

Act No. 38
Public Acts of 1993
Approved by the Governor
May 17, 1993
Filed with the Secretary of State
May 18, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senators McManus, Pridnia, Koivisto, Arthurhultz, Gast, DiNello, Wartner, DeGrow, Schwarz, Dingell, Cisky, O'Brien, Hart, Emmons and Geake

ENROLLED SENATE BILL No. 395

AN ACT to authorize the state administrative board to transfer or convey certain parcels of state owned property in Grand Traverse county and Leelanau county; to prescribe conditions for the transfers and conveyances; to provide for the disposition of revenue received from the conveyances; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. (1) The state administrative board may transfer from the department of mental health to the department of management and budget for the purpose of maintaining a state office building, without consideration, a parcel of land in the city of Traverse City, Grand Traverse county, Michigan, which is now under the jurisdiction of the department of mental health, former Traverse City regional psychiatric hospital, and is more particularly described as follows:

A parcel of land in the NE 1/4 of Section 9, Town 27 North, Range 11 West, Grand Traverse County, Michigan and more specifically described as commencing at the NE corner of said Section 9; thence South 84 degrees 59 minutes 04 seconds West 1,323.93 feet, on the north line of said Section 9 to the west line of the E 1/2 of the NE 1/4; thence South 00 degrees 48 minutes 36 seconds West 504.52 feet, on said west line to the point of beginning of this description; thence South 89 degrees 11 minutes 24 seconds East 300.00 feet; thence South 00 degrees 48 minutes 36 seconds West 914.35 feet, to the centerline of 11th Avenue, as now exists; thence westerly 173.95 feet, on a curve to the right with a radius of 5,728.32 feet and a central angle of 01 degrees 44 minutes 24 seconds; thence South 88 degrees 05 minutes 11 seconds West 126.40 feet, to the west line of the E 1/2 of the NE 1/4 of said Section 9; thence North 00 degrees 48 minutes 36 seconds East 928.74 feet, to the point of beginning. The above described parcel contains 6.35 acres, more or less. All bearings are relative and referenced to a previous survey of this property by Fred J. W. Soll, R.L.S. #1090, by which observations of Polaris were taken. The above described property is subject to any easements and/or rights of record as may pertain to said parcel.

(2) The transfer authorized in this section is effective when approved by a resolution of the state administrative board.

(3) All documents regarding the transfer authorized in this section shall be approved by the attorney general.

Sec. 2. (1) The state administrative board is authorized to transfer from the department of mental health to the department of transportation for the purposes of operating department of transportation vehicles and maintaining a railroad line under the jurisdiction and control of the department of transportation, without consideration, certain parcels of land in the city of Traverse City, Grand Traverse county, Michigan, which are now under the jurisdiction of the department of mental health, former Traverse City regional psychiatric hospital, and are more specifically described as:

A strip of land 50 feet wide, 25 feet each side of the center line of the existing railroad track, over, across and through Lots 3, 4, vacated alley, 8-17, Block 6, according to the recorded plat of Hannah, Lay & Company's Fourteenth Addition to Traverse City, Michigan, subject to final survey.

Lots 3-5, and 8-15, and the alley lying next west of Lot 8, Block 5, according to the recorded plat of Hannah, Lay & Company's Fourteenth Addition to Traverse City, Michigan, except a parcel described as: Beginning at the southwest corner of Lot 5; thence north along the east line of Cass Street 16.1 feet; thence south 80 degrees 48' east 165.3 feet to the east line of said lot; thence south 6.9 feet to the southeast corner of said lot; thence west along the south line of said lot 165 feet; to the point of beginning; subject to final survey.

A strip of land 50 feet wide, 25 feet on each side of a 13 degree curved line which has a length of 236.5 feet through land conveyed hereby; P.O.B. of curved line is at the point of its intersection with the West R.O.W. line, 219.9 feet southerly from the point at which the south line of Fourteenth Street intersects the west line of the Pere Marquette Railroad Right-of Way; point of ending is located by measuring 158.7 feet west on the south line of Fourteenth Street from its point of intersection with the west line of the Pere Marquette Railroad Right-of-Way and 178.2 feet east on south line of Fourteenth Street from an iron monument located at the Northeast corner of Lot 9 of Block 3 of Wilhelm's Addition to Traverse City, Michigan; subject to final survey.

(2) The descriptions of the parcels in subsection (1) are approximate, and for purposes of the transfer are subject to adjustment as the state administrative board or attorney general considers necessary by survey or other legal description.

