

# CHAPTER 54 SURVEYORS

## REVISED STATUTES OF 1846 CHAPTER 14 - CHAPTER 14. OF COUNTY OFFICERS (CONTINUED)

### COUNTY SURVEYORS.

#### **54.95 County surveyor; abolition of office; reestablishment of office; eligibility for election or appointment; bond. [M.S.A. 5.1021]**

Sec. 95. (1) The county board of commissioners, by resolution, may abolish the office of county surveyor. Action to abolish the office shall be taken before May 15 of the year in which county officers are elected. The term of office of a county surveyor shall not be shortened by that action. The office may be reestablished in the same manner and subject to the same time limitations as is provided for the abolition of the office. If reestablished, the effective date of the reestablishment shall be January 1 of the year in which county officers assume office. A person shall not be eligible to be elected or appointed to the office of county surveyor unless licensed as a land surveyor in accordance with the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.101 to 339.2721 of the Michigan Compiled Laws.

(2) As determined by the county board of commissioners, the county surveyor either shall be covered by a blanket bond or shall give a bond to the people of this state, in the penal sum of \$2,000.00, with 2 sureties to be approved by the county treasurer, conditioned for faithful and impartial discharge of the duties of office.

**History:** R.S. 1846, Ch. 14;—CL 1857, 443;—CL 1871, 585;—How. 614;—CL 1897, 2617;—Am. 1915, Act 229, Eff. Aug. 24, 1915;—CL 1915, 2479;—CL 1929, 1391;—CL 1948, 54.95;—Am. 1964, Act 255, Imd. Eff. May 28, 1964;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979;—Am. 1988, Act 25, Eff. Jan. 1, 1989.

**Compiler's note:** This section as originally enacted was numbered section 96.

#### **54.96 County surveyor; deputies, appointment, revocation; oath of office. [M.S.A. 5.1022]**

Sec. 96. Each county surveyor may appoint 1 or more deputies, and may revoke such appointment at pleasure; which appointment and revocation shall be in writing, under his hand, and filed with the county clerk, and such deputies shall take the constitutional oath of office; and for the faithful performance of the duties of their office by such deputies, the said surveyor and his sureties shall be responsible.

**History:** R.S. 1846, Ch. 14;—CL 1857, 444;—CL 1871, 586;—How. 615;—CL 1897, 2618;—CL 1915, 2480;—CL 1929, 1392;—CL 1948, 54.96.

**Compiler's note:** This section as originally enacted was numbered section 97.

#### **54.97 County surveyor; certificates as evidence. [M.S.A. 5.1023]**

Sec. 97. The certificate of the surveyor or his deputy, of any survey made by him of any lands in the county, shall be presumptive evidence of the facts therein contained, unless such surveyor or deputy shall be interested therein.

**History:** R.S. 1846, Ch. 14;—CL 1857, 445;—CL 1871, 587;—How. 616;—CL 1897, 2619;—CL 1915, 2481;—CL 1929, 1393;—CL 1948, 54.97.

**Compiler's note:** This section as originally enacted was numbered section 98.

#### **54.98 County surveyor; requested surveys. [M.S.A. 5.1024]**

Sec. 98. The county surveyor, in person or by deputy, shall make and execute such surveys within his county, as may be required of him by order of any court, or by application of any person therefor.

**History:** R.S. 1846, Ch. 14;—CL 1857, 446;—CL 1871, 588;—How. 617;—CL 1897, 2620;—CL 1915, 2482;—CL 1929, 1394;—CL 1948, 54.98.

**Compiler's note:** This section as originally enacted was numbered section 99.

**54.99 Interest disqualification; surveys by surveyor of adjoining county. [M.S.A. 5.1025]**

Sec. 99. Whenever a survey may be required of any land, in which the county surveyor or either of his deputies shall be interested, or when from any cause there shall be no surveyor or deputy surveyor of the county to be found or able to act, such survey may be made by the surveyor of an adjoining county or either of his deputies in like manner, and to the same effect as if such survey had been made by the surveyor of the county where the land is situated.

**History:** R.S. 1846, Ch. 14;—CL 1857, 447;—CL 1871, 589;—How. 618;—CL 1897, 2621;—CL 1915, 2483;—CL 1929, 1395;—CL 1948, 54.99.

**Compiler's note:** This section as originally enacted was numbered section 100.

**54.100 County surveyor; record book, contents, certification; field notes, preservation, index, certificate; deposit, fireproof vault, location; public inspection; bookkeeping requirement. [M.S.A. 5.1026]**

Sec. 100. Each county surveyor shall record in a suitable book, to be provided by him at the expense of the county, all surveys for permanent purposes made by him and his deputies, also surveys for township highways and village plats. The record of each survey shall set forth the evidence by which the surveyor determined or identified the corners or other starting points of his survey, describing the points fully, and also setting forth whatever means were taken by him to perpetuate them upon the ground or to assist in determining and preserving their location. The record shall show the object of the survey and the methods pursued by the surveyor in making it, diagrams of plats being used to illustrate the same when necessary or convenient to do so. Upon the diagrams shall be shown the courses and distances of such boundary lines as may have been located by the survey, and such other facts as may have been determined by it. Such diagrams shall be considered a part of the record. When the courses of the lines are given by the magnetic needle, the record shall show the amount and direction of the allowance made by the surveyor for the difference between the magnetic meridian and the true meridian. The record shall show the date of the survey, the name of the person or persons for whom it was made, and the persons employed as chainmen on the survey. The surveyor shall certify upon the record that he has carefully compared the record with the original field notes taken by him at the time of the survey, and that it is a true statement of the facts of such survey, as shown by said original notes. Each county surveyor and his deputies shall keep the original field notes of all surveys made by them for permanent purposes, in books of convenient size and well bound in leather, to be furnished by the county surveyor, at the expense of the county. These notes shall be taken and set down in the manner in which field notes of the United States surveys are kept, and shall contain all the details of each survey, in the order in which the survey was made, including in full all calculations made by the surveyor to determine areas, or for measuring inaccessible distances, such as lake and river crossings, or for any other purpose required by the survey. Diagrams may be used for purposes of illustration, but shall not be used instead of the written notes required to be kept. Each field book shall contain an index referring to the surveys of which it contains the field notes. It shall also contain the certificate of the surveyor who made the surveys, that the field notes therein contained are the complete original field notes of the surveys within referred to and described. These original field notes shall be a part of the record required to be kept by the county surveyor, and the books containing them shall be deposited and kept with the other surveyor's records of the county. Each deputy county surveyor, whenever 1 of these books shall be filed with field notes by him, shall deposit the same in the office of the county surveyor, and whenever his own term of office expires, shall turn over to the county surveyor such books as have been partly filled by him. The county surveyor shall keep the field notes and other county surveyor's records in a fireproof vault, in an office at the county seat, to be designated by the board of supervisors as a depository for the same, excepting that this shall not apply to the field books which are required to be used in the field by the surveyor in making his surveys, during the time when such books are thus being used. The field notes and records required by this act shall be accessible to the public at any time, subject to such regulations as may be provided by the board of supervisors. The county surveyor and his deputies shall keep the records of their surveys required by this act written up in full for each month within 7 days after the close of the month.

**History:** R.S. 1846, Ch. 14;—CL 1857, 448;—Am. 1861, Act 260, Eff. June 15, 1861;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 590;—Am. 1881, Act 103, Imd. Eff. Apr. 22, 1881;—How. 619;—Am. 1889, Act 100, Eff. Oct. 2, 1889;—CL 1897, 2622;—Am. 1905, Act 79, Eff. Sept. 16, 1905;—CL 1915, 2484;—CL 1929, 1396;—CL 1948, 54.100.

