



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

15th BIENNIAL REPORT TO THE LEGISLATURE
State Survey & Remonumentation Program
1990 PA 345 et seq
July 1, 2019 – June 30, 2021

Purpose and History of the State Survey & Remonumentation Act (SSRA)

Act	Purpose
1990 PA 345	<ul style="list-style-type: none"> • Created the State Survey and Remonumentation Commission • Created the SSRA fund and provide for its use • Coordinate and implement the remonumentation of property controlling corners in the state • Provide for duties of certain state and local officers and agencies • Require the promulgation of rules
ERO 1996-2 ERO 1997-12	Dissolved the State Survey and Remonumentation Commission and its Executive Director, transferring 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).
1998 PA 5	Permitted 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.
2002 PA 700	The Revised Judicature Act of 1961 was amended to increase county recording fees to set aside \$4 for the State Survey and Remonumentation Fund. This increase, however, included a 2013 “sunset.”
2006 PA 76	\$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. Due to the economic situation during this timeframe, monies were not available to the Legislature to make these intended appropriations, and the 2006 PA 76 language guaranteeing the State General Fund deposits was removed from the act under 2014 PA 166.
2006 PA 662	Extended the sunset date from 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 through the Revised Judicature Act of 1961.

2010 PA 259	Established a joint commission with the State of Indiana for the “... recovery or replacement of durable monuments defining the Michigan-Indiana state boundary line ...”
2010 PA 260	Funded Michigan’s share of the Michigan-Indiana state boundary line 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 ...” In 2014 a \$200,000 project appropriation was made to support these activities.
2011 Memorandum of Understanding (MOU)	The department entered a MOU 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, the Geographic Information community and the general public, and provides a secondary access/storage method for now fragile records. The original instructions focused on the Government Land Office (GLO) notes for sectionalized lands. It did not include the notes for the private (French) claims and the Ten Thousand Acre Tract lands around Detroit, most eastern counties and some counties in the Upper Peninsula.
2014 PA 166	<ul style="list-style-type: none"> • Expanded the use of the fund to allow counties to perpetuate corners that were not monumented in the original GLO surveys • Required coordinate values for each corner • Allowed funds to be used to maintain CORS infrastructure • Reinstated the State Survey and Remonumentation Commission as an advisory panel • Required counties to review and update the county plans after the promulgation of rules

Statutory Reporting

Section 6 (1)(f) requires a biennial status report to the Legislature and each county board of commissioners from the Department identifying seven specific items to be reported. Those items and Department comments follow.

(i) *A summary of the department’s activities regarding administration of this act.*

The department has worked closely with the State Survey and Remonumentation Commission members in the public access to additional private claim records through the Michigan Archives, the progression and support of the retracement of the Michigan-Indiana state line, and the resolution of county plans. The commission is used as a connection with the industry and to help keep the program on track. It is informed of progress being made and is used as counsel for decisions that could impact the program.

Audit results

On March 18, 2020, the Office of the Auditor General submitted a Performance Audit Report to Director Orlene Hawks. In summary, it was found that:

- a. OLSR did not have a process to verify the accuracy and completeness of the county recordation fee revenue remitted by the counties.
- b. OLSR did not obtain sufficient detail to support the appropriateness of county grant expenditures or to enable OLSR to establish performance metrics for use in evaluating the program.
- c. OLSR did not document its identification and follow-up of differences between the agreed-upon and actual number of corners completed.
- d. OLSR did not obtain documentation or perform site visits to monitor the counties' procurement processes for surveying services.

Over the course of the following months, procedures were put into place and relayed to the counties through the annual training program for the first three items. The procedures were then followed during the review of the 2020 completion reports, causing delays in processing. The fourth item is still under review for proper processes because of the melding of state and county procurement processes for professional services.

Pandemic issues

Also in March, 2020, the state reacted to the COVID-19 Pandemic. State and local officials encouraged people to stay home as much as possible, which impacted the work needed for a successful Remonumentation program. The county Register of Deeds offices were closed most of the time, making research difficult. Many times, surveyors discussed work plans with local law enforcement to be respectful of the needs of the public and still get the work done. The additional time delays and efforts went without additional compensation to the private sector professional surveyor.

- (ii) *An Assessment of the progress of the implementation of county monumentation and remonumentation plans throughout this state.*

All counties, with the exception of one, have completed a Remonumentation plan. Due to the pandemic, we have not been able to complete the work in the one remaining county. This will be remedied by the end of 2021.