(3) The transfer authorized in this section is effective when approved by a resolution of the state administrative board.

(4) All documents regarding the transfer authorized in this section shall be approved by the attorney general.

Sec. 3. (1) The state administrative board, on behalf of the state, may convey for a consideration of not less than fair market value as determined pursuant to subsection (2), or for less than fair market value if use for a public purpose is made a condition of the conveyance, all or any portion of certain property now under the jurisdiction of the department of mental health, known as:

Traverse City Regional Psychiatric Hospital, located in Grand Traverse County and Leelanau County, Michigan, and more specifically described as follows:

Parcel #1

Commencing at the West 1/4 corner of Section 28, T29N, R11W, Leelanau County, Michigan; thence South 00 degrees 21' 00" East 1,319.39 feet, on the west line of said Section 28 to the south line of the North 1/2 of the Southwest 1/4 of said Section 28 and the south line of Government Lot #3; thence North 89 degrees 22' 20" East 1,491.59 feet, on said south line to the easterly right-of-way of Michigan Highway M-22 and the point of beginning of this description; thence 398.97 feet, on the arc of a curve to the right with a central angle of 06 degrees 04' 48" and a radius of 3,759.72 feet, on the easterly right-of-way of M-22 to the southerly right-of-way of Bingham Road; thence South 53 degrees 57' 12" East 178.01 feet, on said Bingham Road right-of-way; thence South 64 degrees 18' 41" East 321.98 feet, on said Bingham Road right-of-way to the Ordinary High Water Mark elevation of 579.8; thence South 24 degrees 14' 59" West 142.65 feet, on said Ordinary High Water Mark to the south line of Government Lot #3; thence South 89 degrees 22' 20" West 497.00 feet, on said south line to the point of beginning containing 2.89 acres, more or less. All bearings are relative and referenced to a survey as recorded in Liber 1, Page 67, Leelanau County Record.

Parcel #2

Beginning at the Northeast corner of Section 9, T27N, R11W, Grand Traverse County, Michigan; thence South 84 degrees 59' 05" West 1,323.93 feet, on the north line of said Section 9 to the west line of the East 1/2 of the Northeast 1/4 of said Section 9; thence northerly 144.44 feet, on said west line; thence westerly approximately 1,125 feet, parallel with the center line of Sixth Street to the west side of a 33.00 foot wide road; thence southwesterly 543.33 feet, on the west side of said road; thence westerly 1,494 feet, to the center line of Long Lake Road; thence southwesterly approximately 1,800 feet, to the west line of said Section 9; thence South 00 degrees 54' 19" West 1,261.65 feet, on said west section line to the West 1/4 corner of Section 9; thence South 00 degrees 49' 09" West 1,314.33 feet, on said west section line to the north line of the Southwest 1/4 of the Southwest 1/4 of said Section 9; thence North 89 degrees 35' 43" East 659.33 feet, on said north line to the west line of the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 9; thence South 00 degrees 48' 06" West 1,316.54 feet, on said west line to the south line of said Section 9; thence North 89 degrees 48' 13" East 122 feet, on the south line of said Section 9 to the center line of Silver Lake Road; thence northeasterly approximately 5,250 feet, on the center line of Silver Lake Road to the East 1/4 corner of said Section 9; thence North 00 degrees 52' 01" East 3,045.04 feet, on the east line of said Section 9 to the point of beginning. The above described parcel contains approximately 470 acres, subject to survey and less road right-of-ways, where applicable, on Long Lake Road, Silver Lake Road, Elmwood Road, and Division Street and excluding a

11.38 acre parcel, more or less, previously conveyed to Traverse Bay Area Intermediate School District, and also excluding parcels known as the state office building, All Faith's Chapel, and Building 80, all of which have previously been conveyed.

Parcel #3

State owned land from Division Street to the main line of the Pere Marquette Railroad being a strip 50 feet wide, 25 feet each side of the center line of the track, being a part of Hannah's Fifth Addition; Perry Hannah's Fourth Addition; Hannah, Lay & Company Second Addition; and Hannah, Lay & Company Fourteenth Addition; the City of Traverse City, Grand Traverse County, Michigan, subject to survey.

(2) The fair market value of the property described in subsection (1), or any part of that property, shall be determined by an appraisal based on the property's highest and best use, as prepared by the state tax commission or an independent fee appraiser.

(3) The description of parcels numbers 2 and 3 in subsection (1) are approximate, and for purposes of conveyance are subject to adjustment as the state administrative board or attorney general considers necessary by survey or other legal description.

