

Legislative Analysis



MODIFY CERTIFIED SURVEY MAP REQUIREMENTS

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Senate Bill 337 (S-1) as reported from House committee
Sponsor: Sen. Dayna Polehanki
House Committee: Local Government and Municipal Finance
Senate Committee: Local Government
Complete to 10-27-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 238 of 2023)

SUMMARY:

Senate Bill 337 would amend 1970 PA 132, an act that provides for land surveys to be filed with a county register of deeds and requires those surveys to meet certain requirements. The bill would modernize several provisions and provide for an alternative monumentation process in cases of an obstruction, among other changes.

The act requires surveys to be performed by Michigan-licensed land surveyors and accepted by county registers of deeds to be kept as a part of the county's land records. Certified maps must provide a clear, concise description of the land surveyed by bearings (angles) and distances, commencing with a corner position marked and established in the United States Public Land Survey or reestablished by other accepted methods.

Land platted under the Land Division Act and land that has previously been surveyed, recorded, and not subject to a change in a boundary description from a previously recorded survey does not need to be recorded under the provisions of the act. Senate Bill 337 would provide that land surveyed and recorded under section 66 of the Condominium Act for a condominium subdivision plan also does not need to be recorded under 1970 PA 132.¹

Markers

The act requires each corner of a survey to be monumented in accordance with the following requirements:

- It is monumented in the field with a permanent marker that possesses a magnetic field, unless the corner has previously been monumented with iron stakes.
- It is capped with a device that legibly indicates the license number of the surveyor who placed the monument.²
- It includes the points of intersection of boundary or lot lines with highways, streets, alleys, section lines, and meander lines.
- It indicates corners of the United States Public Land Survey from which the parcel or parcels are described.

Under the bill, these requirements would still apply unless it is not convenient to set a monument because of a physical obstruction, such as pavement, a large rock or root, or a utility cable. In such instances, the surveyor would instead have to establish an alternative permanent

¹ Section 66 of the Condominium Act requires land that is surveyed for a condominium subdivision plan to be recorded with the appropriate county register of deeds.

² Senate Bill 337 would provide that only the last three digits of the surveyor's license number must be displayed.

and identifiable monument.³ The surveyor would also have to use two different monumented corners from the survey to reference that corner by bearing (angle) and distance from those corners.

If compliance with these provisions is not feasible, the surveyor would have to monument the corner in any practical manner and show its relationship on the survey map.

Map requirements

Currently, lines on a certified survey map must be made with nonfading black ink at a scale of up to 500 feet to an inch, the scale must be shown on the map, and a true scale reproduction of the map must be recorded. Senate Bill 337 would instead require the lines to be at a scale indicated in writing and by a graphic bar with easily legible text. It would also allow a map to be prepared with the use of computer-aided drafting in accordance with the Records Reproduction Act and would remove a requirement that the map include the relative positional precision of each corner.⁴

Several provisions of the act currently apply if the boundary of a parcel follows or parallels a section line, including a requirement that the section line be defined at its extremities by corners established in the United States Public Land Survey or reestablished by protracted corners monumented under the State Survey and Remonumentation Act or by other accepted methods. Under Senate Bill 337, a section line that is defined at its extremities by protracted quarter section corners that are not monumented under the State Survey and Remonumentation Act would fulfill this requirement, as would the inclusion of protracted division lines shown in the United States Public Land Survey that are defined at their extremities by corners established pursuant to accepted survey methods.

Under the act, maps must use a meander line (a line following the path of a river or stream) to indicate the distance on a boundary or lot line from the point of intersection to the apparent ordinary high-water line of Great Lakes waters or to the water's edge of inland lakes and streams. The bill would instead require a map to use an immediate traverse line (a sequence of lines determined by field measurements) to indicate the distance on a boundary or lot line from the point of intersection to the water's edge of any inland lake or stream, and the map would also have to indicate the date of the survey to the water's edge.

The bill would make the following additional modifications to the requirements for a certified survey map under the act:

- Require boundary lines along a lake or stream to be defined by an intermediate traverse line connecting the boundaries of the parcel, rather than a meander line.
- Specify that the width of the right-of-way of each street, highway, alley, and easement would have to be recorded rather than the exact width of those areas.
- Require previous recordings to be noted for exterior boundary lines that show a bearing or length that varies from a recording in a condominium map. (This provision currently applies to variances in recordings for an abutting plat or another survey.)

³ A drill hole or an "X" chiseled in concrete would be sufficient, but not required, to satisfy these requirements.

⁴ Currently, the act requires maps to be typed, lettered, or legibly reproduced with nonfading ink.

Recording

Professional surveyors must currently record a certified copy of a survey dividing land into parcels under the Land Division Act or under any survey where permanent corners are monumented with the appropriate county register of deeds. Surveyors must also record a certified copy of a survey made to describe a parcel for a conveyance of title or to describe a parcel as created in a lease that has a term of at least one year within 90 days after the survey is delivered to the client.

Senate Bill 337 would instead require that if land was divided into parcels under the Land Division Act, the grantor or lessee must record a certified true copy of the original survey map for these parcels at or before the time that the property is conveyed or leased, unless the surveyor has already done so. If a survey was made to describe a parcel for a conveyance of title or as created in a lease of at least one year, the grantor or lessor would have to record a certified true copy for the parcels at or before the time that the property is conveyed or leased, unless the surveyor has already done so. These maps would have to fulfill the requirements prescribed by the act, as described above.

MCL 54.211 et seq.

BREIF DISCUSSION:

According to committee testimony, Senate Bill 337 would modernize the current law to provide uniform standards for certified survey maps and to allow professional land surveyors to use new technology, such as GPS and computer-aided drafting (CAD), which would lead to improved accuracy in survey maps and would no longer require surveyors to use outdated techniques.

FISCAL IMPACT:

The bill would have no fiscal impact on state or local governments.

POSITIONS:

A representative of the Michigan Society of Professional Surveyors testified in support of the bill. (10-18-23)

The following entities indicated support for the bill (10-18-23):

- American Society of Engineering Companies
- Michigan Assessors Association
- Michigan Society of Professional Engineers

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