**Compiler's note:** Act 79 of 1905 contained a section 2, which repealed Act 195 of 1899.

#### **54.101 County surveyor; delivery of records to successor, neglect, penalty. [M.S.A. 5.1027]**

Sec. 101. When the term of office of any county surveyor shall expire, or he shall resign or be removed, he shall deliver over all the books and papers relating to his office, to his successor therein, and any county surveyor who, on the expiration of his term of office, or on his resignation or removal, shall neglect for the space of 1 month after his successor shall be elected or appointed and qualified, to deliver such books and papers as aforesaid, and any executor or administrator of any deceased county surveyor, who shall neglect for the space of 1 month to deliver to such successor all such books and papers which shall come to his hands, shall forfeit and pay a sum not less than 10 nor more than 50 dollars, and a similar sum for every month thereafter during which he shall so neglect to deliver the same as aforesaid.

**History:** R.S. 1846, Ch. 14;—CL 1857, 449;—CL 1871, 591;—How. 620;—CL 1897, 2623;—CL 1915, 2485;—CL 1929, 1397;—CL 1948, 54.101.

**Compiler's note:** This section as originally enacted was numbered section 102.

**Former law:** See section 1 of Act 54 of 1845.

#### **54.102 County surveyor; contract for copies of original federal surveys, payment, binding; records of former surveyors, payment; admissible as evidence. [M.S.A. 5.1028]**

Sec. 102. The county surveyor shall contract with the commissioner of the state land office, or with any person having possession of the same, for certified copies of the field notes and plats of the original surveys by the United States, of the lands of his county, and if such contract be approved by the board of supervisors of his county, the county surveyor shall, upon receiving such copies, direct the county clerk to draw an order upon the treasurer of his county for the amount so agreed upon, and transmit it to the said commissioner, or other person to whom it may be due, and shall have said plats and field notes substantially bound in book form, which shall be kept open in the said county surveyor's office for the benefit of the public; and all records of surveys, field notes and calculations made by any former county surveyor since the organization of the state government, and now in the hands of such former county surveyor, or of any other person, shall, on demand of the county surveyor of the proper county, be immediately delivered to him as a part of the records and files of his office, and the boards of supervisors of the several counties shall respectively audit and allow to the persons entitled thereto, such sum as they shall deem a reasonable compensation for the expense of the books containing such records. All such records of surveys, field notes, and calculations made by any former county surveyor, which have been or shall have been on file in the office of either the county surveyor, register of deeds or county clerk for a period of 15 years or upward, even though such records or the certification thereof shall not conform to the requirements specified in section 100 of this act, shall be admissible in evidence of the facts they contain in any court of record in this state.

**History:** R.S. 1846, Ch. 14;—CL 1857, 450;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 592;—How. 621;—CL 1897, 2624;—Am. 1915, Act 196, Eff. Aug. 24, 1915;—CL 1915, 2486;—CL 1929, 1398;—CL 1948, 54.102.

**Compiler's note:** The office of commissioner of the state land office, referred to in this section, was abolished and the powers and duties thereof transferred to the public domain commission by § 322.221. The public domain commission was subsequently abolished and the powers and duties thereof transferred to the department of conservation by § 299.2. The department of conservation was subsequently transferred to the department of natural resources by § 16.352. This section as originally enacted was numbered section 103.

#### **54.103 Survey principles. [M.S.A. 5.1029]**

Sec. 103. All surveys made by county surveyors in this state, must be made in accordance with the following principles, when applicable:

First, All corners that can be identified by the original field notes, or other unquestionable testimony, shall be regarded as the original corners, and must not be changed while they can be thus identified;

Second, Extinct interior-section corners must be re-established, at proportional distances as recorded in the original field notes from the nearest known point in the original section line, east and west, north and south from such extinct section corner;

Third, Any extinct quartersection corner, except on fractional section lines, must be re-established equidistant and in a right line between the section corners; in all other cases, at proportional distances between the nearest known points in the original line;

Fourth, Central quarter corners of whole sections, and of fractional sections adjoining the north and

west boundary of townships, must be established at the intersection of 2 right lines connecting their opposite quarter section corners respectively. It shall be the duty of county surveyors to perpetuate the original corners they may work from, by noting new bearing trees where timber is near. They shall also perpetuate the principal corners made by themselves in the same manner.

**History:** R.S. 1846, Ch. 14;—CL 1857, 451;—Am. 1865, Act 223, Eff. June 22, 1865;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 593;—Am. 1881, Act 103, Imd. Eff. Apr. 22, 1881;—How. 622;—CL 1897, 2625;—CL 1915, 2487;—CL 1929, 1399;—CL 1948, 54.103.

**Compiler's note:** This section as originally enacted was numbered section 104.

#### **54.105 Residents' corners and lines; re-location, perpetuation, survey; expenses, allocation; refusal to pay, lien. [M.S.A. 5.1030]**

Sec. 105. Whenever the majority of the resident owners of any section or part or parts of any section of land in this state, after having given at least 10 days' notice to all other persons or their agents owning land in the same section, or part or parts of the section, as the case may be, who reside in the township, shall desire to have their corners and lines, or any of them established, re-located or perpetuated, such surveyor shall proceed to make the required surveys and the expense thereof shall be borne by all the persons benefited in proportion to the amount of work done for each, to be determined by the surveyor, and if any person thus benefited, whether a non-resident or otherwise, shall refuse or neglect to pay his share of such expense, such surveyor shall certify the same and to whom due, to the supervisor of the proper township, who shall assess it upon the land of such person to be collected and paid to the county treasurer in the same manner as state and county taxes; and paid by the said county treasurer on the order of the county surveyor.

**History:** R.S. 1846, Ch. 14;—CL 1857, 453;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 595;—How. 624;—Am. 1895, Act 240, Eff. Aug. 30, 1895;—CL 1897, 2627;—CL 1915, 2488;—CL 1929, 1400;—CL 1948, 54.105.

#### **54.105a Residents' corners and lines; re-location, perpetuation, survey requested; refusal to pay surveyor's charges, assessment. [M.S.A. 5.1031]**

Sec. 105a. If any person, after having requested the county surveyor to establish, relocate or perpetuate the corners and lines of land owned by such person, shall refuse or neglect to pay for such services after due performance thereof, such surveyor shall certify the lawful charges for the same and to whom due to the supervisor of the proper township, who shall assess it upon the land so surveyed, to be collected and paid to the county treasurer in the same manner as state and county taxes, and paid by the said county treasurer on the order of the county surveyor.

**History:** Add. 1899, Act 248, Eff. Sept. 23, 1899;—CL 1915, 2489;—CL 1929, 1401;—CL 1948, 54.105a.

#### **54.106 County surveyor and deputy; compensation; determination; expenses and fees; liability for trespass. [M.S.A. 5.1032]**

Sec. 106. (1) Each county surveyor and each deputy of the county surveyor shall be entitled to receive for his or her services, a compensation of not more than \$8.00 per day, or the salary as the county board of commissioners fixes, including the time of traveling to and from the place of making the survey, together with all necessary expenses incurred in the discharge of official duties, and 50 cents for recording each description, and 50 cents for each certificate or copy of a certificate, to be paid by the person for whom the services are rendered. The county surveyor or a deputy shall not be liable to prosecution in an action of trespass for entering upon land in the discharge of an official duty.

(2) Notwithstanding subsection (1), for a county which has a county officers compensation commission, the compensation of the county surveyor of that county shall be determined by that commission.

