CORNER RECORDATION ACT

Act 74 of 1970

AN ACT to protect and perpetuate land survey corners; to require the establishment of monuments and the recording of information concerning original and protracted public land survey corners; to prescribe the duties of certain state and local governmental officers and entities; to require the promulgation of rules; and to prescribe penalties.

History: 1970, Act 74, Imd. Eff. July 16, 1970 ;-- Am. 1975, Act 313, Eff. Mar. 31, 1976 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

The People of the State of Michigan enact:

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54.201 Short title; corner recordation act.

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) "Accessory" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded on a land corner recordation certificate that has been filed under this act.

(b) "Corner" means an original public land survey corner, a protracted public land survey corner, a property controlling corner, a witness monument, or a property corner.

(c) "County representative" means the individual performing the duties of county representative under section 9 of the state survey and remonumentation act, 1990 PA 345, MCL 54.269.

(d) "Department" means the department of licensing and regulatory affairs.

(e) "Land corner recordation certificate" means a written record for a corner in the form prescribed under section 5 that is to be filed as provided by this act.

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

(g) "Original public land survey corner" means a corner established and monumented pursuant to orders and instructions issued by the United States government for the purposes of delineating the United States public lands and private lands or subdividing the public lands for conveyance.

(h) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(i) "Property controlling corner" means either of the following:

(i) A position misidentified as and used as an original public land survey corner or as a protracted public land survey corner that serves to control property.

(ii) A corner that does not lie on a property line of a property but that controls the location of 1 or more of the property corners of the property.

(j) "Property corner" means a geographic point on the surface of the earth that is on, is a part of, and controls a property line.

(k) "Protracted public land survey corner" means any of the following:

(i) A closing quarter section position along a township or range line or a center quarter section position that was not actually monumented on the ground in the field notes of the original federal government survey, but that serves to complete the nominal half-mile grid of government corners.

(ii) A monumented position that is not an original public land survey corner, that lies on a section line or quarter line near a body of water, and that serves to define the section line or quarter line in lieu of a submerged government position or an omitted meander position.

(iii) A section or quarter section corner that appears by the field notes and plats of the United States survey of this state, on file in the state archives, to have been omitted and not properly established or monumented.

(l) "Reference monument" means an accessory that is employed if the site of a corner is such that a monument cannot be set or is liable to destruction or if occupation of the site provides for unsafe conditions.

(m) "Surveyor" means a professional surveyor who is licensed to practice professional surveying under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(n) "Witness monument" is an accessory that is a monumented point near a corner. A witness monument is established only if it is impracticable to occupy the site of a corner with a monument. A witness monument is a witness to the true corner point. If the true point for a corner falls at an inaccessible place, such as on a precipitous slope or cliff where the corner cannot be monumented, a witness monument is established at a suitable point where the monument may be permanently constructed.

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 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

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54.203 Original public land survey corner; completion and filing of land corner recordation certificate.

Sec. 3.

If an original public land survey corner is used by a surveyor, not more than 90 days after the original public land survey corner is used, the surveyor shall complete, sign, seal, and file with the register of deeds of the county where the original public land survey corner is situated, a land corner recordation certificate for the original public land survey corner, unless the original public land survey corner monument and its accessories are as described in an existing land corner recordation certificate that has been filed under this act.

History: 1970, Act 74, Imd. Eff. July 16, 1970 ;-- Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

54.203a Protracted public land survey corner; completion and filing of land corner recordation certificate.

Sec. 3a.

If a protracted public land survey corner is monumented by a surveyor, or if a previously monumented protracted public land survey corner is used by a surveyor, not more than 90 days after the protracted public land survey corner is monumented or used, the surveyor shall complete, sign, seal, and file with the register of deeds of the county where the protracted public land survey corner is situated a land corner recordation certificate for the protracted public land survey corner, unless the protracted public land survey corner monument and its accessories are as described in an existing land corner recordation certificate that has been filed under this act.

History: Add. 2014, Act 420, Imd. Eff. Dec. 30, 2014

54.203b Property controlling corner; recordation.

Sec. 3b.

If a property controlling corner has been recorded or used as an original public land survey corner or protracted public land survey corner, the property controlling corner must be recorded on the same land corner recordation certificate required to be filed under section 3 or 3a.

History: Add. 2014, Act 420, Imd. Eff. Dec. 30, 2014

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54.204 Corner record; completion and filing of land corner recordation certificate.

