

8TH BIENNIAL REPORT TO THE LEGISLATURE

Department of Labor & Economic Growth State Survey & Remonumentation Section

July 01, 2005 - June 30, 2007

In December 1990, the Legislature passed and the Governor signed into law the State Survey and Remonumentation Act, 1990 PA 345, which provided for the remonumentation of the original U.S. public land survey corners that serve as the basis for all public and private property locations in Michigan.

1990 PA 346 amended 1961 PA 236 to increase the fee for recording an instrument with the county register of deeds and provide that \$2 be remitted to the State Survey and Remonumentation Fund.

Act 345 created the Survey and Remonumentation Commission within the Department of Labor and Economic Growth (formerly the Department of Consumer and Industry Services). The Department is charged with the responsibility of coordinating "the restoration, maintenance, and the 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 by the national geodetic survey within this state..." (Sec. 6a).

The original Commission appointed by the Governor on June 4, 1991 consisted of the following five members: Larry Gerschbacher, P.S., of Traverse City, as the public member, and Frank DeDecker, P.S., P.E., of Warren, as the at-large professional surveyor; Mary Feindt, P.S., of Charlevoix, representing the Northern portion of the Lower Peninsula; Donald Gilchrist, P.S., of Paw Paw, representing the Southern portion of the Lower Peninsula; and Gerald Carlson, P.S., of Marquette, representing the Upper Peninsula.

Executive Reorganization Order 1996-2 transferred the statutory authority, powers, duties, functions and responsibilities of the Commission from the Department of Commerce to the Director of the Department of Labor and Economic Growth by a Type II transfer. E.R.O. 1996-2 also transferred the authority, powers, duties, functions and responsibilities of the Executive Director of the Survey and Remonumentation Commission to the Director of the Department of Labor and Economic Growth by a Type III transfer, eliminating the Commission's Executive Director. Executive Order 1997-13 eliminated the Survey and Remonumentation Commission, effective October 1, 1997.

1998 PA 5 amended Act 345 to allow a county to expedite their program by pre-funding its program and recovering expenditures by reimbursement over time with future grants, if any. Requirements of the expedited remonumentation program are that it: 1) be adopted by the county board of Commissioners consistent with provisions of the State Survey and Remonumentation Act; and 2) be designed to complete monumentation and remonumentation of the entire county within a period of 19 years or less from the date the original county plan was first approved by the State Survey and Remonumentation Commission.

2002 PA 700 increased the recording fee with the county register of deeds by \$2 to have \$4 remitted to the fund. A sunset provision eliminates the additional \$2 in 2013.

2006 PA 76 provided for a one-time \$15 million transfer from the Fund balance to the State General Fund and stated the Legislative intent to provide the Remonumentation Program at least \$10,134,000 in FY-06 funding, and a minimum of \$11,134,000 for both Fiscal Years 2007 and 2008. The \$15 million was transferred from the Fund to the General Fund.

2006 PA 662 amended 1961 PA 236 to extend the sunset date on the additional \$2 filing fee for most recording documents at County Registers of Deeds from the year 2013 to 2023.

Act 345 also requires the Survey and Remonumentation Commission to submit a report to the Legislature on or before October 1 biennially. The initial report was provided in 1993, and reports have been provided biennially thereafter in 1995, 1997, 1999, 2001, 2003 and 2005. This is the eighth biennial report on the State Survey and Remonumentation grant program and is prepared and submitted in fulfillment of the statutory requirement.

The Act specifies that the biennial report include but not necessarily be limited to the following items:

- A summary of the Department's activities regarding administration of this Act.
- An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout the state.
- A statement regarding the amount of money that was received and disbursed from the fund.
- An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state.
- An assessment of whether the money received in the fund is adequate to implement this Act.
- Recommendations including, but not limited to, the level of funding that is necessary to implement this Act.

This report will address in turn each of these 6 items.

1. Department activities regarding administration of this Act

- a. As required by Section 6(i) of the Act, the Department established a grant program to counties and developed the necessary forms and procedures.

