the time the property is conveyed**
 14 **or leased, file** for recording with the register of deeds in the
 15 county in which the land is ~~situated.~~ **located a certified copy of**
 16 **the original survey map that complies with section 3, unless the**
 17 **professional surveyor who prepared the survey has already done so.**

18 (3) The requirements of this act are in addition to those of
 19 the land division act, 1967 PA 288, MCL 560.101 to 560.293. Land
 20 platted under that act, **land surveyed under section 66 of the**
 21 **condominium act, 1978 PA 59, MCL 559.166,** or land previously
 22 surveyed and recorded and for which no change in boundary
 23 description is made from a previously recorded survey, need not be
 24 recorded.

25 Sec. 2. (1) ~~The~~ **A survey described in section 1** shall be
 26 performed and the **certified survey** map prepared by a ~~land~~
 27 **professional** surveyor licensed in this state.

28 (2) ~~All corners~~ **Except as provided in subsection (3), each**
 29 **corner of the survey shall be** ~~meet~~ **all of the following**

1 **requirements:**

2 (a) **Be** monumented in the field with **a** permanent ~~markers which~~
 3 ~~possess~~ **marker that possesses** a magnetic field unless previously
 4 monumented with iron stakes. ~~, capped~~

5 (b) **Be capped** with ~~some~~ **a** device legibly showing **the last 5**
 6 **digits of** the license number of the ~~licensed land~~ **professional**
 7 surveyor placing them, ~~and shall include points~~ **the monument.**

8 (c) **Include both of the following:**

9 (i) **Points** of intersection of boundary or lot lines with
 10 highways, streets, alleys, section lines, and meander lines. ~~, and~~
 11 ~~corners~~

12 (ii) **Corners** of the United States ~~public land survey~~ **Public**
 13 **Land Survey** from which the parcel or parcels are described.

14 (3) **If a monument cannot conveniently be set because of a**
 15 **physical obstruction such as pavement, a large rock, a large root,**
 16 **or a utility cable, the following apply:**

17 (a) Subject to subdivision (b), the professional surveyor
 18 shall do both of the following:

19 (i) **Establish an alternative monument that is permanent and**
 20 **identifiable, such as a drill hole or an "X" chiseled in concrete.**

21 (ii) **Reference the corner by bearing and distance from 2**
 22 **different monumented corners of the survey.**

23 (b) **If compliance with subdivision (a) is not feasible, the**
 24 **professional surveyor shall monument the corner in any practical**
 25 **manner and show its relationship on the certified survey map.**

26 Sec. 3. (1) The **certified** survey map under section 1 ~~shall be~~
 27 ~~prepared on durable white paper 8 1/2 inches wide by 14 inches~~
 28 ~~long. Lines on a map shall be made with nonfading black ink on a~~
 29 ~~scale of not more than 500 feet to an inch. The scale shall be~~

1 ~~shown on the map, and a true scale reproduction of the map pursuant~~
 2 ~~to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406,~~
 3 ~~shall be recorded. The map shall meet all of the following~~
 4 requirements:

5 ~~(a) Include a certificate signed and sealed by the licensed~~
 6 **Bear the seal and signature of the** professional surveyor who
 7 surveyed the parcel or parcels. ~~The certificate shall meet all of~~
 8 ~~the following requirements:~~

9 ~~(b) (i) Be prepared on durable white paper 8-1/2 inches wide~~
 10 ~~and 14 inches long.~~

11 ~~(c) Be prepared by computer aided drafting (CAD), typed,~~
 12 ~~lettered, or otherwise reproduced legibly with nonfading ink~~
 13 **pursuant to the records reproduction act, 1992 PA 116, MCL 24.401**
 14 **to 24.406.**

15 ~~(d) Have lines at a scale indicated in writing numerically and~~
 16 **by graphic bar scale, and have text of a size readily legible for**
 17 **the line scale selected.**

18 ~~(e) (ii) Give a clear, concise description of the land surveyed~~
 19 ~~by bearings and distances, commencing with a corner position marked~~
 20 ~~and established in the United States Public Land Survey, or~~
 21 ~~reestablished in accordance with by accepted methods.~~

22 ~~(iii) Include the relative positional precision of each corner,~~
 23 ~~which shall be within limits accepted by the practice of~~
 24 ~~professional surveying.~~

25 ~~(iv) Include certification by the licensed professional~~
 26 ~~surveyor that the requirements of this section have been met.~~

27 ~~(f) (b) For land not included in a platted subdivision or~~
 28 ~~condominium, include the exterior boundaries of the land surveyed~~
 29 ~~and divided, together with the line or lines leading to the United~~

1 States Public Land Survey corner, or corners, from which the land
2 is described. A

3 **(g) Define a** boundary along a lake or stream ~~shall be defined~~
4 ~~by a meander~~ **an intermediate traverse** line connecting the side
5 boundaries of the parcel.