**History:** R.S. 1846, Ch. 14;—CL 1857, 454;—Am. 1861, Act 260, Eff. June 15, 1861;—Am. 1867, Act 108, Imd. Eff. Mar. 26, 1867;—Am. 1869, Act 140, Eff. July 5, 1869;—CL 1871, 596;—How. 625;—CL 1897, 2628;—Am. 1915, Act 229, Eff. Aug. 24, 1915;—CL 1915, 2490;—CL 1929, 1402;—Am. 1939, Act 119, Eff. Sept. 29, 1939;—CL 1948, 54.106;—Am. 1978, Act 489, Imd. Eff. Dec. 1, 1978.

## RIGHT OF ENTRY BY SURVEYORS

### Act 115 of 1976

AN ACT to provide surveyors with a right of entry and to limit liability.

**History:** 1976, Act 115, Imd. Eff. May 14, 1976.

*The People of the State of Michigan enact:*

#### **54.121 “Surveyor” defined. [M.S.A. 18.84(51)]**

Sec. 1. As used in this act, “surveyor” means any of the following:

- (a) A surveyor employed by the government of the United States of America or this state.
- (b) A person who is a land surveyor registered in this state.
- (c) A person who is under the direct supervision of a person who is a surveyor under subdivision (a) or (b), and carrying on his person sufficient identification as to employer.

**History:** 1976, Act 115, Imd. Eff. May 14, 1976.

#### **54.122 Right of entry; identification of vehicle. [M.S.A. 18.84(52)]**

Sec. 2. (1) A surveyor may enter upon public or private lands or waters in this state except buildings, for the purpose of making a survey.

(2) A vehicle used for or during entry pursuant to this section shall be identified on the exterior by a proper and ethical sign listing name, address, and telephone number of the surveyor or firm.

**History:** 1976, Act 115, Imd. Eff. May 14, 1976.

#### **54.123 Liability. [M.S.A. 18.84(53)]**

Sec. 3. A surveyor making an entry pursuant to section 2 shall be liable only for actual damage to crops or other property, or for actual damage due to negligence of the surveyor during the entry.

**History:** 1976, Act 115, Imd. Eff. May 14, 1976.

#### **54.124 Forfeiture of claim for damage or injury. [M.S.A. 18.84(54)]**

Sec. 4. The surveyor by his entry shall forfeit any and all claim for damage or injury to his person and equipment while on the lands or waters, unless the damage or injury is caused by the intentional tortious conduct of another.

**History:** 1976, Act 115, Imd. Eff. May 14, 1976.

# CORNER RECORDATION ACT

## Act 74 of 1970

AN ACT to protect and perpetuate public land survey corners; to require the establishment of monuments and the recording of information concerning public land survey corners; to prescribe the duties of the register of deeds; and to provide penalties.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970;—Am. 1975, Act 313, Eff. Mar. 31, 1976.

*The People of the State of Michigan enact:*

### **54.201 Short title; corner recordation act. [M.S.A. 13.115(51)]**

Sec. 1. This act shall be known and may be cited as the “corner recordation act”.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970.

### **54.202 Definitions.**

Sec. 2. As used in this act:

(a) “Property corner” means a geographic point on the surface of the earth, which is on, is a part of, and controls a property line.

(b) “Property controlling corner” for a property means a public land survey corner or any property corner which does not lie on a property line of the property in question but which controls the location of 1 or more of the property corners of the property in question.

(c) “Public land survey corner” means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government.

(d) “Corner”, unless otherwise qualified, means a property corner, a property controlling corner, a public land survey corner, or any combination of these.

(e) “Accessory”, with respect to a corner, means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

(f) “Monument” means a marker that occupies the position of a corner and that possesses or is made to possess a magnetic field.

(g) “Reference monument” means a special monument that does not occupy the same geographical position as the corner itself but whose spatial relationship to the corner is recorded and that serves to witness the corner.

(h) “Surveyor” means a professional surveyor who is licensed to practice professional surveying under the occupational code, 1980 PA 299, MCL 339.101 to 339.2721.

(i) “Board” means the board of professional surveyors, as established by section 2002 of the occupational code, 1980 PA 299, MCL 339.2002.

(j) “Corner record” means a written record on a form, approved by the board, of a corner established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated, or used as a control in a survey.

(k) “County surveyor” means an individual holding the elective office of county surveyor, subject to section 95 of 1846 RS 14, MCL 54.95, or an individual appointed as county representative pursuant to section 9 of the state survey and remonumentation act, 1990 PA 345, MCL 54.269.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970;—Am. 1975, Act 313, Eff. Mar. 31, 1976;—Am. 1988, Act 26, Eff. May 1, 1988;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.

### **54.203 Corner record; completion; filing.**

Sec. 3. If a public land survey corner or an accessory to the corner is used by a surveyor as a control in a survey, not more than 90 days after completion of the survey, the surveyor shall complete, sign, seal, and file with the register of deeds of the county where the corner is situated, a corner record for the public land survey corner or accessory to the corner, unless the corner monument and its accessories

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are as described in an existing corner record filed under this act.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.

### **54.204 Corner record; filing. [M.S.A. 13.115(54)]**

Sec. 4. A surveyor may file a corner record as to any property corner, property controlling corner, reference monument or accessory to a corner.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970.

### **54.205 Corner record; information included. [M.S.A. 13.115(55)]**

Sec. 5. The board, by rule, shall prescribe the information which shall be included in the corner record and the form in which the corner shall be presented and filed.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970.

### **54.206 Preservation of completed corner record; numbering of books and forms; placement of book and page number on index; public inspection; filing fee.**

Sec. 6. (1) The register of deeds shall receive for filing the completed corner record and preserve it in a hardbound book. The books shall be numbered in numerical order as filed.

(2) The register of deeds shall number the corner records in numerical order as they are filed.

(3) The book and page number in which the corner record is filed shall be placed by the register of deeds on an index which the register of deeds shall provide for that purpose.

(4) The register of deeds shall make these records available for public inspection during all usual office hours.

(5) The fee for filing a corner record shall be determined as provided in section 2567(1)(a) of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970;—Am. 1975, Act 313, Eff. Mar. 31, 1976;—Am. 1988, Act 26, Eff. May 1, 1988;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.

### **54.207 Monumenting corner and each accessory to corner; unsafe condition; reference monuments.**

Sec. 7. If a corner record is required to be filed under this act, the surveyor shall monument the corner and 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. If access to the corner location will create an unsafe condition, the surveyor may install at least 4 reference monuments interrelated and visible with the corner location and each other by angular and linear measurements.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.

### **54.208 Signing, dating, and sealing corner record.**

Sec. 8. A corner record shall not be filed unless it is signed, dated, and sealed by the surveyor. However, in the case of an agency of the United States government or this state, the certificate shall be approved, signed, dated, and sealed by the surveyor in responsible charge of the agency and may also be signed by the chief of the survey party making the survey.

**History:** 1970, Act 74, Imd. Eff. July 16, 1970;—Am. 1988, Act 26, Eff. May 1, 1988;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.

### **54.209 Repealed. 2000, Act 34, Imd. Eff. Mar. 15, 2000.**

**Compiler's note:** The repealed section pertained to corners previously established.

### **54.210 Monuments; placement; magnetic field.**

Sec. 10. (1) When set, a monument shall possess a magnetic field, be at least 1/2 inch in diameter and a minimum of 18 inches in length, and be legibly capped showing the license number of the surveyor.

(2) Unless it is to be set in a public roadway, a monument shall be set with not less than 2/3 of its length below the surface of the surrounding ground.

(3) If a corner is located in a public roadway and the roadway is not hard-surfaced at the corner, the monument shall be placed at least 6 inches below the surface of the roadway.

