

HOUSE BILL No. 5936

June 11, 1998, Introduced by Rep. Kukuk 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), section 2 as amended by 1988 PA 24 and section 3 as amended by 1992 PA 183, and by adding section 1a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) ~~Whenever lands are surveyed into 4 parcels or~~
2 ~~less, or a greater number when such parcels are of 10 acres or~~
3 ~~more, or any boundary survey where permanent~~ UPON THE SURVEY OF
4 A PARCEL OF RECORD, IF SUCH SURVEY MEETS THE REQUIREMENTS OF THIS
5 ACT, AND UPON MONUMENTATION OF THE corners, ~~are monumented, a~~
6 ~~certified copy may~~ A CERTIFICATE OF SURVEY SHALL be recorded in
7 the office of the register of deeds in the county in which the

1 land is situated. ~~, if such survey meets the requirements of~~
2 ~~this act.~~

3 (2) ~~If a survey is made for the purposes of describing the~~
4 ~~parcel in a conveyance of title, a certified copy of that survey~~
5 ~~shall be recorded at the time of recording the conveyance of~~
6 ~~title with~~ A CERTIFICATE OF SURVEY IS REQUIRED OF ANY LAND DIVI-
7 SION CREATING A NEW PARCEL. THE SURVEYOR SHALL SUBMIT A CERTIFI-
8 CATE OF TITLE TO the register of deeds FOR RECORDING in the
9 county in which the land is situated. The requirements of this
10 act are in addition to ~~Act No. 288 of the Public Acts of 1967,~~
11 ~~as amended, being sections 560.101 to 560.923 of the Compiled~~
12 ~~Laws of 1948~~ THE REQUIREMENTS IMPOSED IN THE SUBDIVISION CONTROL
13 ACT OF 1967, 1967 PA 288, MCL 560.101 TO 560.293. Land platted in
14 accordance with ~~Act No. 288 of the Public Acts of 1967, as~~
15 ~~amended,~~ THE SUBDIVISION CONTROL ACT OF 1967, 1967 PA 288, MCL
16 560.101 TO 560.293, or land previously surveyed and recorded and
17 for which no change in boundary description is made from a previ-
18 ously recorded survey ~~need~~ IS not REQUIRED TO be recorded.
19 ~~Surveys solely for mortgage certificate purposes need not be~~
20 ~~recorded.~~

21 SEC. 1A. AS USED IN THIS ACT:

22 (A) "BOARD" MEANS THE BOARD OF PROFESSIONAL SURVEYORS, AS
23 ESTABLISHED BY SECTION 2002 OF THE OCCUPATIONAL CODE, 1980 PA
24 299, MCL 339.2002.

25 (B) "CERTIFICATE OF SURVEY" MEANS THE DOCUMENT THAT IS
26 RECORDED WHICH COMPLIES WITH AND CONTAINS ALL OF THE PROVISIONS
27 OF THIS ACT.

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1 (C) "CORNER", UNLESS OTHERWISE QUALIFIED, MEANS A PROPERTY
2 CORNER, A PROPERTY CONTROLLING CORNER, A PUBLIC LAND SURVEY
3 CORNER, OR ANY COMBINATION AS ESTABLISHED IN THE CORNER RECORDA-
4 TION ACT, 1970 PA 74, MCL 54.201 TO 54.210D.

5 (D) "DURABLE MEDIA" MEANS MEDIA AS ESTABLISHED IN THE
6 RECORDS MEDIA ACT, 1992 PA 116, MCL 24.401 TO 24.403.

7 (E) "MONUMENT" MEANS A MARKER THAT OCCUPIES THE POSITION OF
8 A CORNER WHICH POSSESSES OR IS MADE TO POSSESS A MAGNETIC FIELD
9 AS ESTABLISHED IN THE CORNER RECORDATION ACT, 1970 PA 74, MCL
10 54.201 TO 54.210D.

11 (F) "PARCEL" MEANS AN AREA OF LAND IDENTIFIED BY A LEGAL
12 DESCRIPTION.

13 (G) "REFERENCE MONUMENT" MEANS A MONUMENT THAT DOES NOT
14 OCCUPY THE SAME GEOGRAPHICAL POSITION AS THE CORNER ITSELF BUT
15 WHOSE SPATIAL RELATIONSHIP TO THE CORNER IS RECORDED AND WHICH
16 SERVES TO WITNESS THE CORNER.

