



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 1043 (as enacted)  
Sponsor: Senator Howard C. Walker  
Senate Committee: Local Government and Elections  
House Committee: Local Government

**PUBLIC ACT 420 of 2014**

Date Completed: 3-31-15

**CONTENT**

**The bill amended the Corner Recordation Act to do the following:**

- **Require a surveyor who uses an original public land survey corner to file a corner record with the county register of deeds, as the Act previously required when a surveyor used a public land survey corner or an accessory to the corner.**
- **Require a surveyor to file a land corner recordation certificate with the register of deeds within 90 days after monumenting a protracted public land survey corner.**
- **Require a property controlling corner to be recorded on the same land corner recordation certificate required in the two situations described above, if a property controlling corner is recorded or used as an original public land survey corner or protracted public land survey corner.**
- **Allow a surveyor who monuments or uses a corner to complete, sign, and seal a land corner recordation certificate for the corner, and file it with the register of deeds, if none of the situations described above applies.**
- **Allow a surveyor to establish a witness monument if it is impracticable to occupy the site of a corner with a monument, and prescribe requirements for setting a witness monument.**
- **Delete a provision that allowed a surveyor to install at least four reference monuments if access to a corner location would create an unsafe condition.**
- **Require a surveyor to install at least four reference monuments as prescribed in the bill, if he or she sets reference monuments.**
- **Increase from \$1,000 to \$5,000 the maximum misdemeanor fine for defacing, destroying, altering, or removing a corner monument or reference monument, and apply the penalty to defacing, destroying, altering, or removing a monument, accessory, witness monument, or reference monument.**

The bill took effect on December 30, 2014.

**Filing Land Corner Recordation Certificate**

The bill requires a surveyor, if he or she uses an original public land survey corner, to complete, sign, seal, and file a land corner recordation certificate for the original public land survey corner with the register of deeds of the county where the survey corner is situated within 90 days after that survey corner is used, unless the original public land survey corner monument and its accessories are as described in an existing land corner recordation certification that already has been filed under the Act. Previously, that requirement applied if a surveyor used a public land survey corner or an accessory to the corner as a control in a survey, unless the corner monument and its accessories were as described in an existing corner record filed under the Act.

Under the bill, if a surveyor monuments a protracted public land survey corner, or uses a previously monumented protracted public land survey corner, the surveyor must complete, sign, seal, and file a land corner recordation certificate with the county register of deeds within 90 days after the protracted survey corner is monumented or used, unless the corner monument and its accessories are as described in an existing land corner recordation certificate that has been filed under the Act.

If a property controlling corner has been recorded or used as an original public land survey corner or protracted public land survey corner, the property controlling corner must be recorded on the same land corner recordation certificate required as described above for either an original public land survey corner or a protracted public land survey corner.

If none of the provisions described above applies, a surveyor who monuments or uses a corner may complete, sign, seal, and file a land corner recordation certificate for the corner with the county register of deeds.

The bill defines "original public land survey corner" as a corner established and monumented pursuant to orders and instructions issued by the U.S. government for the purposes of delineating the U.S. public lands and private lands or subdividing the public lands for conveyance. "Corner" means an original public land survey corner, a protracted public land survey corner, a property controlling corner, a witness monument, or a property corner.

The bill defines "protracted public land survey corner" as any of the following:

- A closing quarter section position along a township or range line or a center quarter section position that was not actually monumented on the ground in the field notes of the original Federal government survey, but that serves to complete the nominal half-mile grid of government corner.
- A monumented position that is not an original public land survey corner, that lies on a section line or quarter line near a body of water, and that serves to define the section line or quarter line in lieu of a submerged government position or an omitted meander position.
- A section or quarter section corner that appears by the field notes and plats of the U.S. survey of Michigan, on file in the State Archives, to have been omitted and not properly established or monumented.

"Property controlling corner" means either of the following:

- A position misidentified as and used as an original public land survey corner or as a protracted public land survey corner that serves to control property.
- A corner that does not lie on a property line of a property but that controls the location of one or more of the property corners of the property.

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

### Filing Requirements

The bill requires the Department of Licensing and Regulatory Affairs, by rule, to prescribe the information that must be included in a land corner recordation certificate and the form in which a certificate must be presented and filed. Previously, the Board of Professional Surveyors was required to prescribe, by rule, the information that had to be included in the corner record and the form in which the corner had to be presented and filed.