At this time, staff is working with counties to identify and overcome issues. Those counties are identified with a single asterisk in Table B. The issues include:

1. The county plan shows corners as complete but no record in the state table.
2. The county plan doesn't show corners complete that exist in the state table.
3. Total number of corners do not match with what exists in the state table.

We have added three counties to the list of counties who are in maintenance. Maintenance counties are labeled in Table B with a double asterisk. OLSR recognizes the following counties in maintenance:

- Bay
- Kent
- Livingston
- Mason

- Menominee
- Muskegon
- Oakland
- Ottawa.

(iii) *A statement regarding the amount of money that was received and disbursed from the fund.*

See Table A.

(iv) *An assessment of how much money is necessary to carry out the county plans in this state.*

The 2020 projection to have each of the remaining 75 counties to complete the remonumentation of all corners in each county and reach maintenance would be approximately 24 years, if each year was equivalent to 2020 (see Table B). This is calculated by the number of corners remaining divided by the number of corners completed by counties in maintenance in 2020.

Once remonumentation of the entire state is completed and all corners have been monumented in each county, we estimate the perpetual monument maintenance program will require approximately \$6.5 million per year to maintain all remonumentation corners on a 40-year cycle. Over this 40-year cycle, all 83 counties will have visited every corner in their county plans and remonumented any corners needing monumentation. This estimate is based on the average cost to complete a corner in 2020. This is calculated by the total number of corners to complete divided by the number of years to revisit all corners (40 years) multiplied by \$1030 (average cost per corner in 2021).

(v) *An assessment of whether the money received in the fund is adequate to implement this act.*

The money currently received in the fund is the minimum amount needed for the program to progress at an acceptable rate. Funding is mandated through the Revised Judicature Act of 1961, MCL 600.2567a, and has a sunset date of January 1, 2023. If the sunset date is not extended or removed, then funding for the program will be cut in half. In that instance, the time it would take many counties to go into maintenance would be incalculable.

(vi) *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 remove the sunset date and maintain the current register of deeds recording fee of \$4 for the State Survey and Remonumentation Fund.
- Amend 1990 PA 345, State Survey and Remonumentation Act to provide a target percentage complete of 95% or higher to mandatorily treat the county as being in maintenance as outlined in MCL 54.268 (2)(a)(iii)(d).
- Amend 1990 PA 345 to allow counties in maintenance to divert some of their funds to a county not in maintenance to augment their funds.

(vii) *A statement of the amount of money disbursed from the fund to each grantee, the average amount of money spent per corner by each grantee, and the percentage of work in its county plan completed by each grantee.*

See Table B. The annual amount is based on two criteria:

- 40% of the amount sent to the state Remonumentation fund two years prior (20% for counties in maintenance)
- the remaining amount is divided among the counties based on the proportion of the land area of the county in relation to the total land area of the state.

The cost per corner computations need to be addressed differently than in the past and in this document. Issues include:

- Given the length of time the program has been in place, there are legitimate reasons for a county representative to need to revisit a corner and update the certificate. These corners were originally counted twice in the numbers, which is now adjusted to get an accurate percent complete.
- Corners are being done by surveyors who are not being paid through the program. If a corner is needed by a local surveyor but is missing or questionable, some surveyors will “walk in” a corner free to the Remonumentation program. This is not considered on this report, but the information is being tracked as of the 2020 Completion Reports.
 - A “walk-in” corner is one that is not planned by the program but is one that a licensed surveyor may want to include “free of charge” because it would be beneficial to a project. Basically the county would pay for the materials so they are consistent with the rest of the county, but the surveyor does the work without charging the program.
 - It is up to the county if a corner can be done by a surveyor not under contract with the county and be considered a walk-in.
 - The advantages of this practice are:
 - The county gets a corner done for the cost of materials.
 - The surveyor, if not currently involved in the Remonumentation program, is able to gain experience needed to obtain a future contract with the county.
 - Instead of a surveyor making a judgment alone regarding the replacement of a missing or disturbed corner, they have the ability to coordinate with peers to determine the true position of the corner instead of the quick position. This benefits the public and meets the intent of the program.
 - Other state and federal agencies use this practice in counties that allow it to be able to share local knowledge as well as preliminary and final results within the profession.
 - The disadvantage of this practice is that the counties that allow walk-in corners get extra corners free but are also used in the calculation of cost per corner. Counties that don’t take advantage of this have a higher, and more realistic, cost per corner. This is a problem when one compares a county against other counties.

