



HOUSE BILL No. 5616

February 21, 1996, Introduced by Rep. Kukuk and referred to the Committee on Regulatory Affairs.

A bill to amend sections 2, 3, 6, 7, 8, 10, 13, and 14 of Act No. 74 of the Public Acts of 1970, entitled as amended "Corner recordation act," sections 2, 6, 8, 13, and 14 as amended by Act No. 26 of the Public Acts of 1988, being sections 54.202, 54.203, 54.206, 54.207, 54.208, 54.210, 54.210c, and 54.210d of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, 6, 7, 8, 10, 13, and 14 of Act
2 No. 74 of the Public Acts of 1970, sections 2, 6, 8, 13, and 14
3 as amended by Act No. 26 of the Public Acts of 1988, being sec-
4 tions 54.202, 54.203, 54.206, 54.207, 54.208, 54.210, 54.210c,
5 and 54.210d of the Michigan Compiled Laws, are amended to read as
6 follows:

1 Sec. 2. As used in this act:

2 (a) "Property corner" means a geographic point on the
3 surface 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 con-
8 trols the location of 1 or more of the property corners of the
9 property in question.

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

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

17 (e) "Accessory", WITH RESPECT to a corner, ~~—~~ means any
18 exclusively identifiable physical object whose spatial relation-
19 ship to the corner is recorded. Accessories may be bearing
20 trees, bearing objects, monuments, reference monuments, line
21 trees, pits, mounds, charcoal-filled bottles, steel or wooden
22 stakes, or other objects.

23 (f) "Monument" means ~~an accessory that is presumed to~~
24 ~~occupy the exact~~ A MARKER THAT OCCUPIES THE position of a corner
25 ~~which shall be monumented in the field with permanent markers~~
26 ~~which~~ AND THAT POSSESSES OR IS MADE TO possess a magnetic
27 field. ~~— unless previously monumented with iron stakes, and~~

1 capped with some device legibly showing the license number of the
2 licensed land surveyor responsible for placing them.

3 (g) "Reference monument" means a special monument that does
4 not occupy the same geographical position as the corner itself
5 but whose spatial relationship to the corner is recorded and
6 which serves to witness the corner.

7 (h) ~~"Licensed surveyor"~~ "SURVEYOR" means a PROFESSIONAL
8 surveyor who is licensed to practice ~~land~~ PROFESSIONAL survey-
9 ing under the occupational code, Act No. 299 of the Public Acts
10 of 1980, being sections 339.101 to 339.2721 of the Michigan
11 Compiled Laws. ~~, and has a paid up license for that calendar~~
12 ~~year, or who is authorized under that act to practice land~~
13 ~~surveying.~~

14 (i) "Board" means the board of ~~land~~ PROFESSIONAL survey-
15 ors, as established by section 2002 of the occupational code, Act
16 No. 299 of the Public Acts of 1980, being section 339.2002 of the
17 Michigan Compiled Laws.

18 (J) "CORNER RECORD" MEANS A WRITTEN RECORD ON A FORM,
19 APPROVED BY THE BOARD, OF A CORNER ESTABLISHED, REESTABLISHED,
20 MONUMENTED, REMONUMENTED, RESTORED, REHABILITATED, PERPETUATED,
21 OR USED AS A CONTROL IN A SURVEY.

22 (K) "COUNTY SURVEYOR" MEANS AN INDIVIDUAL HOLDING THE ELEC-
23 TIVE OFFICE OF COUNTY SURVEYOR OF 1846, CONSISTENT WITH SECTION
24 95 OF CHAPTER 14 OF THE REVISED STATUTES, BEING SECTION 54.95 OF
25 THE MICHIGAN COMPILED LAWS, OR AN INDIVIDUAL APPOINTED AS COUNTY
26 REPRESENTATIVE PURSUANT TO SECTION 9 OF THE STATE SURVEY AND

1 REMONUMENTATION ACT, ACT NO. 345 OF THE PUBLIC ACTS OF 1990,
2 BEING SECTION 54.269 OF THE MICHIGAN COMPILED LAWS.

3 Sec. 3. ~~A~~ IF A PUBLIC LAND SURVEY CORNER OR AN ACCESSORY
4 TO THE CORNER IS USED BY A SURVEYOR AS A CONTROL IN A SURVEY, NOT
5 MORE THAN 90 DAYS AFTER COMPLETION OF THE SURVEY, THE surveyor
6 shall complete, sign, ~~stamp with his~~ seal, and file with the
7 register of deeds of the county where the corner is situated, a
8 ~~written record of corner establishment or restoration to be~~
9 ~~known as a "corner record" for every~~ CORNER RECORD FOR THE
10 public land survey corner ~~and~~ OR accessory to ~~such~~ THE
11 corner, ~~which is established, reestablished, monumented, remonu-~~
12 ~~mented, restored, rehabilitated, perpetuated or used as control~~
13 ~~in any survey by such surveyor, and within 90 days thereafter,~~
14 unless the corner MONUMENT and its accessories are
15 ~~substantially~~ as described in an existing corner record filed
16 ~~in accordance with the provisions of~~ UNDER this act.