- b. The Department received, approved and administered county monumentation grant applications and survey work programs from all 83 counties during 1993 through the 2007 grant cycle. The grants are administered in compliance with each county's State Commission-approved county plan, the Act, and the Administrative Rules adopted in 1992.
 - 1) All 83 counties submitted an application for grant year 1993, and grants were awarded totaling \$4 million for the first grant year of this program.
 - 2) In 1994, all 83 counties submitted an application, and grants were awarded totaling \$5 million.
 - 3) In 1995, all 83 counties submitted an application, and grants were awarded totaling \$3 million. Early in 1995 grant year, Huron County withdrew from the grant program.
 - 4) In 1996, 1997, 1998, and 1999 all 83 counties submitted an application, and grants were awarded totaling \$4 million for each year.
 - 5) In 2000, all 83 counties submitted an application, and grants were awarded totaling \$4.5 million.
 - 6) In 2001, all 83 counties submitted an application, and grants were awarded totaling \$5 million.
 - 7) In 2002 and 2003, all 83 counties submitted an application, and grants were awarded totaling \$6 million each year.
 - 8) In 2004, all 83 counties submitted an application, and grants were awarded totaling \$6 million. Otsego County withdrew from the grant program during the year. In August 2004, a \$4 million supplemental appropriation was awarded; however only 79 counties participated in the supplemental grant.
 - 9) In 2005, all 83 counties submitted an application, and grants were awarded totaling \$10 million.
 - 10) In 2006 and 2007, all 83 counties submitted an application, and grants were awarded totaling \$10.134 million each year.
 - 11) The total grant amount proposed for the 2008 grant cycle is \$7.5 million.

- c. Section 6(a) of Act 345 requires the Department to "*coordinate the restoration, maintenance, and the 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 by the national geodetic survey within this state.*" In the furtherance of this responsibility, the Department developed a Memorandum of Understanding with the U.S. Bureau of Land Management, which is the federal agency with responsibility for the survey of public lands throughout the country. This document establishes a general framework for mutually beneficial cooperative efforts with specific cooperative endeavors being specified in supplements and addenda to the broad Memorandum of Understanding.

In 1993 the Department provided to all counties computerized descriptive data processing system software to allow standardized recovery reporting of horizontal and vertical control stations or the reporting of destroyed marks. Currently, the reporting form for recovery of control stations is filed on the internet. Complete data, including datasheets and recovery information, is available on the internet for use by the public.

- d. The Department is charged with the responsibility to "*coordinate the establishment of geographic information systems*" (title of Act 345). In the furtherance of this responsibility, the Department participated in the IMAGIN (Improving Michigan's Access to Geographic Information Networks) Data Sharing Network Agreement. The purpose of this cooperative venture is "to develop new methods and standards for geographic data exchange within the State of Michigan and improve the application of geographic related data in State and local decision-making" (IMAGIN Data Sharing Network Agreement, February 23, 1993). Survey results in the form of Land Corner Recordation Certificates and Michigan State Plane Coordinates are available on the Internet to aid in establishment of geographic information systems.
- e. Section 6(c) of the Act requires the Department to "*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.*"

Pursuant to this responsibility, the Department developed a contract with the National Oceanic and Atmospheric Administration/National Ocean Service/National Geodetic Survey (NOAA/NOS/NGS) to establish High Accuracy Reference Network (HARN) stations in the 51 counties that chose to participate in this national program. The Department of Labor and Economic Growth served as the single contracting agency with NOAA/NOS/NGS on behalf of the counties. The result of this contract was to have NOAA/NOS/NGS establish 80

stations paid for by Survey and Remonumentation grant funds. These were in addition to the approximately 20 locations paid for and established by NOAA/NOS/NGS as High Accuracy Reference Network (HARN) stations as part of the national program.