(4) If a corner is located in a public roadway and the roadway is hard-surfaced at the corner, whether

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by concrete, asphalt, or otherwise, the monument, including, but not limited to, a monument set before the effective date of the 2000 amendatory act that amended this section, shall be visible or contained within a visible protected enclosure and shall comply with any requirements of the agency having jurisdiction over the roadway.

(5) If a corner to be monumented is located on a rock outcropping, the monument shall be an iron bar at least 1/2 inch in diameter, drilled and grouted into solid rock to a depth of at least 8 inches.

**History:** Add. 1975, Act 313, Eff. Mar. 31, 1976;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.

### **54.210a Repealed. 2000, Act 34, Imd. Eff. Mar. 15, 2000.**

**Compiler's note:** The repealed section pertained to monuments furnished by county.

### **54.210b Repealed. 1988, Act 26, Eff. May 1, 1988. [M.S.A. 13.115(59.12)]**

**Compiler's note:** The repealed section pertained to coding, indexing, and transfer of corner records.

### **54.210c Effect of noncompliance.**

Sec. 13. Failure to comply with the provisions of this act is sufficient grounds for the suspension or revocation of the license of a surveyor.

**History:** Add. 1975, Act 313, Eff. Mar. 31, 1976;—Am. 1988, Act 26, Eff. May 1, 1988;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.

### **54.210d Defacing, destroying, altering, or removing corner monument or reference monument; penalty; temporary removal; resetting; report; "person" defined.**

Sec. 14. (1) A person who defaces, destroys, alters, or removes a corner monument or reference monument is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00, or imprisonment for not more than 180 days, or both, and shall be responsible for the costs of reestablishment and replacement of the monument and filing of the corner record by a surveyor. A corner monument or reference monument may be temporarily removed for construction purposes if the corner is properly witnessed by a surveyor before removal. The monument shall be reset, rewitnessed, and refiled by a surveyor within 30 days after the completion of construction. A corner monument or reference monument shall not be temporarily removed for more than 1 year. A person who knows that a corner monument or reference monument has been defaced, destroyed, altered, or removed shall report that fact to the county surveyor of the county in which the corner is located.

(2) As used in this section, "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

**History:** Add. 1975, Act 313, Eff. Mar. 31, 1976;—Am. 1988, Act 26, Eff. May 1, 1988;—Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000.



## CERTIFIED SURVEYS

### Act 132 of 1970

AN ACT to provide for the filing of surveys in the office of the register of deeds relative to land divisions; and to prescribe the conditions of the survey.

**History:** 1970, Act 132, Eff. Apr. 1, 1971.

*The People of the State of Michigan enact:*

#### **54.211 Certified copy of survey; recordation; exemptions. [M.S.A. 13.115(61)]**

Sec. 1. (1) Whenever lands are surveyed into 4 parcels or less, or a greater number when such parcels are of 10 acres or more, or any boundary survey where permanent corners are monumented, a certified copy may be recorded in the office of the register of deeds in the county in which the land is situated, if such survey meets the requirements of this act.

(2) If a survey is made for the purposes of describing the parcel in a conveyance of title, a certified copy of that survey shall be recorded at the time of recording the conveyance of title with the register of deeds in the county in which the land is situated. The requirements of this act are in addition to Act No. 288 of the Public Acts of 1967, as amended, being sections 560.101 to 560.923 of the Compiled Laws of 1948. Land platted in accordance with Act No. 288 of the Public Acts of 1967, as amended, or land previously surveyed and recorded and for which no change in boundary description is made from a previously recorded survey need not be recorded. Surveys solely for mortgage certificate purposes need not be recorded.

**History:** 1970, Act 132, Eff. Apr. 1, 1971;—Am. 1972, Act 280, Eff. Jan. 1, 1973.

**Compiler's note:** In the second sentence of subsection (2), the reference to "sections 560.101 to 560.923 of the Compiled Laws of 1948" evidently should read "sections 560.101 to 560.293 of the Compiled Laws of 1948."

#### **54.212 Performance of survey; preparation of map; permanent markers for corners. [M.S.A. 13.115(62)]**

Sec. 2. (1) The survey shall be performed and the map prepared by a land surveyor licensed in this state.

(2) All corners shall be monumented in the field with permanent markers which possess a magnetic field unless previously monumented with iron stakes, capped with some device legibly showing the license number of the licensed land surveyor placing them, and shall include points of intersection of boundary or lot lines with highways, streets, alleys, section lines, and meander lines, and corners of the United States public land survey from which the parcel or parcels are described.

**History:** 1970, Act 132, Eff. Apr. 1, 1971;—Am. 1988, Act 24, Imd. Eff. Feb. 25, 1988.

#### **54.213 Map; requirements. [M.S.A. 13.115(63)]**

Sec. 3. (1) The map shall be prepared on durable white paper 8-1/2 inches wide by 14 inches long. Lines on a map shall be made with nonfading black ink on a scale of not more than 500 feet to an inch the scale shall be shown on the map. The map may instead be prepared on tracing cloth or paper, and a true scale reproduction of the map pursuant to the records media act may be recorded. The map shall include all of the following:

(a) A certificate signed and sealed by the licensed land surveyor who surveyed and mapped the parcel or parcels, typed, lettered, or reproduced legibly with nonfading ink, giving a clear concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the United States public land survey, or reestablished in accordance with accepted methods. The certificate shall also include the ratio of closure of latitudes and departures, which shall be within limits accepted by the profession of land surveying, and certification by the licensed land surveyor that the requirements of this section have been met.

(b) The exterior boundaries of the land surveyed and divided, together with the line or lines leading to the United States public land survey corner, or corners, from which the land is described. A boundary along a lake or stream shall be defined by a meander line connecting the side boundaries of the parcel.

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If a lot in a recorded subdivision is divided, the exterior boundaries of the lot surveyed and divided shall be referenced to existing lot corners and the controlling monuments used for that survey.

(c) If the boundary of the parcel follows or parallels a section line, the section line shall be defined at its extremities by a corner established in the United States public land survey or reestablished pursuant to accepted methods. Each corner of the United States public land survey shall be duly witnessed to a permanent object and the kind of object and the bearings and distances to it, together with the kind and material of monumentation marking the corner, shall be shown on the map.

(d) A curved boundary or a curved highway, street, or lot line, if the curve is contained within the line, shall be defined by the points of curvature and tangency and compound curvature, central angle, length of arcs, degree of curvature, and length and bearing of the long chord, or, if the curve is only partially contained within the line, by the length of arc along the curve, degree of curvature, and length and bearing of the short chord, or by traverse courses and distances if the curve is not regular.

(e) If an exterior boundary line shows a bearing or length that varies from that recorded in an abutting plat or certified survey, the following note shall be placed along the line "recorded as (show bearing or length or both)".

(f) The length and bearing of each line.

(g) The exact width of each street, highway, alley, and easement.

(h) The distance on a boundary or lot line from the point of intersection with a meander line to apparent ordinary high water line of Great Lakes waters and to the water's edge of inland lakes and streams.

(i) A north point properly located.

(2) Certified survey maps prepared pursuant to this section shall be accepted, upon payment of the regular fee schedule as provided in section 2567(1)(a) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2567 of the Michigan Compiled Laws, shall be numbered consecutively by the register of deeds, shall be recorded in bound volumes, or in a manner adapted to a system of preserving records pursuant to the records media act, and known as the "certified survey maps of ..... county", and shall become a part of the land records of the county. A separate card file shall be kept showing by section, township, and range and also by title of recorded plat if a resurvey within such plat, the designating number, liber, and page of the certified maps filed in the bound volume, or other record.

