



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 589 (as introduced 6-30-21)
Sponsor: Senator Curtis Hertel, Jr.
Committee: Local Government

Date Completed: 11-9-22

CONTENT

The bill would amend Public Act 132 of 1970, which provides for the filing of surveys in the office of the register of deeds relative to land division, to do the following:

- **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 was located a certified copy of the original survey map.**
- **Specify that land surveyed for preparation of a condominium subdivision plan would not have to be recorded in the office of the register of deeds in the country in which the land was located.**
- **Require a professional surveyor who could not 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 of 1970 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 copy in the office of the register of deeds in the county in which the land is situated.

Under the bill, instead, if lands were surveyed into parcels under the Land Division Act, the grantor or lessor of a property would have to record in the office of the register of deeds in the county in which the land was located a certified copy of the original survey map by the time the property was conveyed or leased, unless the professional land surveyor who prepared the survey had already done so.

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 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. Under the bill, instead, for a survey done for these purposes, the grantor or lessor would have to record, by the time the property was conveyed or leased, a certified copy of the original survey map with the registered of deeds in the county in which the land was situated, unless the surveyor who prepared the survey had 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 (which governs the preparation of a condominium subdivision plan) also would be excluded from recording requirements.

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, the marker would have to include the last five digits of the license numbers of the licensed professional surveyor placing the corner. Furthermore, if a corner could not be conveniently set because of physical obstructions such as pavement, large rocks, large roots, or utility cables, the professional surveyor would have to do the following:

- Establish an alternative monument that was 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 compliance with the preceding two requirements were not feasible, the professional surveyor would have 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. Currently, a survey map must be prepared on durable white paper 8-1/2 inches wide by 14 inches long.

In addition, lines on the map must be made with nonfading black ink on a scale of not more than 500 feet to an inch. The scale must be shown on the map, and a true scale reproduction of the map under the Records Reproduction Act must be recorded. The map also must include a certificate signed and sealed by the licensed professional surveyor who surveyed the parcel or parcels. Instead, the map would have to have lines at a scale of not greater than one inch per 500 feet, *indicated in writing numerically and by graphic bar scale, had would have to have text of a size readily legible for the line scale selected.* The bill would eliminate the requirement that the map have a certificate (and all requirements associated with that certificate) and instead would require the map to bear the seal and signature of the professional surveyor who surveyed the parcel or parcels.

Under the bill, in addition to being typed, lettered, or otherwise reproduced legibly with nonfading ink (as currently required), the certified survey map could be prepared by computer aided drafting (i.e., CAD).

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. Under the bill, if the boundary of a parcel follows or parallels a section line, it would have to comply with one of the following:

- The section line would have to 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 were monumented under the State Survey and Remonumentation Act.
- Other protracted divisions lines shown in the United State Public Land Survey would have to be defined at their extremities by corners established by accepted survey methods.

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)". This would apply to a condominium survey map.

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 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 transverse line to the water's edge of any inland lake or stream and the date of the survey to the water's edge.

Under the bill, a certified survey map instead would have to include the following:

- The 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.
- A certification by the professional surveyor that the map met Public Act 132's requirements.

MCL 54.211-54.213

Legislative Analyst: Olivia Ponte

FISCAL IMPACT

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

Fiscal Analyst: Bobby Canell

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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.