

**SUBSTITUTE FOR
HOUSE BILL NO. 6379**

A bill to authorize the department of natural resources to convey state-owned property in Macomb County; to prescribe conditions for the conveyance; to provide for powers and duties of state departments, agencies, and officers in regard to the property; and to provide for disposition of revenue derived from the conveyance.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Public use" means, subject to subdivision (b), actual use
- 3 of the property by members of the public or actual use by the unit
- 4 of local government for any of the following:
- 5 (i) Publicly owned and operated correctional facilities.
- 6 (ii) Law enforcement purposes.



(iii) Emergency management response purposes.

(iv) Public educational use.

(v) Public transportation.

(vi) Public parks and recreational areas.

(vii) Public health uses.

(viii) Wildlife conservation or restoration.

(b) Public use does not include use by a for-profit enterprise or any use that is closed to the public.

Sec. 2. (1) The department of natural resources, on behalf of this state, shall convey by quitclaim deed the real property described in subsection (2) that is owned by this state and is under the jurisdiction of the department of natural resources.

(2) The real property that may be conveyed under this act is located in the county of Macomb, township of Chesterfield, is identified as DNR Parcel ID Numbers 15-09-23-426-001 and 15-09-23-427-002 and commonly known as Brandenburg Park, and is described as follows:

Parcel 1

Part of Lot 47 of the plat of Supervisor's Plat No. 5, being part of the East 1/2 of Fractional Section 23, T 3 N, R 14 E, according to the plat thereof as recorded in Liber 16 of Plats, Page 27, Macomb County Records, and described as: beginning at Southeast Corner of lot 47, thence North 429.65 feet along East Line of said Lot, thence South 52°22' West 1000.83 feet along Southeasterly side of M59, aka Jefferson Ave relocated, thence South 63°14' East 463.14 feet to the shore of Lake St. Clair, thence Northeasterly along said shore to the point of beginning.

Containing approximately 7.43 acres of land.

Parcel 2



1 Lots 35 and 36 of the plat of Supervisor's Plat No. 5, being
2 part of the East 1/2 of Fractional Section 23, T 3 N, R 14 E,
3 according to the plat thereof as recorded in Liber 16 of Plats,
4 Page 27, Macomb County Records.

5 Containing 4.39 acres, more or less.

6 (3) The description of the property in subsection (2) is
7 approximate and, for purposes of a conveyance under this act, may
8 be adjusted as the department of natural resources or the
9 department of attorney general considers necessary because of a
10 survey or another legal description.

11 (4) The department of natural resources shall not convey or
12 transfer property under this act unless the conveyance and the
13 terms of the conveyance have been approved by the state
14 administrative board.

15 Sec. 3. The department of natural resources shall take the
16 necessary steps to convey the real property described in section 2
17 to the charter township of Chesterfield for \$1.00, subject to the
18 condition that the property must be used exclusively for public
19 use. If a fee, term, or condition is imposed on members of the
20 public for use of the property, or if such a fee, term, or
21 condition is waived, all members of the public must be subject to
22 the same fees, terms, conditions, and waivers. The public use
23 restriction must be included in the deed.

24 Sec. 4. (1) A deed authorized by this act must be approved as
25 to legal form by the department of attorney general.

26 (2) Real property conveyed under this act includes all
27 surplus, salvage, and personal property or equipment remaining on
28 the property on the date of the conveyance.

29 (3) This state shall not reserve oil, gas, or mineral rights



1 to property conveyed under this act. However, the conveyance
2 authorized under this act must provide that, if the grantee or any
3 successor develops any oil, gas, or minerals found on, within, or
4 under the conveyed property, the grantee or any successor must pay
5 this state 1/2 of the gross revenue generated from the development
6 of the oil, gas, or minerals. A payment under this subsection must
7 be deposited in the general fund.

8 (4) A conveyance under this act must reserve to this state all
9 aboriginal antiquities, including mounds, earthworks, forts, burial
10 and village sites, mines, or other relics lying on, within, or
11 under the property, with power to this state and all others acting
12 under its authority to enter the property for any purpose related
13 to exploring, excavating, and taking away the aboriginal
14 antiquities.

15 (5) If property conveyed under this act was used by this state
16 as a historical monument, memorial, burial ground, park, or
17 protected wildlife habitat area, the grantee or any successor shall
18 maintain and protect the property for that purpose in perpetuity in
19 accordance with applicable law.

20 (6) If property conveyed under this act is used in a manner
21 that violates any of the restrictions imposed under section 3 or
22 subsection (3), (4), or (5), this state may reenter and take the
23 property, terminating the grantee's or any successor's estate in
24 the property. An action to regain possession of the property may be
25 brought and maintained by the attorney general on behalf of this
26 state.

27 (7) If this state reenters and repossesses property under
28 subsection (6), this state is not liable to reimburse any person
29 for any improvements made on the property or to compensate any



1 person for any part of an unfulfilled contract or license issued to
2 provide goods or services on or for the property.

3 Sec. 5. (1) The department of natural resources is responsible
4 for all expenses of maintaining the property to be conveyed or
5 transferred under this act until the time of conveyance.

6 (2) The department of natural resources may require a grantee
7 of property conveyed under this act or recipient under an affidavit
8 of jurisdictional transfer to record the instrument of conveyance
9 or transfer with the appropriate register of deeds and provide the
10 department of natural resources with a recorded copy of the
11 recorded instrument.

12 (3) The department of natural resources shall deposit the net
13 revenue received from the sale of property under this section in
14 the state treasury. The state treasurer shall credit the money
15 deposited to the general fund.