(3) If a certified survey map is recorded pursuant to this section, the parcels of land in the map may be described with a supplemental reference to the number of the survey, the volume and page where recorded, and the name of the county, for all purposes, including assessment, taxation, devise, descent, and conveyance.

**History:** 1970, Act 132, Eff. Apr. 1, 1971;—Am. 1988, Act 24, Imd. Eff. Feb. 25, 1988;—Am. 1992, Act 183, Imd. Eff. Oct. 5, 1992.

## SECTION CORNERS AND QUARTER POSTS

### Act 149 of 1883

AN ACT to authorize the board of supervisors of the several counties in this state to provide for ascertaining, preserving and maintaining the original section corners and quarter posts, as surveyed and recorded by the original survey, and to repeal Act No. 159 of the session laws of 1877, Act No. 205 of the session laws of 1879 and Act No. 73 of the session laws of 1881.

**History:** 1883, Act 149, Eff. Sept. 8, 1883.

*The People of the State of Michigan enact:*

#### **54.221 Section corners and quarter posts; establishment, records; referendum, tax levy, limitation. [M.S.A. 5.511]**

Sec. 1. That the boards of supervisors of the several counties in this state are hereby authorized to establish and perpetuate any government section corners or quarter posts in their respective counties, which they may have good reason to believe are lost or are in danger of being lost, by the employment of a surveyor therefor, who shall keep a full and complete record of his work, giving in detail the evidences by which any corner is identified, also the manner in which any lost corner is identified, also the manner in which lost corners are reestablished; which record shall be kept in the same book provided by the county for surveyors' records, and kept in the office of the county surveyor, and the record so made and entered by the surveyor aforesaid, shall be received as evidence in all the courts of this state wherein any question may arise as to the establishment or identification of such corner or corners: Provided, That such work shall be done only in such townships where a majority of the voters, voting, shall vote to raise such sum as is required, not exceeding 250 dollars for any 1 township of 36 sections, or in that proportion for townships of greater or lesser size, for such work by any surveyor authorized to do such work, as provided in section 1 of this act: And provided further, That nothing in this act shall apply to lands where section and quarter section lines are already properly established. Such sum to be assessed upon the real estate of such township, according to its cash value. Such assessment to be levied and the taxes therefrom collected in the same manner as other assessments and collection of taxes are made.

**History:** 1883, Act 149, Eff. Sept. 8, 1883;—How. 510a;—CL 1897, 2511;—CL 1915, 2329;—CL 1929, 1183;—CL 1948, 54.221.

#### **54.222 Section corners and quarter posts; marking; removal, penalty. [M.S.A. 5.512]**

Sec. 2. The surveyor as above employed shall sink into the earth at all section and quarter post corners from the surface to a depth of at least 3 feet, a column of broken brick, charcoal, broken stones, or other easily distinguishable substance, of a diameter of at least 3 inches, and carefully describe the same in the records of his survey, and also to mark and record new witness trees wherever possible to do so, and if any person shall wilfully cut down, destroy, deface or injure any living witness tree, or remove a corner post in any shape, as above established, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than 25 dollars nor more than 50 dollars.

**History:** 1883, Act 149, Eff. Sept. 8, 1883;—How. 510b;—Am. 1889, Act 71, Eff. Sept. 8, 1889;—CL 1897, 2512;—CL 1915, 2330;—CL 1929, 1184;—CL 1948, 54.222.

# MICHIGAN COORDINATE SYSTEMS

## Act 9 of 1964

AN ACT to describe, define, and officially adopt certain systems of coordinates for designating the position of points on or near the surface of the earth within this state.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

*The People of the State of Michigan enact:*

### **54.231 Michigan coordinate system of 1927 and Michigan coordinate system of 1983 established; division of state into north zone, central zone, and south zone. [M.S.A. 13.115(1)]**

Sec. 1. (1) The systems of plane coordinates which are established by the NOAA/NGS for defining and stating the positions of points on or near the surface of the earth within this state shall be known and designated as the Michigan coordinate system of 1927, or MCS 27, and the Michigan coordinate system of 1983, or MCS 83.

(2) For the purpose of the use of these systems, the state is divided into a north zone, a central zone, and a south zone.

(3) The area included in the following counties constitutes the north zone: Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, Iron, Marquette, Dickinson, Menominee, Alger, Delta, Schoolcraft, Luce, Chippewa, and Mackinac.

(4) The area included in the following counties constitutes the central zone: Emmet, Cheboygan, Presque Isle, Charlevoix, Leelanau, Antrim, Otsego, Montmorency, Alpena, Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, Alcona, Manistee, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Mason, Lake, Osceola, Clare, Gladwin, and Arenac.

(5) The area included in the following counties constitutes the south zone: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron, Muskegon, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, Ottawa, Kent, Ionia, Clinton, Shiawassee, Genesee, Lapeer, St. Clair, Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, and Monroe.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

### **54.231a Definitions. [M.S.A. 13.115(1a)]**

Sec. 1a. As used in this act:

(a) "Coordinates" means the x and y plane rectangular coordinate values computed for a geographic position from a pair of mutually perpendicular axes. These axes are the meridian and parallel, defined in sections 5 and 5a, whose intersection defines the origin of each zone.

(b) "FGCC" means the federal geodetic control committee of the United States department of commerce or a successor agency to the committee.

(c) "NOAA/NGS" means the national oceanic and atmospheric administration/national geodetic survey or a successor agency to the administration.

**History:** Add. 1988, Act 154, Imd. Eff. June 14, 1988.

### **54.232 Land description. [M.S.A. 13.115(2)]**

Sec. 2. (1) As established for use in the north zone, the Michigan coordinate system of 1927 or the Michigan coordinate system of 1983 shall be named, and in any land description in which it is used, shall be designated, respectively, the Michigan coordinate system of 1927, north zone, or the Michigan coordinate system of 1983, north zone.

(2) As established for use in the central zone, the Michigan coordinate system of 1927 or the Michigan coordinate system of 1983 shall be named, and in any land description in which it is used, shall be designated, respectively, the Michigan coordinate system of 1927, central zone, or the Michigan coordinate system of 1983, central zone.

(3) As established for use in the south zone, the Michigan coordinate system of 1927 or the Michigan coordinate system of 1983 shall be named, and in any land description in which it is used, shall be

designated, respectively, the Michigan coordinate system of 1927, south zone, or the Michigan coordinate system of 1983, south zone.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

**54.233 Use of coordinates. [M.S.A. 13.115(3)]**

Sec. 3. The coordinates for a point on or near the earth's surface that are used to express the geographic position of that point in the appropriate zone of this system shall consist of 2 distances. Each distance shall be expressed in United States survey feet (1 foot = 12/39.37 meters) and decimals of a survey foot if using the Michigan coordinate system of 1927, or shall be expressed in meters and decimals of a meter or in international feet (1 foot = 0.3048 meter) and decimals of an international foot if using the Michigan coordinate system of 1983. One of these distances, to be known as the "x-coordinate", shall give the position in an east and west direction; the other distance, to be known as the "y-coordinate", shall give the position in a north and south direction. The coordinates shall depend upon and conform to values published by the NOAA/NGS for the monumented points of the North American horizontal geodetic control network, the coordinates of which monumented points were computed on the systems designated in this act.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

**54.234 Tract extending from 1 coordinate zone into another coordinate zone; reference to boundaries. [M.S.A. 13.115(4)]**

Sec. 4. If a tract of land is defined by a single description and extends from 1 into another of the coordinate zones described in section 1, the positions of all points on the tract's boundaries may be referred to either of the 2 zones. The zone which is used for reference shall be specifically named in the description.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

**54.235 Michigan coordinate system of 1927; definition; determination of position. [M.S.A. 13.115(5)]**

Sec. 5. (1) For the purposes of more precisely defining the Michigan coordinate system of 1927, the following definition by the NOAA/NGS is adopted:

(a) The Michigan coordinate system of 1927, north zone, is a Lambert conformal projection of the Clarke spheroid of 1866, magnified in linear dimension by a factor of 1.0000382, having standard parallels at north latitudes 45 degrees 29 minutes and 47 degrees 5 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 87 degrees zero minutes west of Greenwich and the parallel 44 degrees 47 minutes north latitude. This origin is given the coordinates: x = 2,000,000 feet and y = 0 feet.

