

**SFA**

BILL ANALYSIS

**RECEIVED**

JAN 25 1988

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383 • State Law Library

**Senate Bills 484, 485, and 486 (as reported without amendment)****Sponsor: Senator Vern Ehlers****Committee: Local Government and Veterans****Date Completed: 11-23-87*****RATIONALE***

For anyone who has flown over the Midwest, a familiar sight is the checkerboard pattern of the landscape. This is the result of the U.S. Public Land Survey System begun 200 years ago. Surveys of Michigan, conducted from 1815-1854, established six-mile square townships that were further subdivided into 36-mile square sections. These areas were defined by section and quarter section corners, commonly called government corners, set at one-half mile intervals across the State. The corners serve as the basis for all public and private property locations including practically all privately owned parcels, farms, and homes, plus thousands of miles of publicly owned roads, highways, utility lines, railroads, and other public works.

Under Federal and State property law, once the location of a government corner has been established by the U.S. Survey and accepted by the Office of Surveyor General, it is fixed and immovable. In order to safeguard this location and ensure proper record keeping of corners and surveys, the office of county surveyor was established. Currently, persons elected or appointed to the office must meet either the educational or experience requirements specified in Chapter 14 of the Revised Statutes of 1846, which are not as stringent as the requirements established in the Occupational Code for the licensing of a surveyor. While there reportedly are several county surveyors serving in the State who do not meet these licensing standards, it is argued that under the current law a person could be elected or appointed a county surveyor without being a licensed surveyor and, thus, could not legally perform the tasks of a county surveyor. Some people believe that persons holding this office should be licensed under the Occupational Code.

Government corners are used by many public and private agencies—such as survey and engineering consultants, municipalities, road commissions, public works departments and utility companies. Due to carelessness during construction or wanton destruction, government corners are being removed with no provision made or precaution taken for their replacement. Some people contend that replacement of a corner immediately after it has been removed may cost less than \$100, yet, when a corner monument is destroyed, resetting it may involve researching two or three surveys at a cost of up to \$1,000. The penalty of a fine and/or imprisonment for destroying a monument should be increased, it is argued, to deter destruction of the corners.

When surveying a lot in a subdivision, the exterior boundaries of any land surveyed must be in reference to government corners. The process should be simplified, some contend, so that lots could be referenced to monuments in the subdivision plot.

***CONTENT***

Senate Bills 484, 485, and 486 would amend various acts to replace references in those acts to "registered" surveyors with references to land surveyors licensed under the Occupational Code; to make a number of changes in the acts' provisions regarding "corners" (geographic points used in surveying to determine property lines, generally marked by monuments); and to require that a person be a licensed land surveyor before being elected or appointed as a county surveyor. The bills are not tie-barred.

**Senate Bill 484**

The bill would amend Public Act 132 of 1970, which provides for the filing of surveys with registers of deeds. In addition to amending the Act to refer to licensed rather than registered land surveyors, and changing reference from "ferrous metal stakes" to "permanent markers which possess a magnetic field", the bill would amend the Act's provisions for indicating the exterior boundaries in recorded subdivisions of land. A recorded surveyor's map would have to include the exterior boundaries of the land surveyed and divided, together with the line or lines leading to the U.S. public land survey corner, or corners, from which the land was described. Boundaries along a lake or stream would have to be defined by a meander line connecting the side boundaries of the parcel. If a lot in a recorded subdivision were divided, the exterior boundaries of the lot surveyed and divided would have to be referenced to existing lot corners and the controlling monuments used for that survey. The bill also proposes amendments regarding monuments and filing fees that would parallel those of Senate Bill 486.

MCL 54.212 and 54.213

**Senate Bill 485**

The bill would amend Chapter 14 of the Revised Statutes of 1846, which provides for county officers, to require that a person be licensed as a land surveyor under the Occupational Code before he or she could be elected or appointed as a county surveyor.

MCL 54.95

**Senate Bill 486**

The bill would amend the Corner Recordation Act to increase the penalties for defacing, destroying, altering, or removing a corner, and to provide for a corner's temporary removal and subsequent replacement.

Under the Act, a person who defaces, destroys, alters, or removes a corner is guilty of a misdemeanor, punishable by a fine of not more than \$50, imprisonment for not more than 30 days, or both. The bill would raise the maximum

S.B. 484, 485, &amp; 486 (11-23-87)

fine to \$500 and the maximum term of imprisonment to 60 days, and require the guilty person to be responsible for the costs of re-establishment, replacement, and filing of the corner by a licensed land surveyor. A person who knew that a corner had been defaced, destroyed, altered, or removed would have to report that to the appropriate county surveyor. "Person" would mean an individual, or any public or private legal entity.

The bill would allow the temporary removal, for up to one year, of a corner for construction purposes if the corner were properly witnessed by a licensed land surveyor prior to removal. The corner would have to be reset, rewitnessed, and refiled by a licensed surveyor within 30 days after construction was completed. The bill specifies that the filing fee for recording a corner would be that which a register of deeds is entitled to for recording deeds under the Revised Judicature Act, namely, \$5 for the first page and \$2 for each additional page (MCL 600.2567(1)(a)).

Under the Act, a "monument" is defined as an accessory presumed to occupy the exact position of a corner, and a corner must be "monumented" with "ferrous metal stakes". The bill would require instead that monuments be "permanent markers which possess a magnetic field".

The bill also would repeal a provision on the coding, indexing, and transferring of corner records that was in effect for one year as of March 31, 1976.

MCL 54.202 et al.

## ***FISCAL INFORMATION***

The bills would have no fiscal impact on State and local government.

## ***ARGUMENTS***

### ***Supporting Argument***

It is possible for an unlicensed individual who is not qualified to perform surveying services in the State to be elected and serve as a county surveyor. This deficiency needs to be corrected so that current licensing standards for the surveying profession are required for county surveyors.

### ***Supporting Argument***

Government corners serve as the basis for all public and private property locations. Under the Corner Recordation Act, surveyors are required to file a land corner recordation certificate for any survey corner to be used. Yet, many agencies—such as public works departments and road and drain commissions—do not employ licensed surveyors. Consequently, these agencies consider themselves to be exempt from the Act. As a result, these recordation certificates are not filed and many government corners are being removed or destroyed with no precautions, such as filing a recordation certificate, being taken for their replacements. The law should specify that any person or agency that removes a corner is responsible for its replacement by a licensed surveyor. In addition, strengthening the penalties for removal could serve as a deterrent.

Legislative Analyst: L. Arasim  
Fiscal Analyst: L. Burghardt

---

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.