The bill refers to a land corner recordation certificate, rather than a corner record, in provisions that require a county register of deeds to receive corner records for filing, number them, and record them in a hardbound numbered book. The bill retained a provision requiring a register of deeds to determine the filing fee.

## Witness & Reference Monuments

If a land corner recordation certificate is required to be filed under the Act, the surveyor must monument the corner, record and identify 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. (Previously, this provision required the surveyor to monument the corner and each accessory to it.)

Under the bill, if a witness monument is set, the surveyor may monument the corner and must set the witness monument as follows:

- In a secure location.
- On a line of survey or protracted line of survey as shown on the general land office plats that intersects the corner.
- As close to the corner as practicable.

The surveyor must report on the land corner recordation certificate the relation between the witness monument and the true corner and the direct connecting course and distance from the corner to the witness monument.

The bill deleted a provision allowing a surveyor to install at least four reference monuments interrelated and visible with the corner location and each other by angular and linear measurements, if access to the corner location would create an unsafe condition. Under the bill, if a surveyor sets reference monuments, he or she must install at least four reference monuments interrelated and visible with the corner and each other by angular and linear measurements. He or she is not required to set the corner.

The bill requires a surveyor who sets reference monuments to report all of the following on the land corner recordation certificate:

- The relation between the reference monuments and the corner.
- The direct connecting courses and distances between the reference monuments and the corner.
- The distances between each reference monument and the two reference monuments that are closest to it.

The bill defines "witness monument" as an accessory that is a monumented point near a corner. A witness monument is established only if it is impracticable to occupy the site of a corner with a monument. A witness monument is a witness to the true corner point. If the true point for a corner falls at an inaccessible place, such as on a precipitous slope or cliff where the corner cannot be monumented, a witness monument is established at a suitable point where the monument may be permanently constructed.

"Reference monument" means an accessory that is employed if the site of a corner is such that a monument cannot be set or is liable to destruction or if occupation of the site provides for unsafe conditions. Previously, the term meant a special monument that did not occupy the same geographical position as the corner itself but whose spatial relationship to the corner was recorded and that served to witness the corner.

"Accessory" mean any exclusively identifiable physical object whose spatial relationship to the corner is recorded on a land corner recordation certificate that has been filed under the Act. The bill deleted a provision specifying that accessories could be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

## Criminal Penalty

Under the bill, it is a misdemeanor, punishable by a maximum fine of \$5,000 and/or up to 180 days' imprisonment, for a person to deface, destroy, alter, or remove a monument, accessory (except an accessory on private property), witness monument, or reference monument. The person also is responsible for the costs of re-establishment and replacement of the monument, accessory, witness monument, or reference monument and filing of the associated land corner recordation certificate by a surveyor. Previously, the penalty was a maximum fine of \$1,000 and/or up to 180 days' imprisonment, and the violation applied to defacing, destroying altering, or removing a corner monument or reference monument.

A person who knows that a monument, accessory, witness monument, or reference monument has been defaced, destroyed, altered, or removed must report that fact in writing to the county representative and the prosecutor of the county in which the corner is located. Previously, a person who knew that a corner monument or reference monument had been defaced, destroyed, altered, or removed was required to report to the county surveyor.

The bill defines "county representative" as the individual performing the duties of county representative under the State Survey and Remonumentation Act. (That Act requires the county surveyor in each county to perform the duties of county representative for all surveying projects approved or initiated under it. If a county does not have a county surveyor, the county board of commissioners must appoint a licensed professional surveyor to perform the duties of a county representative.)

Under the bill, a monument, accessory, witness monument, or reference monument may be temporarily removed for construction purposes if the corner is properly witnessed by a surveyor before removal. A monument, accessory, witness monument, or reference monument must be reset and rewitnessed and an associated land corner recordation certificate filed by a surveyor within 30 days after the completion of construction. A monument, accessory, witness monument, or reference monument may not be temporarily removed for more than one year. Previously, these provisions applied to a corner monument or reference monument.

MCL 54.202 et al.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill makes the Corner Recordation Act consistent with the provisions of Public Act 166 of 2014, which amended the State Survey and Remonumentation Act. Senate Bill 1043 will increase the administrative costs of the Department of Licensing and Regulatory Affairs by a minimal amount due to the need to promulgate new administrative rules. These costs will be paid by existing departmental resources. The bill will not change the responsibilities or costs of county registers of deeds.

By increasing the maximum misdemeanor fine, the bill may increase revenue to public libraries.

Fiscal Analyst: John Maxwell  
Elizabeth Pratt

S1314\S1043es

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.