(b) The Michigan coordinate system of 1927, central zone, is a Lambert conformal projection of the Clarke spheroid of 1866, magnified in linear dimension by a factor of 1.0000382, having standard parallels at north latitude 44 degrees 11 minutes and 45 degrees 42 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 84 degrees 20 minutes west of Greenwich and the parallel 43 degrees 19 minutes north latitude. This origin is given the coordinates: x = 2,000,000 feet and y = 0 feet.

(c) The Michigan coordinate system of 1927, south zone, is a Lambert conformal projection of the Clarke spheroid of 1866, magnified in linear dimension by a factor of 1.0000382, having standard parallels at north latitude 42 degrees 6 minutes and 43 degrees 40 minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 84 degrees 20 minutes west of Greenwich and the parallel 41 degrees 30 minutes north latitude. This origin is given the coordinates: x = 2,000,000 feet and y = 0 feet.

(2) The position of the Michigan coordinate system of 1927 shall be as determined from horizontal geodetic control points established throughout the state in conformity with the standards of accuracy and specifications for first order or second order geodetic surveying as prepared and published by the FGCC, the geodetic positions of which control points were rigidly adjusted on the North American datum of 1927 and the coordinates of which were computed on the Michigan coordinate system of 1927.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

**54.235a Michigan coordinate system of 1983; definition; determination of position. [M.S.A. 13.115(5a)]**

Sec. 5a. (1) For purposes of more precisely defining the Michigan coordinate system of 1983, the following definition by the NOAA/NGS is adopted:

(a) The Michigan coordinate system of 1983, north zone, is a Lambert conformal projection of the North American datum of 1983, having standard parallels at north latitudes 45 degrees 29 minutes and 47 degrees 5 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 87 degrees zero minutes west of Greenwich and the parallel 44 degrees 47 minutes north latitude. This origin is given the coordinates:  $x = 8,000,000$  meters and  $y = 0$  meters.

(b) The Michigan coordinate system of 1983, central zone, is a Lambert conformal projection of the North American datum of 1983, having standard parallels at north latitude 44 degrees 11 minutes and 45 degrees 42 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 84 degrees 22 minutes west of Greenwich and the parallel 43 degrees 19 minutes north latitude. This origin is given the coordinates:  $x = 6,000,000$  meters and  $y = 0$  meters.

(c) The Michigan coordinate system of 1983, south zone, is a Lambert conformal projection of the North American datum of 1983, having standard parallels at north latitude 42 degrees 6 minutes and 43 degrees 40 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 84 degrees 22 minutes west of Greenwich and the parallel 41 degrees 30 minutes north latitude. This origin is given the coordinates:  $x = 4,000,000$  meters and  $y = 0$  meters.

(2) The position of the Michigan coordinate system of 1983 shall be as determined from horizontal geodetic control points established throughout the state in conformity with the standards of accuracy and specifications for first order or second order geodetic surveying as prepared and published by the FGCC, the geodetic positions of which control points were rigidly adjusted on the North American datum of 1983 and the coordinates of which were computed on the Michigan coordinate system of 1983. Standards and specifications of the FGCC in force on the date of a survey shall apply to that survey.

**History:** Add. 1988, Act 154, Imd. Eff. June 14, 1988.

**54.236 Presentation of coordinates for recording; contents of recording document. [M.S.A. 13.115(6)]**

Sec. 6. Coordinates based on either Michigan coordinate system described in this act, purporting to define the position of a point or a land boundary corner, shall not be presented to be recorded unless the recording document contains an estimate, expressed as a standard deviation, of the positional tolerance of the coordinates being recorded. The recording document shall also contain a description of the nearest first or second order horizontal geodetic control monument from which the coordinates being recorded were determined and the method of survey for that determination. If the position of the described first or second order geodetic control monument is not published by the NOAA/NGS, the recording document shall contain a certificate signed by a land surveyor licensed under article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws, which certificate states that the described control monument and its coordinates have been established and determined in conformance with the specifications given in section 5 or 5a.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

**54.237 Use of coordinates on map, report of survey, or other document. [M.S.A. 13.115(7)]**

Sec. 7. (1) The use of the term Michigan coordinate system of 1927 on a map, report of survey, or other document shall be limited to coordinates based on the Michigan coordinate system of 1927 as defined in section 5.

(2) The use of the term Michigan coordinate system of 1983 on a map, report of survey, or other document shall be limited to coordinates based on the Michigan coordinate system of 1983 as defined in section 5a.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

**54.238 Describing location of survey station or land boundary corner; conflicting descriptions. [M.S.A. 13.115(8)]**

Sec. 8. (1) For the purpose of describing the location of a survey station or land boundary corner in

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the state of Michigan, it shall be considered a complete, legal, and satisfactory description of that location to give the position of the survey station or land boundary corner by the Michigan coordinate system of 1927 or the Michigan coordinate system of 1983.

(2) If the Michigan coordinate system of 1927 or the Michigan coordinate system of 1983 is used to describe a tract of land which in the same document is also described by reference to a subdivision, line, or corner of the United States public land surveys, or to a subdivision plat duly recorded in accordance with the subdivision control act of 1967, Act No. 288 of the Public Acts of 1967, being sections 560.101 to 560.293 of the Michigan Compiled Laws, the description by coordinates shall be construed as supplemental to the basic description of the subdivision, line, or corner contained in the official plats and field notes filed of record, and in the event of a conflict, the description by reference to the subdivision, line, or corner of the United States public land surveys, or to the recorded subdivision plat, shall prevail over the description by coordinates.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

### **54.239 Sole system after December 31, 1989. [M.S.A. 13.115(9)]**

Sec. 9. The Michigan coordinate system of 1927 shall not be used after December 31, 1989. The Michigan coordinate system of 1983 shall be the sole system used after December 31, 1989.

**History:** 1964, Act 9, Eff. Aug. 28, 1964;—Am. 1988, Act 154, Imd. Eff. June 14, 1988.

**COUNTY SURVEYOR ABOLISHED**  
**Act 196 of 1941**

AN ACT to abolish the office of county surveyor in counties having a population of 500,000 or over; and to provide a referendum thereon.

**History:** 1941, Act 196, Eff. Jan. 10, 1942.

*The People of the State of Michigan enact:*

**54.251 County surveyor in counties over 500,000; office abolished. [M.S.A. 5.1033]**

Sec. 1. The office of county surveyor in counties having a population of 500,000 or over, according to the latest federal census is hereby abolished.