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

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

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

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

3 (5) ~~For purposes of determining the filing fee, the~~ THE
4 FEE FOR RECORDING A corner record shall be ~~considered as a simi-~~
5 ~~lar service to a recording~~ DETERMINED as provided in section
6 2567(1)(a) of the revised judicature act of 1961, Act No. 236 of
7 the Public Acts of 1961, being section 600.2567 of the Michigan
8 Compiled Laws.

9 Sec. 7. ~~In every case where~~ IF a corner record ~~of a~~
10 ~~public land survey corner~~ is required to be filed under ~~the~~
11 ~~provisions of~~ this act, the surveyor shall ~~reconstruct or reha-~~
12 ~~bilitate the monument of such corner and accessories to such~~
13 ~~corner, so that it shall be left by him in such~~ MONUMENT THE
14 CORNER AND EACH ACCESSORY TO THE CORNER, AND LEAVE THE MONUMENT
15 IN SUCH A physical condition that it remains as permanent a monu-
16 ment as is reasonably possible. ~~and so that the same may be~~
17 ~~reasonably expected to be located with facility at all times in~~
18 ~~the future.~~ IF ACCESS TO THE CORNER LOCATION WILL CREATE AN
19 UNSAFE CONDITION, THE SURVEYOR MAY INSTALL AT LEAST 4 REFERENCE
20 MONUMENTS INTERRELATED AND VISIBLE WITH THE CORNER LOCATION AND
21 EACH OTHER BY ANGULAR AND LINEAR MEASUREMENTS.

22 Sec. 8. A corner record shall not be filed unless it is
23 signed, ~~by a licensed surveyor and stamped with the surveyor's~~
24 ~~seal, or~~ DATED, AND SEALED BY THE SURVEYOR. HOWEVER, in the
25 case of an agency of the United States government or ~~the~~ THIS
26 state, the certificate ~~may be signed by the chief of the survey~~
27 ~~party making the survey and~~ SHALL BE approved, signed, DATED,

1 and sealed by the ~~licensed~~ surveyor in responsible charge of
2 the agency AND MAY ALSO BE SIGNED BY THE CHIEF OF THE SURVEY
3 PARTY MAKING THE SURVEY.

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

8 (2) UNLESS IT IS TO BE SET in a public ~~highway, the~~
9 ROADWAY, A monument shall be set ~~not more than 6 inches above~~
10 WITH NOT LESS THAN 2/3 OF ITS LENGTH BELOW the surface of the
11 surrounding ground. ~~not more than 6 inches below the surface of~~
12 ~~the ground. When~~

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

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

25 (5) IF A CORNER TO BE MONUMENTED IS LOCATED ON A ROCK OUT-
26 CROPPING, AN IRON BAR AT LEAST 1/2 INCH IN DIAMETER SHALL BE

1 DRILLED AND GROUTED INTO SOLID ROCK TO A DEPTH OF AT LEAST 8
2 INCHES.

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

6 Sec. 14. (1) A person who defaces, destroys, alters, or
7 removes a corner MONUMENT OR REFERENCE MONUMENT is guilty of a
8 misdemeanor and shall be punished by a fine of not more than
9 ~~\$500.00~~ \$1,000.00, or imprisonment for not more than ~~60~~ 180
10 days, or both, and shall be responsible for the costs of reestab-
11 lishment ~~—~~ AND replacement ~~—~~ OF THE MONUMENT and filing of
12 the corner RECORD by a ~~licensed land~~ surveyor. A corner
13 MONUMENT OR REFERENCE MONUMENT may be temporarily removed for
14 construction purposes if the corner is properly witnessed by a
15 ~~licensed land~~ surveyor ~~prior to~~ BEFORE removal. The ~~corner~~
16 MONUMENT shall be reset, rewitnessed, and refiled by a ~~licensed~~
17 ~~land~~ surveyor within 30 days after the completion of
18 construction. A corner MONUMENT OR REFERENCE MONUMENT shall not
19 be temporarily removed for more than 1 year. A person who knows
20 that a corner MONUMENT OR REFERENCE MONUMENT has been defaced,
21 destroyed, altered, or removed shall report that fact to the
22 county surveyor of the county in which the corner is located.

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

25 Section 2. Sections 9 and 11 of Act No. 74 of the Public
26 Acts of 1970, being sections 54.209 and 54.210a of the Michigan
27 Compiled Laws, are repealed.