

HOUSE BILL No. 5935

June 11, 1998, Introduced by Rep. Kukuk and referred to the Committee on Local Government.

A bill to amend 1970 PA 74, entitled "Corner recordation act," by amending sections 2, 3, 6, 7, 8, 10, 13, and 14 (MCL 54.202, 54.203, 54.206, 54.207, 54.208, 54.210, 54.210c, and 54.210d), sections 2, 6, 8, 13, and 14 as amended by 1988 PA 26; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Property corner" means a geographic point on the sur-
3 face of the earth, which is on, is a part of, and controls a
4 property line.

5 (b) "Property controlling corner" for a property means a
6 public land survey corner or any property corner which does not
7 lie on a property line of the property in question but which

1 controls the location of 1 or more of the property corners of the
2 property in question.

3 (c) "Public land survey corner" means any corner actually
4 established and monumented in an original survey or resurvey used
5 as a basis of legal description for issuing a patent for the land
6 to a private person from the United States government.

7 (d) "Corner", unless otherwise qualified, means a property
8 corner, a property controlling corner, a public land survey
9 corner, or any combination of these.

10 (e) "Accessory", WITH RESPECT to a corner, — means any
11 exclusively identifiable physical object whose spatial relation-
12 ship to the corner is recorded. Accessories may be bearing
13 trees, bearing objects, monuments, reference monuments, line
14 trees, pits, mounds, charcoal-filled bottles, steel or wooden
15 stakes, or other objects.

16 (f) "Monument" means ~~an accessory that is presumed to~~
17 ~~occupy the exact~~ A MARKER THAT OCCUPIES THE position of a corner
18 ~~which shall be monumented in the field with permanent markers~~
19 ~~which~~ AND THAT POSSESSES OR IS MADE TO possess a magnetic
20 field. ~~—, unless previously monumented with iron stakes, and~~
21 ~~capped with some device legibly showing the license number of the~~
22 ~~licensed land surveyor responsible for placing them.—~~

23 (g) "Reference monument" means a special monument that does
24 not occupy the same geographical position as the corner itself
25 but whose spatial relationship to the corner is recorded and
26 ~~which~~ THAT serves to witness the corner.

1 (h) ~~"Licensed surveyor"~~ "SURVEYOR" means a PROFESSIONAL
2 surveyor who is licensed to practice ~~land~~ PROFESSIONAL
3 surveying under the occupational code, ~~Act No. 299 of the~~
4 ~~Public Acts of 1980, being sections 339.101 to 339.2721 of the~~
5 ~~Michigan Compiled Laws~~, and has a paid-up license for that cal-
6 endar year, or who is authorized under that act to practice land
7 ~~surveying~~ 1980 PA 299, MCL 339.101 TO 339.2721.

8 (i) "Board" means the board of ~~land~~ PROFESSIONAL survey-
9 ors, as established by section 2002 of the occupational code,
10 ~~Act No. 299 of the Public Acts of 1980, being section 339.2002~~
11 ~~of the Michigan Compiled Laws~~ 1980 PA 299, MCL 339.2002.

12 (J) "CORNER RECORD" MEANS A WRITTEN RECORD ON A FORM,
13 APPROVED BY THE BOARD, OF A CORNER ESTABLISHED, REESTABLISHED,
14 MONUMENTED, REMONUMENTED, RESTORED, REHABILITATED, PERPETUATED,
15 OR USED AS A CONTROL IN A SURVEY.

16 (K) "COUNTY SURVEYOR" MEANS AN INDIVIDUAL HOLDING THE ELEC-
17 TIVE OFFICE OF COUNTY SURVEYOR, CONSISTENT WITH SECTION 95 OF
18 1846 RS 14, MCL 54.95, OR AN INDIVIDUAL APPOINTED AS COUNTY REP-
19 RESENTATIVE PURSUANT TO SECTION 9 OF THE STATE SURVEY AND REMONU-
20 MENTATION ACT, 1990 PA 345, MCL 54.269.

