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LET DRAIN COMMISSIONERS RECORD UNRECORDED EASEMENTS

House Bill 5688

Sponsor: Rep. James Koetje

**Committee: Agriculture and Resource
Management**

Complete to 8-21-00

A SUMMARY OF HOUSE BILL 5688 AS INTRODUCED 4-27-00

The Drain Code of 1956 currently requires, among other things, that any easement obtained in connection with any proposed drain or drains be recorded in the office of the register of deeds “following 30 days after the day of review” (of drain assessments) and whenever the drain is cleaned, relocated, deepened, widened, straightened, extended, tiled, or consolidated under law (MCL 280.11). In addition, the law governing the recording of records in offices of registers of deeds (Public Act 103 of 1937) specifies certain requirements before “instruments” (i.e. written documents) executed after October 29, 1937 that convey, assign, encumber, or otherwise dispose of the title to – or any interest in – real estate can be received by the register of deeds for record.

The bill would add a new section to Public Act 103 of 1937 to require registers of deeds to accept drain code easements granted before March 28, 1956 even if the easement did not comply with the act’s recording requirements, if it were accompanied by a drain commissioner’s affidavit that either (a) stated the information that was missing or incorrect in the easement or that the drain commissioner could not obtain the correct or missing information. The affidavit would have to be in a recordable form that met the act’s requirements. A county drain commission who submitted an easement under the bill would be responsible for all allowable fees for recording the easement.

MCL.202a

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.