17 (H) "SURVEYOR" MEANS A PROFESSIONAL SURVEYOR WHO IS LICENSED
18 TO ENGAGE IN THE PRACTICE OF PROFESSIONAL SURVEYING UNDER THE
19 OCCUPATIONAL CODE, 1980 PA 299, MCL 339.101 TO 339.2721.

20 (I) "TRAVERSE LINE" MEANS A RANDOM LINE ESTABLISHED BY ANGU-
21 LAR AND LINEAR MEASUREMENTS.

22 Sec. 2. (1) ~~The~~ A survey shall be performed and the ~~map~~
23 CERTIFICATE OF SURVEY prepared by a ~~land~~ surveyor licensed in
24 this state.

25 (2) ~~All corners~~ UNLESS PREVIOUSLY MONUMENTED, MONUMENTS
26 shall be ~~monumented in the field with permanent markers which~~
27 ~~possess a magnetic field unless previously monumented with iron~~

1 ~~stakes, capped with some device legibly~~ INSTALLED AT ALL
2 PROPERTY CORNERS AND LEGIBLY CAPPED showing the license number of
3 the ~~licensed land~~ surveyor placing them. ~~, and shall include~~
4 ~~points of intersection of boundary or lot lines with highways,~~
5 ~~streets, alleys, section lines, and meander lines, and corners of~~
6 ~~the United States public land survey from which the parcel or~~
7 ~~parcels are described.~~ WHERE A PROPERTY CORNER CANNOT BE PHYSI-
8 CALLY INSTALLED, ANY REFERENCE MONUMENT INSTALLED SHALL BE LEGI-
9 BLY CAPPED SHOWING THE LICENSE NUMBER OF THE SURVEYOR. THE RELA-
10 TIONSHIP OF THE REFERENCE MONUMENT TO THE ACTUAL CORNER LOCATION
11 SHALL BE SHOWN ON THE MAP.

12 Sec. 3. (1) ~~The map shall be prepared on durable white~~
13 ~~paper 8-1/2 inches wide by 14 inches long. Lines on a map shall~~
14 ~~be made with nonfading black ink on a scale of not more than 500~~
15 ~~feet to an inch the scale shall be shown on the map. The map may~~
16 ~~instead be prepared on tracing cloth or paper, and a true scale~~
17 A CERTIFICATE OF SURVEY SHALL CONSIST OF A MAP AND SURVEYOR'S
18 STATEMENT PRODUCED ON DURABLE MEDIA 8-1/2 INCHES WIDE AND 14
19 INCHES LONG AND SHALL COMPLY WITH AT LEAST THE FOLLOWING:

20 (A) BE MADE TO A SCALE OF NOT MORE THAN 1:6,000.

21 (B) HAVE LINES AND LETTERING THAT ARE REPRODUCIBLE, PER-
22 MANENT, AND BLACK IN COLOR.

23 (C) BE PREPARED ON TRACING CLOTH, VELLUM, MYLAR, OR A repro-
24 duction of the map pursuant to the records media act, ~~may be~~
25 ~~recorded~~ 1992 PA 116, MCL 24.401 TO 24.403.

26 (2) The map DESCRIBED IN SUBSECTION (1) shall include all of
27 the following:

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1 (a) A certificate OF SURVEY signed and sealed by the
2 licensed ~~land~~ surveyor who surveyed and mapped the parcel or
3 parcels, ~~typed, lettered, or reproduced legibly with nonfading~~
4 ~~ink,~~ giving a clear, concise description of the land surveyed by
5 bearings and distances, commencing with ~~some~~ A corner marked
6 and established in the United States public land survey, OTHER
7 ORIGINAL SURVEY SYSTEM, or reestablished in accordance with
8 accepted methods. The certificate OF SURVEY shall also include
9 the ratio of closure of latitudes and departures, which shall be
10 within limits ~~accepted~~ ESTABLISHED by the ~~profession of land~~
11 ~~surveying,~~ BOARD and ~~certification~~ A STATEMENT by the
12 ~~licensed land~~ surveyor that the requirements of this section
13 have been met.