(4) A strip of land included within the property described in subsection (1) not less than 66 feet wide shall be conveyed to the appropriate local governmental unit for dedication as a public access from Silver Lake road north to the southeast corner of the Traverse Bay area intermediate school district, building 46, property. The alignment of the public access shall be determined and is subject to final survey.

(5) Land owners adjacent to the property described in subsection (1), parcel #3, shall have first right-of-refusal to acquire the property at fair market value with the exception of those transfers to the department of transportation identified in section 2.

(6) The conveyances authorized in subsection (1) shall be by quitclaim deed approved by the attorney general and shall reserve to the state all rights to coal, oil, gas, and other materials, excluding sand, gravel, clay, or other nonmetallic minerals found on, within, or under the conveyed land.

(7) The conveyance of Parcel #1, as described in this section, and any other conveyances authorized for less than fair market value under this section shall provide that the property shall be used exclusively for the purpose of public parks which shall be open to all members of the public as prescribed in subsection (8), and that upon termination of that use, or upon use for any other purpose, the property conveyed shall revert to the state with the state assuming no liability for any subsequent improvements made to the property.

(8) If a conveyance authorized by this section is for the purpose of a public park the conveyance shall provide that all members of the public using the park shall be subject to the same annual and daily fees, terms, and conditions. The conveyance also shall provide that the grantee may waive daily fees or waive fees for the use of specific areas or facilities in the case of use by specified groups or classes of persons, but the waiver of fees shall apply to all members of that group or class regardless of their residence, and shall also provide that upon termination of that use, or upon use for any other purpose, the property conveyed shall revert to the state with the state assuming no liability for any subsequent improvements made to the property.

(9) The revenue received from the conveyances under this section shall be deposited in the state treasury and credited to the department of mental health as provided in section 708 of Act No. 167 of the Public Acts of 1992.

(10) All conveyances made under this section shall be made pursuant to the terms of the written agreement entitled "memorandum of agreement between the Michigan department of management and budget and the Grand Traverse Commons Redevelopment Corporation", which agreement was signed by the chairperson of the Grand Traverse Commons Redevelopment Corporation on December 12, 1992, and was signed by the director of the department of management and budget on January 4, 1993. If a conveyance under this section is made in violation of the terms of that agreement, the parcel of property conveyed shall revert to the state with the state assuming no liability for any subsequent improvements made to the property.

Sec. 5. (1) The state administrative board, on behalf of the state, may convey for a consideration of not less than fair market value as determined pursuant to subsection (2), or for less than fair market value if use for a public purpose is made a condition of the conveyance, all or any portion of the property now under the jurisdiction of the department of social services, located in Grand Traverse county, Michigan, and more specifically described as:

The Northwest fractional 1/4 of Section 9, and the Northeast fractional 1/4 of Section 8, T27N, R11W, Grand Traverse County, Michigan; begin at the Northwest corner of Section 9; thence southerly, along west line of Section 9 to the intersection of said west line and center line of Brockway Road; thence northeasterly, along center line of Brockway Road to a point of the north line of Section 9; thence westerly, along the north line of Section 9 to the point of beginning, +26.3 acres; also begin at an iron pipe in the intersection of the centerline of Brockway Road and the east line of Section 8, North 81 degrees 55' 30" West 210.35 feet, along said center line; North 50 degrees 25' West 181.1 feet; North 26 degrees 07' East 275.0 feet; South 68 degrees 08' East 255.0 feet, to a point on the east line of

Section 8; southerly 297.0 feet along section line to the point of beginning, +/- 2.25 acres excepting all right-of-ways heretofore granted for highway purposes.

(2) If the property described in subsection (1) is conveyed for fair market value, the fair market value shall be determined by an appraisal based on the property's highest and best use, as prepared by the state tax commission or an independent fee appraiser.

(3) A conveyance of the property described in subsection (1) for less than fair market value shall provide that the land be used exclusively for public purposes and that upon termination of that use, or upon use for any other purpose, the property shall revert to the state, with the state assuming no liability for improvements made by the grantee or any other party.

(4) The description of the parcel in subsection (1) is approximate, and for purposes of the conveyance is subject to adjustment as the state administrative board or attorney general considers necessary by survey or other legal description.

(5) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general and shall reserve to the state all rights to coal, oil, gas, and other materials, excluding sand, gravel, clay, or other nonmetallic minerals found on, within, or under the conveyed land.

(6) The revenue received under this section shall be deposited in the state treasury and credited to the general fund.

Sec. 6. Act No. 222 of the Public Acts of 1989 is repealed.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.

