

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

SURVEY AND REMONUMENTATION

GENERAL RULES

(By authority conferred on the department of licensing and regulatory affairs by section 17 of 1990 PA 345, MCL 54.277 and Reorganization Order Nos. 1996-2, 1997-12, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2002, 445.2011, 445.2025 and 445.2030)

R 54.201 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means the state survey and remonumentation act, 1990 PA 345, MCL 54.261 to 54.279.

(b) "Applicant" means a county or multiple counties that apply for a grant pursuant to the act.

(c) "Application" means an annual grant application pursuant to section 13 of the act, MCL 54.273.

(d) "Annual grant agreement" means the contract between the department and an applicant.

(e) "Grantee" means an applicant that receives a grant pursuant to the act.

(f) "Land corner recordation certificate" or (LCRC) means the document prepared and filed pursuant to the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1992 AACS; 2013 AACS; 2019 MR 1, Eff. Jan. 8, 2019.

Editor's Note: An obvious error in R 54.201 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2019 MR 1. The memorandum requesting the correction was published in *Michigan Register*, 2019 MR 2.

R 54.202 Rescinded.

History: 1992 AACS; 2013 AACS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.203 Right of appeal.

Rule 3. A person, firm, corporation, public body, or agency that is aggrieved by a fund grant decision of the commission or the executive director of the commission may request, in writing, that the commission hold a hearing pursuant to the provisions

of Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws.

History: 1992 AACCS.

R 54.204 Rescinded.

History: 1992 AACCS; 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.205 Grant administrator.

Rule 5. The grant administrator shall do all of the following:

- (a) Manage a grantee's obligations of the annual grant agreement and be the point of contact.
- (b) Be responsible for the application, all reports, and documentation required by the act, these rules, and the annual grant agreement.
- (c) Oversee the county representative and all contractual obligations to fulfill the annual grant agreement.

History: 1992 AACCS; 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.206 County representative.

Rule 6. (1) A county representative of each county shall be the county representative for all surveying projects approved by or initiated through the department pursuant to the act.

(2) A county representative shall do all of the following:

- (a) Assist the applicant and grantee by providing technical and professional expertise.
- (b) Assist the applicant and grantee in the development of and monitoring the progress of their county plan pursuant to the act and these rules.
- (c) Coordinate the perpetuation of remonumentation corners along shared county borders.
- (d) Facilitate the inclusion of any remonumentation corners that were not included in the annual grant agreement.
- (e) If a peer review group has been established, schedule and chair the meetings pursuant to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and give notice to any surveyor who has a position in conflict with a corner position scheduled for peer review.
- (f) At the discretion of the grantee, provide an indication of acceptance on the LCRC that the corner record has been reviewed by the peer review group and accepted by the grantee to be filed with the state pursuant to the act, these rules, and the annual grant agreement. The indication of acceptance shall be placed on the face of the LCRC before its filing with a county's register of deeds. If a conclusive decision cannot be made on a remonumentation corner, the surveyor or grantee may request an independent review be completed before the surveyor renders a final decision.

History: 1992 AACCS; 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.207 Rescinded.

History: 1992 AACCS; 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.208 Application and grant award.

Rule 8. (1) An applicant shall comply with the requirements of section 14 of the act and these rules by appointing a grant administrator.

(2) An application may be approved or denied based on either the following criteria:

(a) Corners to be completed or maintained.

(b) Estimated expenditures are neither provided nor explained.

(3) The department may require the applicant to provide additional information for the department to make a determination required by the act and these rules.

History: 1992 AACCS; 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.209 Disbursement of annual grant.

Rule 9. The department shall disburse an annual grant pursuant to section 12 of the act and as follows:

(a) Forty percent of the annual grant amount upon receipt of the previous grant year completion report.

(b) Forty-five percent of the annual grant amount upon receipt and approval of a progress report and supporting documentation. The total of the start-up payment and progress payment is limited to 85% of the total annual grant.

(c) Final payment upon receipt and approval of a completion report and supporting documentation.

History: 1992 AACCS; 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.210 Rescinded.

History: 1992 AACCS; 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.211 Rescinded.

History: 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.212 Rescinded.

History: 2013 AACCS; 2019 MR 1, Eff. Jan. 8, 2019.

R 54.213 Inconsistent or conflicting provisions.

Rule 13. Any provision of an annual grant agreement or county plan which is inconsistent or in conflict with the act and the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or these rules, is superseded to the extent of the inconsistency and conflict.

History: 2013 AACCS.