14 (b) The BEARING AND LENGTH OF EACH LINE OF THE exterior
15 boundaries of the land surveyed and divided, together with the
16 line or lines leading to the United States public land survey
17 corner ~~,~~ or ~~corners~~ OTHER ORIGINAL SURVEY SYSTEM CORNER, from
18 which the land is described. A boundary along a lake or stream
19 shall be ~~defined by~~ REFERENCED TO a ~~meander~~ TRAVERSE line
20 connecting the ~~side~~ boundaries of the parcel. If a lot in a
21 recorded subdivision is divided, the exterior boundaries of the
22 lot surveyed and divided shall be referenced to existing lot
23 corners and the controlling monuments used for that survey.

24 (c) If the boundary of the parcel follows or parallels a
25 section line, the section line ~~shall be~~ AS defined at its
26 extremities by ~~a corner~~ CORNERS established in the United
27 States public land survey, OTHER ORIGINAL SURVEY SYSTEM, or

1 reestablished pursuant to accepted methods ~~— Each corner of the~~
 2 ~~United States public land survey shall be duly witnessed to a~~
 3 ~~permanent object and the kind of object and the bearings and dis-~~
 4 ~~tances to it, together with the kind and material of monumenta-~~
 5 ~~tion marking the corner, shall be shown on the map.~~ WITH ITS
 6 ACCESSORIES AS REQUIRED BY THE CORNER RECORDATION ACT, 1970 PA
 7 74, MCL 54.201 TO 54.210D.

8 (d) ~~A~~ IF A curved boundary or a curved highway, street, or
 9 lot line ~~—~~ AND if the curve is contained within the line,
 10 ~~shall be~~ AS defined by the points of curvature ~~and tangency~~
 11 and compound curvature, central angle, length of arcs, ~~degree of~~
 12 ~~curvature~~ RADIUS, BEARING, and length ~~and bearing~~ of the
 13 ~~long~~ chord, or, if the curve is only partially contained within
 14 the line, by the length of arc along the curve, ~~degree of~~
 15 ~~curvature~~ RADIUS, AND BEARING, and length ~~and bearing~~ of the
 16 ~~short~~ chord, or by traverse courses and distances if the curve
 17 is not regular.

18 (e) If an exterior boundary line ~~shows~~ SHOWING a bearing
 19 or length that varies from that recorded in an abutting plat or
 20 ~~certified~~ CERTIFICATE OF survey, the following note shall be
 21 placed along the line "recorded as (show bearing or length or
 22 both)".

23 ~~(f) The length and bearing of each line.~~

24 (F) ~~(g)~~ The ~~exact~~ RIGHT-OF-WAY width of ~~each~~ A street,
 25 highway, AND alley. ~~—, and easement.~~

26 (G) ~~(h)~~ The distance on a boundary or lot line from the
 27 point of intersection with a ~~meander~~ TRAVERSE line to apparent

1 ordinary high water line of Great Lakes waters and to the water's
2 edge of inland lakes and streams.

3 (H) ~~(i)~~ A north point properly ~~located~~ ORIENTED.

4 (3) ~~(2) Certified~~ CERTIFICATE OF survey maps prepared pur-
5 suant to this section shall be accepted, upon payment of the reg-
6 ular fee schedule as provided in section 2567(1)(a) of the
7 revised judicature act of 1961, ~~Act No.~~ 1961 PA 236, ~~of the~~
8 ~~Public Acts of 1961, being section~~ MCL 600.2567, ~~of the~~
9 ~~Michigan Compiled Laws,~~ shall be numbered consecutively by the
10 register of deeds, shall be recorded in bound volumes, or in a
11 manner adapted to a system of preserving records pursuant to the
12 records media act, 1992 PA 116, MCL 24.401 TO 24.403, and known
13 as the "certified survey maps of county", and
14 shall become a part of the land records of the county. A sepa-
15 rate card file shall be ~~kept showing~~ INDEXED by section, town-
16 ship, and range OR BY OTHER ORIGINAL SURVEY SYSTEM and also by
17 title of recorded plat if a resurvey within such plat, the
18 ~~designating number~~ PARCEL DESIGNATION, liber, and page of the
19 certified maps IS filed in the bound volume, or other record.
20 (4) ~~(3)~~ If a ~~certified~~ CERTIFICATE OF survey ~~map~~ is
21 recorded pursuant to this section, the parcels of land in the map
22 may be described with a ~~supplemental~~ reference to the ~~number~~
23 PARCEL DESIGNATION of the survey, the volume and page where
24 recorded, and the name of the county, for all purposes, including
25 assessment, taxation, devise, descent, and conveyance.