Table A

Grant Year	Remonumentation Fee (in \$)	FY Deposits into Remonumentation Fund (in Millions of \$)	Funds Appropriated for Remonumentation Grants (in Millions of \$)	Funds Expended for Remonumentation Grants (in Millions of \$)
1991	\$2.00	\$1.29	N/A	N/A
1992	\$2.00	\$3.42	N/A	N/A
1993	\$2.00	\$3.87	\$4.00	\$4.00
1994	\$2.00	\$4.26	\$5.00	\$5.00
1995	\$2.00	\$3.30	\$3.00	\$3.00
1996	\$2.00	\$3.72	\$4.00	\$4.00
1997	\$2.00	\$3.83	\$4.00	\$4.00
1998	\$2.00	\$4.78	\$4.00	\$4.00
1999	\$2.00	\$5.48	\$4.00	\$4.00
2000	\$2.00	\$5.10	\$4.50	\$4.50
2001	\$2.00	\$4.78	\$5.00	\$5.00
2002	\$2.00	\$6.50	\$6.00	\$5.91
2003	\$4.00	\$8.67	\$6.00	\$5.75
2004	\$4.00	\$14.49	\$9.81	\$9.69
2005	\$4.00	\$10.71	\$10.00	\$9.60
2006	\$4.00 *See 2006 PA 76	\$10.02	\$10.11 \$15.00*	\$9.71 \$15.00*
2007	\$4.00	\$8.47	\$10.13	\$9.79
2008	\$4.00	\$6.95	\$7.50	\$7.29
2009	\$4.00	\$6.08	\$4.00	\$3.82
2010	\$4.00	\$5.83	\$5.09	\$5.00
2011	\$4.00	\$5.92	\$5.08	\$4.85
2012	\$4.00	\$6.45	\$5.30	\$5.21
2013	\$4.00	\$7.85	\$5.30	\$5.13
2014	\$4.00	\$6.47	\$7.30	\$7.13
2015	\$4.00	\$6.78	\$7.30	\$7.12
2016	\$4.00	\$6.63	\$5.13	\$5.06
2017	\$4.00	\$6.97	\$5.62	\$5.46
2018	\$4.00	\$6.54	\$6.63	\$6.37
2019	\$4.00	\$6.58	\$6.50	\$6.33

Table A Continued				
Grant Year	Remonumentation Fee (in \$)	FY Deposits into Remonumentation Fund (in Millions of \$)	Funds Appropriated for Remonumentation Grants (in Millions of \$)	Funds Expended for Remonumentation Grants (in Millions of \$)
2020	\$4.00	\$6.42	\$6.00	\$5.89
Total		\$188.16	\$181.30	\$177.61

