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## **State Survey & Remonumentation Program 11<sup>th</sup> Biennial Report to the Legislature Department of Licensing and Regulatory Affairs**

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### **What is the State Survey and Remonumentation Program**

The State Survey and Remonumentation Act (SSRA), 1990 PA 345, MCL 54.261 et seq., created a program for the recovery, rehabilitation, remonumentation and perpetual monument maintenance of public land survey corners or property controlling corners established and monumented in an original survey or resurvey by the United States government. These corners are the initial points from which the public lands were patented and transferred to private ownership and are the foundation for all land ownership within the state today. This program is the first time in nearly 200 years that a concerted effort is being undertaken to revisit and perpetually maintain these original U.S. government corners.

To fund the State Survey and Remonumentation Program 1990 PA 346 passed in conjunction with the SSRA and amended the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.101 et seq. This bill provided for a \$2.00 increase in recording fees at county registers of deeds to be remitted quarterly to the State Survey and Remonumentation Fund.

### **Legislative History of the SSRA and its Funding**

The State Survey and Remonumentation Commission was created by the SSRA to implement and oversee the program. Executive Reorganization Orders 1996-2 and 1997-12, however, dissolved the State Survey and Remonumentation Commission and its Executive Director and transferred their statutory authority, powers, duties, functions, and responsibilities to the Director of the Department of Consumer and Industry Services, now Department of Licensing and Regulatory Affairs (LARA).

In 1998 the SSRA was amended by 1998 PA 5 to permit counties to “expedite” completion of their county plan. These counties would complete remonumentation sooner by “loaning” local monies to the county’s remonumentation program to pre-fund the completion of their remonumentation work. These loaned monies could then be recovered at later dates through grant distributions or contractual agreement with the Department. Only two Counties initiated the expedited program option; one is paying back their “loaned” monies through the annual grant distribution, and the other has a contract with the Department for repayment.

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In 2002 the Revised Judicature Act of 1961 was amended by 2002 PA 700 to increase county recording fees to set aside \$4 for the State Survey and Remonumentation Fund. This increase, however, included a 2013 “sunset.”

In 2006 the SSRA was amended via 2006 PA 76 and \$15 Million was transferred from the State Survey and Remonumentation Fund to the State’s General Fund. As part of the amendment, the Legislature intended to guarantee deposits of \$10.134 Million in FY 2005-2006 and \$11.134 Million in FY’s 2006-2007 and 2007-2008 by making up the difference between these totals and the statutory deposits from the Registers of Deeds collections.

The statutory deposits from the Registers of Deeds collections for the State Survey and Remonumentation Fund in these fiscal years were:

Fiscal Year 2005-2006	\$10,021,847.55
Fiscal Year 2006-2007	\$ 8,474,521.80
Fiscal Year 2007-2008	\$ 6,950,970.86

Based upon these deposits, 2006 PA 76 stated that the Legislature would deposit additional amounts in the State Survey and Remonumentation Fund as follows:

Fiscal Year 2005-2006	\$ 112,152.45
Fiscal Year 2006-2007	\$ 2,659,478.20
Fiscal Year 2007-2008	\$ 4,183,029.14

Due to the economic situation during this timeframe, monies were not available to the Legislature to make these intended appropriations.

The Revised Judicature Act of 1961 was again amended by 2006 PA 662 to extend the sunset date in 2013 to January 1, 2023, at which time the \$4 set-aside for the State Survey and Remonumentation Fund will return to the original \$2.

In 2010, 2010 PA 259, et seq., was passed to establish a joint commission with the State of Indiana for the “...recovery or replacement of durable monuments defining the Michigan-Indiana state boundary line...” In conjunction, 2010 PA 260 was passed to fund Michigan’s share of the project, providing a set-aside of \$500,000 from the State Survey and Remonumentation Fund “...to pay the costs of the monumentation of the Michigan-Indiana state boundary line...”

### **Statutory Reporting**

Section 6 (1)(g) of the SSRA requires a biennial status report to the Legislature from the Department and identifies six specific items to be reported on. Those items and Department’s comments are as follows.

