SECTION CORNERS AND BOUNDARIES

Act 312 of 1921

AN ACT to provide for the surveying and establishing of section corners and boundaries of lands, and to provide for ascertaining, re-establishing, preserving and maintaining, in certain cases, the original section corners, quarter posts and boundaries as surveyed and recorded by the original survey.

History: 1921, Act 312, Eff. Aug. 18, 1921

The People of the State of Michigan enact:

322.251 Section corners and boundaries; establishment and perpetuation by department of conservation; appointment of surveyor; petition, bond; state highway commissioner, authority, duties.

Sec. 1.

Whenever it shall appear by the field notes of the United States survey of this state, on file in the office of the department of conservation, or by any other satisfactory evidence, placed before the department of conservation, that any government section or quarter section corner or corners, or posts, were omitted or were not properly established by such survey, or having been established, are lost or are in danger of being lost; or when it shall appear by satisfactory evidence that any such corner or corners or any original land mark or marks in any county of this state, fixing the shore line of any lands bordering on any of the great lakes, and within the United States survey of this state, are missing, or improperly established, or lost, or are in danger of being lost, the department of conservation shall be authorized to establish and perpetuate any such corners or posts in any county in this state, or to re-establish the same as nearly as may be in conformity with the original United States survey, and also in case of lands bordering on any of the great lakes, to establish or re-establish and perpetuate, as nearly as may be in conformity with the original United States survey, any such corners, posts or land marks, fixing the boundary and shore lines of any such surveyed lands in any county of this state; and for such purpose may appoint and designate a competent surveyor to make the necessary surveys: Provided, however, That such work shall be done only upon the sworn petition of 6 or more interested freeholders, setting forth the desirability and necessity of such work, who shall be residents of the township or townships, city or village in which such work is to be done, and who shall agree in said petition to bear the necessary expense of such survey and shall file a bond, in form and amount to be determined and approved by said department of conservation, guaranteeing the payment of such expense within 30 days after notice that the same has been completed. Such notice shall be given in writing by the director of conservation, and shall be considered as having been given when the same has been deposited in the United States mails addressed to said petitioners at their several addresses set forth in said petition, and proof of the same has been placed on file in the office of said department: Provided further, That when such establishment, re-establishment, or perpetuation of such corners or posts in any county in this state shall be necessary for the proper construction, improvement, or maintenance of state trunk line highways, the state highway commissioner shall have the same authority to do such work as is herein conferred on the department of conservation, except, however, that the conditions of the first proviso of this section shall not

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apply to such work when done by the state highway commissioner: Provided, Such corners or posts once lawfully established by either of the aforesaid authorities shall be recognized by, and be binding upon, the other: Provided further, That whenever any such corner markings shall hereafter be removed or destroyed in the course of state highway construction, repair or maintenance, it shall be the duty of said state highway commissioner to replace the same, as soon as may be, with an approved type of monument box or other standard marker.

History: 1921, Act 312, Eff. Aug. 18, 1921 ;-- CL 1929, 5866 ;-- Am. 1935, Act 134, Imd. Eff. June 4, 1935 ;-- CL 1948, 322.251

Compiler's Notes: The department of conservation, referred to in this section, was transferred to the department of natural resources by MCL 16.352.

322.252 Original field notes; filing, effect, admissible as evidence; applicability of act.

Sec. 2.

The original notes of the field work performed under the provisions of this act shall be placed on file in the office of the department of conservation, and a complete record of such work shall also be placed on file and kept in the same book provided by the county for the surveyors' records, and kept in the office of the county surveyor in any county where such work has been performed, and all corners, boundary and shore lines so established shall be binding on the state of Michigan, and for such purpose shall have the same force and effect as those established by the original United States survey; and such records so made and entered 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 corners, boundary and shore lines: Provided, That nothing in this act shall apply to lands where such corners, landmarks, boundary lines, section and quarter section lines are already properly established.

History: 1921, Act 312, Eff. Aug. 18, 1921 ;-- CL 1929, 5867 ;-- CL 1948, 322.252

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