**History:** 1941, Act 196, Eff. Jan. 10, 1942;—CL 1948, 54.251.

**54.252 Referendum on adoption of act; ballot, form. [M.S.A. 5.1034]**

Sec. 2. The provisions of this act shall not become operative in any county of the state to which it may apply unless and until it is submitted to a vote of the qualified electors voting thereon at the next general election after the passage of this act or after any such county shall reach a population of 500,000 or over. Like notice of the submission of the adoption of the provisions of this act shall be given as is required by law in the case of elections to elect county officers, and such question shall be submitted in substantially the following form:

“Shall the provisions of Act No. (here insert number of this act) of the Local Acts of 1941, providing for the abolishing of the office of county surveyor in counties having a population of 500,000 or over, be adopted by this county?

Yes ( )

No ( ).”

If a majority of the electors voting on such proposition in any such county, as determined by the canvass of votes cast, shall vote in favor thereof, from and after such determination, the provisions of this act shall be in force, and the office of county surveyor in such county shall be abolished.

**History:** 1941, Act 196, Eff. Jan. 10, 1942;—CL 1948, 54.252.



# STATE SURVEY AND REMONUMENTATION ACT

## Act 345 of 1990

AN ACT to create a state survey and remonumentation commission and to prescribe its powers and duties; to provide for the appointment of an executive director; to provide for a contract for the services of a state geodetic advisor; to create the state survey and remonumentation fund and to provide for its use; to coordinate and implement the monumentation and remonumentation of property controlling corners in this state and coordinate the establishment of geographic information systems; and to provide for certain powers and duties of certain state and local officers and agencies.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

**Compiler's note:** For transfer of powers and duties of the state survey and remonumentation commission, with the exception of powers and duties of the executive director, from the department of commerce to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at § 445.2001 of the Michigan Compiled Laws. For transfer of the powers and duties of the executive director of the survey and remonumentation commission to the director of the department of consumer and industry services, and the abolishment of the position, see E.R.O. No. 1996-2, compiled at § 445.2001 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

### 54.261 Short title.

Sec. 1. This act shall be known and may be cited as the "state survey and remonumentation act".

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

**Compiler's note:** For transfer of powers and duties of the state survey and remonumentation commission, with the exception of powers and duties of the executive director, from the department of commerce to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at § 445.2001 of the Michigan Compiled Laws. For transfer of the powers and duties of the executive director of the survey and remonumentation commission to the director of the department of consumer and industry services, and the abolishment of the position, see E.R.O. No. 1996-2, compiled at § 445.2001 of the Michigan Compiled Laws.

### 54.262 Definitions.

Sec. 2. As used in this act:

- (a) "Commission" means the director of the department of consumer and industry services.
- (b) "County plan" means a county monumentation and remonumentation plan under section 8.
- (c) "Executive director" means the person appointed to that office under section 7.
- (d) "Fund" means the state survey and remonumentation fund created in section 11.
- (e) "Property controlling corner" for a property means a public land survey corner or any property corner that does not lie on a property line of the property in question but that controls the location of 1 or more of the property corners of the property in question.

**History:** 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998.

### 54.263 State survey and remonumentation commission; creation; membership; terms; vacancy; compensation; expenses. [M.S.A. 5.1035(263)]

Sec. 3. (1) The state survey and remonumentation commission is created in the department of commerce.

(2) The commission shall consist of 5 members, who shall be appointed by the governor, with the advice and consent of the senate, as follows:

- (a) One member shall represent the general public.
- (b) The remaining 4 members shall be land surveyors licensed pursuant to article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws, 1 of whom also shall be serving as a county surveyor for a county in this state. The 4 members appointed under this subdivision shall be residents of the following areas of this state:
  - (i) One shall be a resident of the Upper Peninsula of Michigan, 1 shall be a resident of the area of the Lower Peninsula of Michigan that is north of the survey township line lying between survey township 16 north and survey township 17 north, and 1 shall be a resident of the area of the Lower Peninsula of Michigan that is south of the survey township line lying between survey township 16 north and survey township 17 north.
  - (ii) One shall be a member at large, and shall be a resident of any area of this state.

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(3) Of the 5 members first appointed to the commission, 1 shall be appointed for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, and 2 for terms of 4 years each. At the expiration of the term of each member, the governor shall appoint a successor, who shall hold office for a term of 4 years and until his or her successor has been appointed and qualified. A vacancy in the office of a member of the commission shall be filled by appointment by the governor, with the advice and consent of the senate, for the unexpired term.

(4) Members of the commission shall serve without compensation, but shall be reimbursed for actual and necessary per diem expenses in accordance with standards established annually by the legislature for similar boards or commissions that are reimbursed from the general fund.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.264 Commission; chairperson; meetings. [M.S.A. 5.1035(264)]**

Sec. 4. At the commission's first meeting, 1 member of the commission shall be selected by a majority of the commission members to be chairperson. The commission shall meet at least 4 times each year, at a time and place agreed upon by the commission. The chairperson may call special meetings at a time and place determined by the chairperson.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.265 Conduct of business at public meetings; public notice; writings. [M.S.A. 5.1035(265)]**

Sec. 5. (1) The business that the commission performs shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.266 Expediting county's or counties' plan; payment or reimbursement of costs.**

Sec. 6. (1) The commission shall do all of the following:

(a) 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, 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.

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

(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.

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

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

(f) Establish and maintain a data base of information on approved monumented horizontal and vertical control in this state.

(g) On or before October 1, 1993, and biennially after October 1, 1993, submit a report to the legislature. The report shall include, but not be limited to, all of the following:

(i) A summary of the commission's activities regarding administration of this act.

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

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

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- (iv) An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state.
- (v) An assessment of whether the money received in the fund is adequate to implement this act.
- (vi) Recommendations including, but not limited to, the level of funding that is necessary to implement this act.
- (h) On or before October 1, 1993, submit a copy of the initial report that is prepared pursuant to subdivision (g) to the county board of commissioners of each county of this state.
- (i) Establish and administer a grant program to counties to implement this act.
- (2) If a county or 2 or more counties elect to expedite the county's or counties' plan as provided in section 8(5), the commission shall enter into a contract described in section 8(5) to pay or reimburse the costs of expediting the plan. The amount expended or borrowed for expediting the county's or counties' plan shall be paid from the fund as provided in section 12(2) and (4).

**History:** 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998.

### **54.267 Executive director. [M.S.A. 5.1035(267)]**

Sec. 7. (1) The commission shall appoint an executive director. The executive director, under the direction of the commission, shall carry out the routine duties of the commission, as delegated to the executive director by the commission. The executive director shall retain employees, including at least 1 licensed surveyor and adequate secretarial staff, as the executive director considers necessary. The employees shall be classified civil servants.

(2) The commission shall enter into a contract with a geodetic advisor qualified to perform the duties described in section 6(c).

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.268 County monumentation and remonumentation plans.**

Sec. 8. (1) Each county shall establish a county monumentation and remonumentation plan. Not later than 1 year after the effective date of this act, the commission shall create and distribute a model county plan that may be adopted by a county with any changes appropriate for that county. Not later than January 1, 1994, each county shall have submitted a county plan that is approved by the commission.

(2) A county plan shall provide for all of the following:

(a) The monumentation or remonumentation of the entire county, within 20 years, under the guidelines of the manual of instructions for the survey of the public lands of the United States, 1973, prepared by the bureau of land management of the department of interior, technical bulletin 6, or subsequent editions.

(b) The provision of copies of all survey monumentation information produced by the county plan to the county surveyor and the commission.

(c) The filing with the county surveyor and the commission of copies of all monumentation or remonumentation documents required to be recorded with the register of deeds under the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or recorded with the register of deeds pursuant to 1970 PA 132, MCL 54.211 to 54.213.

(d) A perpetual monument maintenance plan that provides for all corners to be checked, and if necessary remonumented, at least once every 20 years.

(e) Any other provisions reasonably required by the commission for purposes of this act.

