



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 659 (as introduced 9-20-95)  
Sponsor: Senator Bill Schuette  
Committee: Local, Urban and State Affairs

Date Completed: 2-13-96

### **CONTENT**

The bill would authorize the Department of Natural Resources, on behalf of the State, to convey to Newago County and to the City of Newago various parcels under the jurisdiction of the Department and located in Newago County. The conveyances to the county and the city would be for \$1 each. The State would retain all flowage rights on the parcels.

The conveyances would have to require that the property be used exclusively for public recreation purposes and be open to all residents of the State on the same terms, fees, and conditions; and to provide that, upon termination of that use or use for any other purpose, the State could reenter and repossess the property, terminating the grantee's estate in it, and assuming no liability for any improvements to it. The conveyances also would have to provide that if the grantee disputed the State's exercise of its right of reentry and failed promptly to deliver possession of the property to the State, the Attorney General could bring an action to quiet title to the property and regain possession of it.

The conveyances would have to be by quitclaim deed approved by the Attorney General, and provide that the State reserved all rights to coal, oil gas, and other nonmetallic minerals found on, within, or under the conveyed lands; that all flowage rights were retained by the State; and that Newago County and the City of Newago would allow right of ingress and egress to the public for fishing and boating purposes on the Muskegon River.

(According to the Department of Natural Resources, the lands to be conveyed comprise 90.08 acres and include 7,350 feet of Muskegon River frontage. The land to be conveyed to Newago County consists of 67 acres and the land to be conveyed to the City of Newago consists of 23.08 acres. Since 1971, 79.84 acres were leased to the county and are part of the Hemming County Park, but the lease apparently has expired.)

Legislative Analyst: S. Margules

### **FISCAL IMPACT**

According to the Department of Natural Resources, the properties in question provide public access to the Muskegon River. The County and City of Newago would assume management of the properties and maintain them for public access. In this instance, to the degree that the property currently is used for a public purpose and would be conveyed for a public purpose, with a reverter

clause to protect the public purpose use of the land, there would be no financial impact on the State except in terms of potential revenue associated with outright sale of the property.

Currently, the Department of Natural Resources does not charge a fee for use of the public access sites. If the local unit managing the sites were to charge a fee, which is not prohibited under the legislation, there could potentially, but not obviously, be an impact on the local unit.

Fiscal Analyst: R. Abent

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