

Act No. 34
Public Acts of 2000
Approved by the Governor
March 15, 2000
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**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Senators Emmons and McCotter

ENROLLED SENATE BILL No. 803

AN ACT to amend 1970 PA 74, entitled "An act to protect and perpetuate public land survey corners; to require the establishment of monuments and the recording of information concerning public land survey corners; to prescribe the duties of the register of deeds; and to provide penalties," by amending sections 2, 3, 6, 7, 8, 10, 13, and 14 (MCL 54.202, 54.203, 54.206, 54.207, 54.208, 54.210, 54.210c, and 54.210d), sections 2, 6, 8, 13, and 14 as amended by 1988 PA 26; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

(a) "Property corner" means a geographic point on the surface of the earth, which is on, is a part of, and controls a property line.

(b) "Property controlling corner" for a property means a public land survey corner or any property corner which does not lie on a property line of the property in question but which controls the location of 1 or more of the property corners of the property in question.

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

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

(e) "Accessory", with respect to a corner, means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

(f) "Monument" means a marker that occupies the position of a corner and that possesses or is made to possess a magnetic field.

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

(h) "Surveyor" means a professional surveyor who is licensed to practice professional surveying under the occupational code, 1980 PA 299, MCL 339.101 to 339.2721.

(i) "Board" means the board of professional surveyors, as established by section 2002 of the occupational code, 1980 PA 299, MCL 339.2002.

(j) "Corner record" means a written record on a form, approved by the board, of a corner established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated, or used as a control in a survey.

(k) "County surveyor" means an individual holding the elective office of county surveyor, subject to section 95 of 1846 RS 14, MCL 54.95, or an individual appointed as county representative pursuant to section 9 of the state survey and remonumentation act, 1990 PA 345, MCL 54.269.

Sec. 3. If a public land survey corner or an accessory to the corner is used by a surveyor as a control in a survey, not more than 90 days after completion of the survey, the surveyor shall complete, sign, seal, and file with the register of deeds of the county where the corner is situated, a corner record for the public land survey corner or accessory to the corner, unless the corner monument and its accessories are as described in an existing corner record filed under this act.

Sec. 6. (1) The register of deeds shall receive for filing the completed corner record and preserve it in a hardbound book. The books shall be numbered in numerical order as filed.

(2) The register of deeds shall number the corner records in numerical order as they are filed.

(3) The book and page number in which the corner record is filed shall be placed by the register of deeds on an index which the register of deeds shall provide for that purpose.

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

(5) The fee for filing a corner record shall be determined as provided in section 2567(1)(a) of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567.

Sec. 7. If a corner record is required to be filed under this act, the surveyor shall monument the corner and each accessory to the corner, and leave the monument in such a physical condition that it remains as permanent a monument as is reasonably possible. If access to the corner location will create an unsafe condition, the surveyor may install at least 4 reference monuments interrelated and visible with the corner location and each other by angular and linear measurements.

Sec. 8. A corner record shall not be filed unless it is signed, dated, and sealed by the surveyor. However, in the case of an agency of the United States government or this state, the certificate shall be approved, signed, dated, and sealed by the surveyor in responsible charge of the agency and may also be signed by the chief of the survey party making the survey.

Sec. 10. (1) When set, a monument shall possess a magnetic field, be at least 1/2 inch in diameter and a minimum of 18 inches in length, and be legibly capped showing the license number of the surveyor.

(2) Unless it is to be set in a public roadway, a monument shall be set with not less than 2/3 of its length below the surface of the surrounding ground.

(3) If a corner is located in a public roadway and the roadway is not hard-surfaced at the corner, the monument shall be placed at least 6 inches below the surface of the roadway.

(4) If a corner is located in a public roadway and the roadway is hard-surfaced at the corner, whether by concrete, asphalt, or otherwise, the monument, including, but not limited to, a monument set before the effective date of the 2000 amendatory act that amended this section, shall be visible or contained within a visible protected enclosure and shall comply with any requirements of the agency having jurisdiction over the roadway.

(5) If a corner to be monumented is located on a rock outcropping, the monument shall be an iron bar at least 1/2 inch in diameter, drilled and grouted into solid rock to a depth of at least 8 inches.

Sec. 13. Failure to comply with the provisions of this act is sufficient grounds for the suspension or revocation of the license of a surveyor.

Sec. 14. (1) A person who defaces, destroys, alters, or removes a corner monument or reference monument is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisonment for not more than 180 days, or both, and shall be responsible for the costs of reestablishment and replacement of the monument and filing of the corner record by a surveyor. A corner monument or reference monument may be temporarily removed for construction purposes if the corner is properly witnessed by a surveyor before removal. The monument shall be reset, rewitnessed, and refiled by a surveyor within 30 days after the completion of construction. A corner monument or reference monument shall not be temporarily removed for more than 1 year. A person who knows that a corner monument or reference monument has been defaced, destroyed, altered, or removed shall report that fact to the county surveyor of the county in which the corner is located.

(2) As used in this section, "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Enacting section 1. Sections 9 and 11 of the corner recordation act, 1970 PA 74, MCL 54.209 and 54.210a, are repealed.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Sam E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.