In 2006, the NGS initiated additional high accuracy spirit leveling and GPS measurements for a height modernization project in Macomb, Oakland, St. Clair, and Wayne Counties. The department coordinated work by these counties to include the necessary control station recoveries identified by the NGS in their 2006 work program and encouraged counties to prioritize their work program to achieve maximum benefit by the county, NGS, and DOT.

The Survey and Remonumentation Program has increased statewide efforts to "densify" the number of continuous operating reference stations (CORS). CORS allow highly accurate GPS measurements and greatly increase the accuracy and efficiency of field measurements. Data from operating CORS is available on-line for use by the public.

- f. Section 6(d) of the Act requires the Department to *"coordinate the collection and preservation of information obtained from surveys made by persons or organizations authorized to establish monuments or land boundaries..."*

Pursuant to this responsibility, the Department developed and entered into a cooperative agreement with the Michigan Department of Transportation and conducts a similar cooperative effort with the Department of Natural Resources to coordinate relevant work activities and incorporate their survey and monumentation efforts with those conducted by the counties

- g. Section 6(f) of the Act requires the Department to *"establish and maintain a data base of information on approved monumented horizontal and vertical control in the state."* The Department has obtained a computerized record of all current horizontal and vertical control stations within the state from NOAA/NGS. This data was made available to all 83 counties in November 1993. An update of this data was provided to each county in June 1995. Currently, all nationally published data of horizontal and vertical control stations, including updates filed by county remonumentation programs, is accessible on the Internet.

2. An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout the state

This assessment is based upon the completed reports of the work programs submitted by all 83 counties as part of their annual survey and monumentation grant. A compilation of the results of the survey work programs completed in 1993 through the first half of 2007 for each work

category is as follows: 1) Number of corners with research and monumentation completed – 107,257; 2) Number of horizontal and vertical control stations recovered – 1,910; 3) Number of points with coordinates determined – 12,114; and, 4) Number of HARN stations installed - 80. Currently there are 35 Survey and Remonumentation Program CORS operating in 20 counties. At this time, reporting of the 2007 work program has not been completed.

3. A statement regarding the amount of money received and disbursed from the fund

As of June 30, 2007, a total of \$100,699,014 plus interest has been deposited into the Fund, and disbursements from the Fund, through June 30, 2007 total \$78,159,124.28 plus administrative costs. An additional \$5,995,992.75 is encumbered for the remainder of FY-2007. In 2006, a one-time transfer of \$15 million from the Remonumentation Fund to the State General Fund was authorized by 2006 PA 76, which amended Act 346 and transferred.

In addition, two counties have participated in an expedited program and have contributed a total of \$3,012,551 toward their survey and remonumentation work program. Recapture of county expedited expenditures is from future grant reimbursement, if any. These two counties have recaptured \$968,834 partial repayment under the provisions of 1990, PA 346.

Following the transfer of the \$15 million from the Fund cited on page 2 and in Item 3. (above), 2006 PA 662 amending 1961 PA 236 was passed to extend the sunset date on the \$4 filing fee for most recording documents at County Registers of Deeds from the year 2013 to 2023.

4. An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state

This assessment is based on information provided by the counties. A compilation of the estimated total cost of remonumentation of public land survey corners by the 83 counties in 2007 indicates that a total of approximately \$233,226,231 is needed.

5. An assessment of whether the money received in the Fund is adequate to implement this Act

Based upon the estimate of the total cost of monumentation or remonumentation reported by the counties, it appears that the projected deposits into the Fund of \$168,000,000 over the 20 years will not be adequate to complete this program as contemplated by the Act (Sec. 8).

While many counties will be able to complete monumentation and remonumentation within their 20-year plans, most will not. The counties have estimated that \$233,226,231 will be needed to

complete their monumentation programs. The projected deposits to the Fund plus county contributions over the 20-year period total \$177,000,000.

6. Department Recommendations

1990 PA 345 should be amended to revise the target date for completion of the state remonumentation program consistent with the Legislature's provision for increased funding through the year 2023.