21 Sec. 3. ~~A~~ IF A PUBLIC LAND SURVEY CORNER OR AN ACCESSORY
22 TO THE CORNER IS USED BY A SURVEYOR AS A CONTROL IN A SURVEY, NOT
23 MORE THAN 90 DAYS AFTER COMPLETION OF THE SURVEY, THE surveyor
24 shall complete, sign, ~~stamp with his~~ seal, and file with the
25 register of deeds of the county where the corner is situated, a
26 ~~written record of corner establishment or restoration to be~~
27 ~~known as a "corner record" for every~~ CORNER RECORD FOR THE

1 public land survey corner ~~and~~ OR accessory to ~~such~~ THE
2 corner, ~~which is established, reestablished, monumented, remonu-~~
3 ~~mented, restored, rehabilitated, perpetuated or used as control~~
4 ~~in any survey by such surveyor, and within 90 days thereafter,~~
5 unless the corner MONUMENT and its accessories are
6 ~~substantially~~ as described in an existing corner record filed
7 ~~in accordance with the provisions of~~ UNDER this act.

8 Sec. 6. (1) The register of deeds shall receive FOR
9 RECORDING the completed corner record and preserve it in a hard-
10 bound book. The books shall be numbered in numerical order as
11 filed.

12 (2) The register of deeds shall number the ~~forms~~ CORNER
13 RECORDS in numerical order as they are filed.

14 (3) The book and page number in which the corner record is
15 filed shall be placed by the register of deeds ~~near that same~~
16 ~~corner on a cross-index plat~~ ON AN INDEX which the register of
17 deeds shall provide for ~~such a~~ THAT purpose.

18 (4) The register of deeds shall make these records available
19 for public inspection during all usual office hours.

20 (5) ~~For purposes of determining the filing fee, the~~ THE
21 FEE FOR RECORDING A corner record shall be ~~considered as a simi-~~
22 ~~lar service to a recording~~ DETERMINED as provided in section
23 2567(1)(a) of the revised judicature act of 1961, ~~Act No. 236 of~~
24 ~~the Public Acts of 1961, being section 600.2567 of the Michigan~~
25 ~~Compiled Laws~~ 1961 PA 236, MCL 600.2567.

26 Sec. 7. ~~In every case where~~ IF a corner record ~~of a~~
27 ~~public land survey corner~~ is required to be filed under ~~the~~

1 ~~provisions of~~ this act, the surveyor shall ~~reconstruct or~~
2 ~~rehabilitate the monument of such corner and accessories to such~~
3 ~~corner, so that it shall be left by him in such~~ MONUMENT THE
4 CORNER AND EACH ACCESSORY TO THE CORNER, AND LEAVE THE MONUMENT
5 IN SUCH A physical condition that it remains as permanent a monu-
6 ment as is reasonably possible. ~~and so that the same may be~~
7 ~~reasonably expected to be located with facility at all times in~~
8 ~~the future.~~ IF ACCESS TO THE CORNER LOCATION WILL CREATE AN
9 UNSAFE CONDITION, THE SURVEYOR MAY INSTALL AT LEAST 4 REFERENCE
10 MONUMENTS INTERRELATED AND VISIBLE WITH THE CORNER LOCATION AND
11 EACH OTHER BY ANGULAR AND LINEAR MEASUREMENTS.

12 Sec. 8. A corner record shall not be filed unless it is
13 signed, ~~by a licensed surveyor and stamped with the surveyor's~~
14 ~~seal, or~~ DATED, AND SEALED BY THE SURVEYOR. HOWEVER, in the
15 case of an agency of the United States government or ~~the~~ THIS
16 state, the certificate ~~may be signed by the chief of the survey~~
17 ~~party making the survey and~~ SHALL BE approved, signed, DATED,
18 and sealed by the ~~licensed~~ surveyor in responsible charge of
19 the agency AND MAY ALSO BE SIGNED BY THE CHIEF OF THE SURVEY
20 PARTY MAKING THE SURVEY.