Sec. 4.

If sections 3, 3a, and 3b do not apply, a surveyor who monuments or uses a corner may complete, sign, seal, and file with the register of deeds of the county where the corner is situated a land corner recordation certificate for the corner.

History: 1970, Act 74, Imd. Eff. July 16, 1970 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

54.205 Land corner recordation certificate; information to be included; promulgation of rules.

Sec. 5.

(1) The department, by rule, shall prescribe the information that must be included in a land corner recordation certificate and the form in which a land corner recordation certificate must be presented and filed.

(2) The department shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this act.

History: 1970, Act 74, Imd. Eff. July 16, 1970 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

54.206 Preservation of completed land corner recordation certificate; numerical order; placement of book and page number on index; public inspection; filing fee.

Sec. 6.

(1) A register of deeds shall receive for filing a completed land corner recordation certificate and preserve it in a hardbound book. The books must be numbered in numerical order as filed.

(2) A register of deeds shall number land corner recordation certificates in numerical order as they are filed.

(3) A register of deeds shall place the book and page number in which a land corner recordation certificate is filed on an index provided by the register of deeds for that purpose.

(4) A register of deeds shall make the records described in this section available for public inspection during all usual office hours.

(5) A register of deeds shall determine the fee for filing a land corner recordation certificate 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 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

54.207 Monumenting corner and each accessory to corner; physical condition; witness monument; reference monuments; report.

Sec. 7.

(1) If a land corner recordation certificate is required to be filed under this act, the surveyor shall monument the corner, record and identify 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.

(2) If a witness monument is set, the surveyor may monument the corner and shall set the witness monument as follows:

(a) In a secure location.

(b) On a line of survey or protracted line of survey as shown on the general land office plats that intersects the corner.

(c) As close to the corner as practicable.

(3) A surveyor who sets a witness monument under subsection (2) shall report on the land corner recordation certificate the relation between the witness monument and the true corner and the direct connecting course and distance from the corner to the witness monument.

(4) If a surveyor sets reference monuments, the surveyor shall install at least 4 reference monuments interrelated and visible with the corner and each other by angular and linear measurements. If a surveyor sets reference monuments, the surveyor is not required to set the corner.

(5) A surveyor who sets reference monuments under subsection (4) shall report all of the following on the land corner recordation certificate:

(a) The relation between the reference monuments and the corner.

(b) The direct connecting courses and distances between the reference monuments and the corner.

(c) The distances between each reference monument and the 2 reference monuments that are closest to the reference monument.

History: 1970, Act 74, Imd. Eff. July 16, 1970 ;-- Am. 2000, Act 34, Imd. Eff. Mar. 15, 2000 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

54.208 Signing, dating, and sealing land recordation certificate.

Sec. 8.

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A land corner recordation certificate may not be filed unless it is signed, dated, and sealed by the surveyor. However, for a certificate prepared by or on behalf of an agency of the United States government or this state, the certificate must 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 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

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

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

54.210b Repealed. 1988, Act 26, Eff. May 1, 1988.

Compiler's Notes: 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.

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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 monument, accessory, witness monument, or reference monument; penalty; temporary removal; resetting and rewitnessing; report.

Sec. 14.

(1) Except as provided in this subsection or subsection (2), a person who defaces, destroys, alters, or removes a monument, accessory, witness monument, or reference monument is guilty of a misdemeanor punishable by a fine of not more than $5,000.00 or imprisonment for not more than 180 days, or both, and is responsible for the costs of reestablishment and replacement of the monument, accessory, witness monument, or reference monument and filing of the associated land corner recordation certificate by a surveyor. This subsection does not apply to an accessory that is on private property.

(2) A monument, accessory, witness monument, or reference monument may be temporarily removed for construction purposes if the corner is properly witnessed by a surveyor before removal. A monument, accessory, witness monument, or reference monument that is removed under this subsection must be reset and rewitnessed and an associated land corner recordation certificate filed by a surveyor within 30 days after the completion of the construction. A monument, accessory, witness monument, or reference monument shall not be temporarily removed for more than 1 year.

(3) A person who knows that a monument, accessory, witness monument, or reference monument has been defaced, destroyed, altered, or removed shall report that fact in writing to the county representative and the county prosecutor of the county in which the corner is located.

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 ;-- Am. 2014, Act 420, Imd. Eff. Dec. 30, 2014

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