1. **Section 6(1)(g)(i):** A summary of the Department's activities regarding administration of this act.

Section 6(1)(a) through (f) identifies the Department's responsibilities.

**Sections 6(1)(a)** Coordinate the restoration, maintenance and preservation of the land survey records of vertical and horizontal monuments, the public land survey system, and the property controlling corners established by the United States public land survey and the national geodetic survey within this state, including, but not necessarily limited to, all pertinent field notes, plats, and documents; and coordinate the restoration, establishment, maintenance, and preservation of other boundary records otherwise established by law or considered by the commission to be of importance.

**Sections 6(1)(b)** Establish, maintain and provide safe storage facilities for a comprehensive system of recordation and dissemination of land information records.

In the initial phases of the program, the Department established a database for Land Corner Recordation Certificates (LCRC) completed through the State Survey and Remonumentation Program. Through this database LCRC documents completed through the counties remonumentation efforts are imaged, catalogued and made available to the public online.

In 2011, the Department entered into a Memorandum of Understanding with the Department of Natural Resources (MDNR), the Michigan History Foundation and the Archives of Michigan to image, catalogue and provide online access to the original U.S. government survey plats. Following completion of this project in 2012, a second project was initiated to image and catalogue the original field notebooks used by the U.S. government surveyors to record their work and make them available to the public online. This provides access to County Registers of Deeds, county surveyors, private land surveyors, and the public access to the information which is currently limited due to its fragile condition as well as a safe secondary storage method for preserving the original records.

**Section 6(1)(c)** Coordinate the extension, densification and maintenance of the horizontal and vertical control networks initiated by the federal government through the national geodetic survey and the United States geological survey.

In 1993 through 1995, the Department collaborated with the National Geodetic Survey (NGS) to establish passive geodetic control stations as part of High Accuracy Reference Network (HARN) for Michigan. The Department was the central point of contact for NGS and coordinated efforts between NGS and locals to establish 80 control stations across the state.

In 2002 through 2008, the Department collaborated with NGS, the Michigan Department of Transportation (MDOT) and counties to densify a network of next generation active geodetic control stations, i.e., continuous operating reference stations (CORS), in Michigan. Through these joint efforts, Michigan currently has 127 CORS.

In 2006 and 2007, NGS initiated a height modernization project in Michigan, combining efforts between NGS, MDOT and the counties to maximize passive control station recoveries ahead of NGS and MDOT's work to measure station locations through GPS observations and high accuracy spirit leveling.

**Section 6(1)(d)** Coordinate the collection and preservation of information obtained from surveys made by persons or organizations authorized to establish monuments or land boundaries and assist in proper recording of monuments or land boundaries by county surveyors or registers of deeds.

The Department entered into cooperative agreements with the MDNR and MDOT wherein they would coordinate relevant land survey remonumentation and monumentation efforts with the respective counties' remonumentation programs.

**Section 6(1)(e)** Foster, encourage and promote the establishment of remonumentation programs in every county in this state.

With the support of the Department all 83 Michigan counties have implemented remonumentation plans and are actively participating in the program. The Department continues to streamline processes and more efficiently administer the program in compliance with the SSRA and its General Rules.

**Section 6(1)(f)** Establish and maintain a database of information on approved monumented horizontal and vertical control in this state.

At the inception of the State Survey and Remonumentation Program, the Department acquired records from the NGS for all of their horizontal and vertical control stations located within Michigan. These records were disseminated to the counties and updates solicited. NGS has since developed an on-line digital database of their control stations. Access to this data is available to the public, and there is no longer a need for the Department to update records for these stations.

**Section 6(1)(g)(i):** An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout this state.

We estimate, based on the annual corner counts reported by the counties in their 2012 completion reports, that the remonumentation of corners is nearly 60 percent complete. It is estimated that there are approximately 225,500 total remonumentation corners in the state. At the close of the 2012 grant year 129,300 of those remonumentation corners have been completed.