Table B
 Counties with 1 * are still in review. Two ** are in Maintenance

County	Total Remon Corners In County	Remon Corners Completed thru 2020 Grant Cycle	Percent Remon Corners Completed thru 2020 Grant Cycle	Average Spent per Corner Completed	Total State Grants Awarded thru 2020 Grant Cycle	Total State Grants Expended thru 2020 Grant Cycle
Alcona	2,120	1,557	73.4%	\$740.28	\$1,157,588.97	\$1,152,615.66
Alger	4,256	1,678	39.4%	\$887.39	\$1,493,049.97	\$1,489,034.33
Allegan	4,054	3,097	76.4%	\$717.59	\$2,319,916.41	\$2,222,369.31
Alpena	2,060	1,361	66.1%	\$763.71	\$1,080,985.67	\$1,073,339.88
Antrim	2,007	940	46.8%	\$1,125.46	\$1,072,106.89	\$1,057,929.52
Arenac*	1,092	779	71.3%	\$913.89	\$712,059.46	\$711,923.21
Baraga	2,941	1,298	44.1%	\$1,078.50	\$1,415,820.86	\$1,399,896.06
Barry*	2,250	2,298	102.1%	\$620.66	\$1,459,244.50	\$1,426,267.39
Bay**	2,071	2,071		\$687.61	\$2,093,631.83	\$2,000,933.23
Benzie	1,657	1,206	72.7%	\$566.88	\$775,097.29	\$683,655.51
Berrien	2,628	1,670	63.5%	\$1,192.11	\$2,038,872.19	\$1,990,824.63
Branch*	1,872	1,308	66.9%	\$812.11	\$1,062,983.59	\$1,062,240.45
Calhoun	3,481	3,147	90.4%	\$734.64	\$2,436,785.09	\$2,372,933.73
Cass	2,591	1,165	44.9%	\$994.18	\$1,137,271.29	\$1,099,965.57
Charlevoix	1,906	831	43.6%	\$1,373.98	\$1,153,914.13	\$1,141,780.72
Cheboygan	2,615	1,964	75.1%	\$679.46	\$1,337,311.09	\$1,334,459.39
Chippewa	7,335	3,762	51.3%	\$739.92	\$2,783,594.70	\$2,783,591.54
Clare	2,416	1,813	75.0%	\$676.85	\$1,227,349.51	\$1,227,123.26
Clinton	2,127	1,564	73.5%	\$922.97	\$1,446,360.20	\$1,443,530.61
Crawford	2,727	1,257	46.1%	\$815.67	\$1,037,926.04	\$1,025,294.18
Delta	5,478	4,485	81.9%	\$505.82	\$2,271,859.15	\$2,268,590.64
Dickinson	2,941	2,497	84.9%	\$534.71	\$1,336,881.08	\$1,335,178.79
Eaton	2,786	2,463	88.4%	\$778.88	\$1,918,596.33	\$1,918,371.09
Emmet	2,398	960	40.0%	\$1,110.77	\$1,075,013.46	\$1,066,335.26
Genesee*	3,089	2,477	80.2%	\$1,407.17	\$3,566,039.25	\$3,485,555.68
Gladwin	2,455	1,451	59.1%	\$726.02	\$1,053,447.80	\$1,053,447.80
Gogebic*	4,121	3,995	96.9%	\$446.64	\$1,795,019.61	\$1,784,328.26
Gr. Traverse*	2,384	1,880	78.8%	\$806.49	\$1,521,271.09	\$1,516,205.73

County	Total Remon Corners In County	Remon Corners Completed thru 2018 Grant Cycle	Percent Remon Corners Completed thru 2018 Grant Cycle	Average Spent per Corner Completed	Total State Grants Awarded thru 2018 Grant Cycle	Total State Grants Expended thru 2018 Grant Cycle
Gratiot*	2,704	1,611	59.6%	\$754.88	\$1,217,242.95	\$1,216,105.66
Hillsdale	2,884	1,387	48.1%	\$897.29	\$1,245,297.48	\$1,244,534.33
Houghton*	4,009	1,558	38.8%	\$1,110.77	\$1,736,628.94	\$1,730,575.51
Huron	4,086	1,908	46.7%	\$803.63	\$1,558,290.70	\$1,533,323.35
Ingham	2,698	2,586	95.8%	\$1,004.29	\$2,598,605.77	\$2,597,105.43
Ionia	2,674	1,589	59.4%	\$798.32	\$1,268,535.26	\$1,268,535.26
Iosco*	2,875	1,248	43.4%	\$855.62	\$1,075,314.86	\$1,067,809.48
Iron	5,040	4,000	79.3%	\$462.35	\$1,854,446.49	\$1,849,416.18
Isabella*	2,275	1,946	85.5%	\$706.15	\$1,374,251.17	\$1,374,163.72
Jackson	3,452	2,617	75.8%	\$841.03	\$2,219,508.12	\$2,200,976.17
Kalamazoo	2,721	2,084	76.6%	\$1,151.03	\$2,537,897.42	\$2,398,746.46
Kalkaska*	2,117	1,907	90.1%	\$527.90	\$1,006,981.00	\$1,006,697.60
Kent**	4,712	4,712		\$528.60	\$5,275,987.84	\$4,574,495.48
Keweenaw*	1,468	801	54.5%	\$1,024.26	\$833,700.48	\$820,434.23
Lake	2,223	1,826	82.1%	\$553.64	\$1,010,956.00	\$1,010,955.60
Lapeer	3,133	1,714	54.7%	\$945.89	\$1,623,663.59	\$1,621,262.79
Leelanau	1,134	1,049	92.5%	\$761.48	\$803,430.83	\$798,788.22
Lenawee	3,539	1,990	56.2%	\$874.74	\$1,844,711.99	\$1,740,733.22
Livingston**	2,365	2,365		\$997.01	\$3,247,360.67	\$3,143,579.88
Luce	3,624	1,777	49.0%	\$787.00	\$1,398,490.28	\$1,398,490.28
Mackinac	4,210	2,101	49.9%	\$821.84	\$1,727,050.25	\$1,726,693.04
Macomb	2,420	2,333	96.4%	\$2,896.17	\$6,770,596.50	\$6,756,764.27
Manistee*	2,191	1,655	73.2%	\$609.84	\$1,042,657.55	\$978,787.44
Marquette	7,533	2,657	35.2%	\$1,270.03	\$3,378,463.52	\$3,374,478.66
Mason**	1,852	1,852		\$528.80	\$983,787.43	\$979,346.82
Mecosta	2,753	2,290	83.2%	\$460.10	\$1,175,626.24	\$1,149,640.38
Menominee**	4,142	4,142		\$433.23	\$1,897,239.27	\$1,828,246.73
Midland*	2,050	1,762	85.9%	\$785.31	\$1,383,708.52	\$1,373,708.52
Missaukee*	2,132	1,564	73.3%	\$633.91	\$991,437.57	\$991,437.57