(3) Two or more contiguous counties may submit a multicounty plan, which shall meet the same requirements within each member county as are established for a county plan under this act.

(4) If a county fails to establish and submit a plan that is approved by the commission within the time required under subsection (1), the commission shall initiate and contract for the implementation of a county plan in that county pursuant to section 10.

(5) Upon the establishment and approval by the commission of a county plan, a county may expend or borrow funds to expedite the completion of its plan. If a county or 2 or more counties elect to expend or borrow funds to expedite their county plan, the commission shall enter into a contract to provide that the costs to expedite that plan are reimbursed or paid from the fund as provided in section 12(2) and (4).

(6) A county or 2 or more counties that expended or borrowed money to expedite their county plan after January 1, 1991 may recapture costs expended or borrowed and used to expedite that plan, which shall be paid out of the fund as provided in section 12(2) and (4). The commission shall pay those costs

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to the county over a period of not less than 10 years.

**History:** 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998.

### **54.269 County surveyor as county representative for surveying projects. [M.S.A. 5.1035(269)]**

Sec. 9. The county surveyor in each county in this state shall be the county representative for all surveying projects approved by or initiated through the commission. In a county that does not have a county surveyor, a licensed surveyor shall be appointed and shall perform the duties described in this section.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.270 Conducting monumentation or remonumentation pursuant to negotiated contracts; cost. [M.S.A. 5.1035(270)]**

Sec. 10. (1) Any monumentation or remonumentation conducted by the commission shall be pursuant to negotiated contracts. The commission shall prepare specifications for each contract negotiated by the commission, and shall monitor the field work and notes of all work done under each contract to ensure compliance with those specifications.

(2) The commission shall pay the cost of any contracts under this section from the fund.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.271 State survey and remonumentation fund generally. [M.S.A. 5.1035(271)]**

Sec. 11. (1) The state survey and remonumentation fund is created in the state treasury as a separate fund. The fund shall be administered by the commission.

(2) Money deposited in the fund, and all interest and earnings generated by the fund, shall not lapse at the end of a fiscal year, but shall remain in the fund to be expended as provided in this act.

(3) The fund may accept funds received as gifts or donations, or funds received from individuals or corporations to be used for purposes of this act.

(4) The commission may direct the department of treasury to establish restricted subaccounts within the fund as necessary to administer the fund.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.272 State survey and remonumentation fund; use of monies; provisions applicable to deposited funds; payment to county or counties.**

Sec. 12. (1) Money in the fund shall be used by the commission for the following purposes:

(a) Annual grants to the various counties to implement their county plans, excluding the perpetual monument maintenance plan described in section 8(2)(d).

(b) Annual grants to 2 or more counties to implement their multicounty plan, excluding the perpetual monument maintenance plan described in section 8(2)(d).

(c) The implementation of county plans that are initiated and contracted for by the commission pursuant to section 8(4).

(d) An annual grant to each county that has a county plan or to 2 or more counties that have a multicounty plan to implement the perpetual monument maintenance plan described in section 8(2)(d). The commission shall make not less than 5% of the total amount of the fund available for grants under this subdivision.

(e) The payment of contracts that are entered into by the commission under section 10.

(f) Other activities necessary, incidental, or appropriate to implement this act.

(2) In addition to the purposes described in subsection (1), money in the fund shall be used to pay the costs of expediting a plan or to reimburse the cost described in section 8(6), for a county or 2 or more counties that have elected to expend or borrow funds to expedite the implementation of the county's or counties' plan.

(3) Of the money collected and remitted to the state treasurer for deposit in the fund pursuant to section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, both of the following shall apply:

(a) An annual grant to a county pursuant to subsection (1)(a) or to 2 or more counties pursuant to subsection (1)(b) shall be in an amount that is not less than 40% of the amount of money collected in that county or those counties, as applicable, under section 2567a of the revised judicature act of 1961,

1961 PA 236, MCL 600.2567a, during the calendar year immediately preceding the year in which the grant is made.

(b) If the commission initiates and contracts for the implementation of a county plan for a county pursuant to section 8(4), the commission shall annually spend an amount that is not less than 40% of the amount of money collected in that county pursuant to section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year immediately preceding the year in which the expenditure is made, to implement that county plan.

(4) If the commission contracts with a county or 2 or more counties that elect to expend or borrow funds to expedite the implementation of the county's or counties' plan pursuant to section 6(2), the commission shall annually pay to that county or counties in lieu of any grant or payments under subsection (3) an amount that is not less than 40% of the amount of money collected in that county or counties under section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year and will be paid in annual installments until the contract is paid in full.

**History:** 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998.

**54.273 Application for annual grant; form. [M.S.A. 5.1035(273)]**

Sec. 13. An application for an annual grant authorized pursuant to this act shall be made on a form prescribed and furnished by the commission. The commission may require the applicant to provide any information reasonably necessary to allow the commission to make a determination required by this act.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

**54.274 Grant; conditions. [M.S.A. 5.1035(274)]**

Sec. 14. (1) The commission shall not make a grant pursuant to section 12(1)(a) or (b) unless all of the following conditions are met:

(a) The applicant files an application for the grant on or before December 31 of the calendar year immediately preceding the year in which the grant is made.

(b) The applicant has established a county plan or a multicounty plan that has been approved by the commission on or before December 31 of the calendar year immediately preceding the year in which the grant is made.

(c) The applicant demonstrates to the commission the capability to carry out the county plan or multicounty plan.

(d) The applicant demonstrates to the commission that it has not completed the monumentation or remonumentation of the county, or of the several counties in a multicounty plan.

(2) The commission shall not make a grant pursuant to section 12(1)(d) unless the applicant demonstrates to the commission that it has completed the monumentation or remonumentation of the county, or of the several counties in a multicounty plan.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

**54.275 Grant recipient to obtain authorization for significant change to plan; revocation or withholding of grant. [M.S.A. 5.1035(275)]**

Sec. 15. (1) A recipient of a grant made pursuant to section 12(1)(a), (b), or (d) shall obtain authorization from the commission before implementing a change that significantly alters the approved county plan or multicounty plan.

(2) The commission may revoke a grant made by it pursuant to this act or withhold payment if the recipient of the grant fails to comply with the terms and conditions of the grant, or with requirements of this act or the rules promulgated pursuant to this act.

(3) The commission may withhold a grant until the commission determines that the recipient is able to proceed with the implementation of the county plan or multicounty plan.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

**54.276 Copies of commission records. [M.S.A. 5.1035(276)]**

Sec. 16. (1) The commission, upon request, shall provide copies or certified copies of records in its possession to the public, other state agencies or officers, or local governmental agencies. The commission may charge a reasonable fee for providing the records.

(2) A certified copy of a record provided by the commission is admissible in court as evidence,

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without further identification, if the substance of the record is properly admissible in the proceeding.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.277 Rules. [M.S.A. 5.1035(277)]**

Sec. 17. The department of commerce shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to implement this act. In doing so, the department shall consider recommendations provided to them by the commission.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.278 Effective date. [M.S.A. 5.1035(278)]**

Sec. 18. This act shall take effect January 1, 1991.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

### **54.279 Conditional effective date. [M.S.A. 5.1035(279)]**

Sec. 19. This act shall not take effect unless Senate Bill No. 381 of the 85th Legislature is enacted into law.

**History:** 1990, Act 345, Eff. Jan. 1, 1991.

**Compiler's note:** Senate Bill No. 381, referred to in this section, was filed with the Secretary of State December 21, 1990, and became P.A. 1990, No. 346, Eff. Jan. 1, 1991.

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