One county has completed the remonumentation work for their remonumentation corners and maintains the corners through a perpetual monument maintenance plan. A second county is currently auditing their work and anticipates starting maintenance work during 2014, and a third county anticipates starting maintenance in 2015.

**Section 6(1)(g)(ii):** A statement regarding the amount of money that was received and disbursed from the fund.

Year	ROD Fee Remon set aside	FY Deposits	Funds Appropriated for Remon Grants	Funds Expended for Remon Grants
1991-1994	\$2.00	\$12.8M	\$9.0M	\$9.1M
1995	\$2.00	\$3.4M	\$3.0M	\$2.5M
1996	\$2.00	\$4.0M	\$4.0M	\$4.2M
1997	\$2.00	\$3.5M	\$4.0M	\$4.1M
1998	\$2.00	\$4.9M	\$4.0M	\$3.8M
1999	\$2.00	\$5.4M	\$4.0M	\$3.8M
2000	\$2.00	\$4.9M	\$5.0M	\$4.4M
2001	\$2.00	\$5.0M	\$5.0M	\$4.9M
2002	\$4.00	\$6.8M	\$6.0M	\$5.9M
2003	\$4.00	\$8.6M	\$6.0M	\$5.9M
2004	\$4.00	\$14.5M	\$9.8M	\$9.7M
2005	\$4.00	\$10.5M	\$10.0M	\$10.1M
2006 2006 PA 76 transferred \$15.00M to General Fund	\$4.00	\$10.0M	\$10.1M	\$9.8M
2007	\$4.00	\$8.4M	\$10.1M	\$10.2M
2008	\$4.00	\$6.9M	\$7.5M	\$7.5M
2009	\$4.00	\$6.1M	\$4.0M	\$3.9M

Year	ROD Fee Remon set aside	FY Deposits	Funds Appropriated for Remon Grants	Funds Expended for Remon Grants
2010	\$4.00	\$5.8M	\$5.3M	\$5.1M
2011	\$4.00	\$5.6M	\$5.3M	\$5.1M
2012	\$4.00	\$6.8M	\$5.3M	Approx \$5.2M
2013	\$4.00	Approx \$7.8M	\$5.3M	Not available
2014	\$4.00	Not available	\$7.3M	Not available
<b>Total</b>		<b>\$141.7M</b>	<b>\$130.0M</b>	<b>\$115.2M</b>

**Section 6(1)(g)(iii):** An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state.

We estimate the remonumentation of the entire state to cost approximately \$300 Million total. We estimate the fund to have received nearly \$140 million at the end of FY 2013, with another \$130 to \$160 million required to complete remonumentation. If all counties, however, elect to complete survey grade coordinate determination for their remonumentation corners as is allowed in the individual county remonumentation plans, we estimate an additional \$200 million may be required to complete this coordinate work.

Once remonumentation of the entire state is completed, we estimate the perpetual monument maintenance program will require approximately \$7 to \$10 million based on today's costs to maintain all remonumentation corners on a 20-year cycle, pursuant to Section 8(2)(d) of the SSRA.

**Section 6(1)(g)(iv):** An assessment of whether the money received in the fund is adequate to implement this act.

Currently the money received in the fund is the minimum amount needed for the program to progress at an acceptable rate. If the average annual funding remains relatively constant, it will take approximately 20 more years to complete the remonumentation of the entire state. This timeframe, however, will most likely increase as counties complete remonumentation and continue into perpetual monument maintenance programs, making less monies available for those counties still working to complete their remonumentation work. This reduction of funds along with the expiration of the current set aside from registers of deeds recording fees in less than 10 years, one could estimate it taking 40 years or more to complete remonumentation of the entire state.

**Section 6(1)(g)(v):** Recommendations including, but not limited to, the level of funding that is necessary to implement this act.

Amend 1961 PA 236, Revised Judicature Act of 1961, to maintain the current register of deeds recording fee, setting aside of four-dollars for the State Survey and Remonumentation Fund.

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