State Survey & Remonumentation Program
 15th Biennial Report to the Legislature
 Page 10 of 10 September, 2021

County	Total Remon Corners In County	Remon Corners Completed thru 2018 Grant Cycle	Percent Remon Corners Completed thru 2018 Grant Cycle	Average Spent per Corner Completed	Total State Grants Awarded thru 2018 Grant Cycle	Total State Grants Expended thru 2018 Grant Cycle
Monroe*	2,231	1,658	74.3%	\$1,080.49	\$1,840,210.67	\$1,791,448.61
Montcalm*	3,415	2,549	74.6%	\$742.29	\$1,896,056.73	\$1,892,094.12
Montmorency*	2,182	1,615	74.0%	\$601.57	\$975,984.20	\$971,532.33
Muskegon**	2,204	2,204		\$628.02	\$1,920,624.11	\$1,821,253.34
Newaygo*	3,394	3,085	90.8%	\$652.05	\$2,011,629.71	\$2,011,579.79
Oakland**	4,252	4,252		\$2,312.93	\$11,395,634.18	\$11,095,149.13
Oceana	2,034	1,723	84.7%	\$618.00	\$1,065,352.85	\$1,064,821.30
Ogemaw*	2,829	1,222	43.2%	\$882.54	\$1,083,141.87	\$1,078,462.26
Ontonagon*	5,040	3,337	66.2%	\$592.07	\$2,023,337.33	\$1,962,708.05
Osceola	2,807	2,317	82.5%	\$518.46	\$1,201,320.85	\$1,201,266.23
Oscoda*	2,531	1,805	71.3%	\$530.53	\$957,609.03	\$957,609.03
Otsego	2,100	1,258	59.9%	\$746.83	\$1,001,779.25	\$939,517.48
Ottawa**	2,901	2,901		\$699.16	\$2,769,540.81	\$2,550,524.75
Presque Isle*	2,627	1,741	66.3%	\$647.99	\$1,132,778.68	\$1,128,146.22
Roscommon*	2,712	1,759	64.8%	\$782.54	\$1,386,921.55	\$1,376,486.57
Saginaw	2,894	2,269	78.4%	\$1011.35	\$2,389,710.88	\$2,294,745.93
Sanilac*	4,602	2,221	48.2%	\$782.54	\$1,790,266.68	\$1,789,784.92
Schoolcraft	4,640	2,411	51.9%	\$1,011.35	\$1,860,838.35	\$1,860,513.81
Shiawassee	2,206	1,907	86.4%	\$835.85	\$1,574,523.77	\$1,593,680.37
St. Clair*	3,550	1,599	45.0%	\$1,661.45	\$2,665,006.09	\$2,656,659.91
St. Joseph	2,801	1,455	51.9%	\$905.37	\$1,318,989.64	\$1,317,306.36
Tuscola	3,992	1,930	48.3%	\$867.04	\$1,674,258.48	\$1,673,386.80
Van Buren	3,667	1,651	45.0%	\$1,159.88	\$1,949,217.31	\$1,914,955.06
Washtenaw	3,373	2,428	72.0%	\$1,351.25	\$3,331,866.20	\$3,280,842.75
Wayne	4,110	3,451	83.9%	\$4,046.93	\$14,725,326.79	\$13,965,949.14
Wexford*	2,140	1,541	72.0%	\$722.37	\$1,113,257.94	\$1,113,172.72
2006 PA 76					\$15,000,000.00	\$15,000,000.00
Total	249,836	172,222	68.9%	\$1028.89	\$180,917,060.09	\$177,197,150.69