6 **(h)** If a lot in a recorded platted subdivision is surveyed or
7 divided, **reference** the exterior boundaries of the lot ~~surveyed and~~
8 ~~divided shall be referenced to~~ existing lot corners and the
9 controlling monuments used for that survey.

10 **(i)** ~~(e)~~ If the boundary of the parcel follows or parallels a
11 section line, all of the following requirements:

12 **(i) One of the following requirements:**

13 **(A)** The section line shall be defined at its extremities by
14 corners established in the United States Public Land Survey, ~~or by~~
15 **corners** reestablished ~~pursuant to~~ **by** accepted methods, or **by**
16 protracted **quarter section** corners, **whether or not the protracted**
17 **quarter section corners are** monumented under the state survey and
18 remonumentation act, 1990 PA 345, MCL 54.261 to 54.279.

19 **(B) Other protracted division lines shown in the United States**
20 **Public Land Survey shall be defined at their extremities by corners**
21 **established pursuant to accepted survey methods.**

22 **(ii)** Each corner of the United States Public Land Survey shall
23 be ~~duly~~ witnessed under the corner recordation act, 1970 PA 74, MCL
24 54.201 to 54.210d.

25 **(iii)** The **certified survey** map shall indicate the kind of
26 object, the bearings and distances to the object, and the kind **of**
27 **monument** and material of ~~monumentation~~ **the monument** marking the
28 corner.

29 **(j)** ~~(d)~~ **A Define a** curved boundary or a curved highway,

1 street, or lot line ~~, shall be defined~~ as follows:

2 (i) If the curve is contained within the line, by the points of
3 curvature and tangency and compound curvature, central angle,
4 length of arcs, radius, and length and bearing of the long chord.

5 (ii) If the curve is only partially contained within the line,
6 by the length of arc along the curve, radius, and length and
7 bearing of the short chord.

8 (iii) If the curve is not regular, by traverse courses and
9 distances.

10 (k) ~~(e)~~ If an exterior boundary line shows a bearing or length
11 that varies from that recorded in an abutting plat, **condominium**, or
12 certified survey **map, include** the following note ~~shall be placed~~
13 along the line: "previously recorded as (show bearing or length or
14 both)".

15 (l) ~~(f)~~ Include all of the following:

16 (i) The length and bearing of each line.

17 (ii) The ~~exact~~ width of **the right-of-way of** each street,
18 highway, alley, and easement.

19 (iii) The distance on a boundary or lot line from the point of
20 intersection with ~~a meander~~ **an intermediate traverse** line ~~to the~~
21 ~~apparent ordinary high-water line of Great Lakes waters and to the~~
22 ~~water's edge of any inland lakes and streams.~~ **lake or stream and the**
23 **date of the survey to the water's edge.**

24 (iv) A north arrow properly oriented.

25 (v) **A certification by the professional surveyor that the map**
26 **meets the requirements of this subsection.**

27 (2) The register of deeds shall accept certified survey maps
28 prepared pursuant to this section upon payment of the ~~regular~~ fee
29 as provided in section 2567(1)(a) of the revised judicature act of

1 1961, 1961 PA 236, MCL 600.2567. The register of deeds shall
2 consecutively number the maps and record them in bound volumes or
3 in a manner adapted to a system of preserving records pursuant to
4 the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406.
5 The maps shall be known as the "certified survey maps of
6 county", and shall ~~become~~ **be kept as** a part of the
7 land records of the county. The register of deeds shall keep a
8 separate card file or electronic file of the county land records
9 system. The file shall be indexed within the land records system.
10 The file shall specify the unique identifying number or liber and
11 page of the recorded surveys in the bound volume or other record.
12 The specification shall be by **the** section, township, and range and,
13 if the map is a resurvey within ~~the~~ **a recorded** plat, by **the** title
14 of the ~~recorded~~ plat.