21 Sec. 10. (1) When ~~a monument is set and it is not~~ SET, A
22 MONUMENT SHALL POSSESS A MAGNETIC FIELD, BE AT LEAST 1/2 INCH IN
23 DIAMETER AND A MINIMUM OF 18 INCHES IN LENGTH, AND BE LEGIBLY
24 CAPPED SHOWING THE LICENSE NUMBER OF THE SURVEYOR.

25 (2) UNLESS IT IS TO BE SET in a public ~~highway, the~~
26 ROADWAY, A monument shall be set ~~not more than 6 inches above~~
27 WITH NOT LESS THAN 2/3 OF ITS LENGTH BELOW the surface of the

1 surrounding ground. ~~nor more than 6 inches below the surface of~~
2 ~~the ground. When~~

3 (3) IF a corner ~~occurs~~ IS LOCATED in a public ~~highway~~
4 ~~which~~ ROADWAY AND THE ROADWAY is not hard-surfaced AT THE
5 CORNER, the monument shall be placed at least 6 inches below the
6 surface of THE ROADWAY. ~~such highway. When a highway~~

7 (4) IF A CORNER IS LOCATED IN A PUBLIC ROADWAY AND THE
8 ROADWAY is hard-surfaced at the corner, whether by concrete,
9 ~~tarvia~~ ASPHALT, or otherwise, ~~a circular opening at least 6~~
10 ~~inches in diameter shall be left at the corner and properly cov-~~
11 ~~ered with a metal cover. The monument shall be placed in the~~
12 ~~opening beneath the cover~~ THE MONUMENT SHALL BE VISIBLE OR CON-
13 TAINED WITHIN A VISIBLE PROTECTED ENCLOSURE AND SHALL COMPLY WITH
14 ANY REQUIREMENTS OF THE AGENCY HAVING JURISDICTION.

15 (5) IF A CORNER TO BE MONUMENTED IS LOCATED ON A ROCK OUT-
16 CROPPING, AN IRON BAR AT LEAST 1/2 INCH IN DIAMETER SHALL BE
17 DRILLED AND GROUTED INTO SOLID ROCK TO A DEPTH OF AT LEAST 8
18 INCHES.

19 Sec. 13. Failure to comply with the provisions of this act
20 is sufficient grounds for the suspension or revocation of the
21 license of a ~~licensed land~~ surveyor.

22 Sec. 14. (1) A person who defaces, destroys, alters, or
23 removes a corner MONUMENT OR REFERENCE MONUMENT is guilty of a
24 misdemeanor and shall be punished by a fine of not more than
25 ~~\$500.00~~ \$1,000.00, or imprisonment for not more than ~~60~~ 180
26 days, or both, and shall be responsible for the costs of
27 reestablishment ~~,~~ AND replacement ~~,~~ OF THE MONUMENT and

1 filing of the corner RECORD by a ~~licensed land~~ surveyor. A
2 corner MONUMENT OR REFERENCE MONUMENT may be temporarily removed
3 for construction purposes if the corner is properly witnessed by
4 a ~~licensed land~~ surveyor ~~prior to~~ BEFORE removal. The
5 ~~corner~~ MONUMENT shall be reset, rewitnessed, and refiled by a
6 ~~licensed land~~ surveyor within 30 days after the completion of
7 construction. A corner MONUMENT OR REFERENCE MONUMENT shall not
8 be temporarily removed for more than 1 year. A person who knows
9 that a corner MONUMENT OR REFERENCE MONUMENT has been defaced,
10 destroyed, altered, or removed shall report that fact to the
11 county surveyor of the county in which the corner is located.

12 (2) As used in this section, "person" means an individual,
13 or any public or private legal entity.

14 Enacting section 1. Sections 9 and 11 of the corner recor-
15 dation act, 1970 PA 74, MCL 54.209 and 54.210a, are repealed.