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## **DRAINS: ALLOW RECORDING OF NONCONFORMING EASEMENTS**

**House Bill 4608**

**Sponsor: Rep. James Koetje**

**Committee: Agriculture and Resource  
Management**

**Complete to 9-23-03**

### **A SUMMARY OF HOUSE BILL 4608 AS INTRODUCED 5-1-03**

The bill would add a new section to Public Act 103 of 1937 to require registers of deeds to receive drain code easements granted before March 28, 1956 even if the easement did not comply with the act's recording requirements, if the easement was accompanied by a drain commissioner's affidavit that either stated the information that was missing or incorrect in the easement or stated 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.

[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 the expiration of 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, Public Act 103 of 1937 sets out certain requirements for the receipt by the register of deeds of "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.]

MCL 565.202a

Analyst: M. Wolf

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