

Act No. 208  
Public Acts of 1996  
Approved by the Governor  
May 22, 1996  
Filed with the Secretary of State  
May 22, 1996

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Senator Schuette

# **ENROLLED SENATE BILL No. 659**

AN ACT to authorize the department of natural resources to convey certain parcels of state owned property in Newaygo county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

*The People of the State of Michigan enact:*

Sec. 1. (1) The department of natural resources, on behalf of the state, may convey to Newaygo county, for consideration of \$1.00, certain parcels of real property under the jurisdiction of the department of natural resources and located in Newaygo county, Michigan, and more particularly described as:

Parcel 1

Government Lot 1, Sec. 19, T12N, R12W,

Parcel 2

Government Lot 2, Sec. 19, T12N, R12W,

except so much of said Government Lot as is part of Shaw Park, described in a deed From Edwin O. Show to the Village of Newaygo recorded in Liber 96, page 186, Newaygo County Records as Beginning at the 1/4 corner between Secs. 18 and 19, th E on sec. line 3 chains, 54 links (233.64 feet); th S 1° W 5 chains, 10 links (336.6 feet); th S 49 3/4° W 1 chain 83 1/2 links (121.11 feet); th S 84° W 7 chains (462 feet); th N 87° W 3 1/2 chains (231 feet); th N 74° W 2 chains, 36 links (155.76 feet); th N 10° E to a point distant 10 rods (165 feet) from S line of Croton Highway; th W'ly and parallel with said highway 16 rods; th N 10° E about 10 rods (165 feet) to S'ly line of said highway; th E'ly on S'ly line of said highway to the place of beginning,

Parcel 3

All that part of Government Lot 3, Sec. 19, T12N, R12W, lying E of line described as commencing at the 1/4 corner between Secs. 18 and 19, th E on sec. line 3 chains and 54 links (233.64 feet); th S 1° W 5 chains, 10 links (336.6 feet); th S 49 3/4° W 1 chain, 83 1/2 links (121.11 feet); th S 84° W 5 chains (330 feet); th due S 7 chains (462 feet), more or less, to the shore of the Muskegon River. Subject to an easement to construct and maintain facilities for transmitting and distributing electricity and/or conducting a communications business over parts of Parcels 1, 2 and 3 as reserved by Consumers Power Company in a deed recorded in Series P, numbers 5985 through 5989, Newaygo County Records and all other easements and restrictions of record.

(2) All flowage rights on parcels 1, 2, and 3 shall be retained by the state of Michigan.

Sec. 2. (1) The department of natural resources, on behalf of the state, may convey to the city of Newaygo, for consideration of \$1.00, certain parcels of real property under the jurisdiction of the department of natural resources and located in the city of Newaygo, Newaygo county, Michigan, and more particularly described as:

#### Parcel 1

A parcel of land in the NE 1/4 of Sec. 24, T12N, R13W, being part of Block B of the original plat of the Village of Newaygo, described as follows: Commencing at the NE corner of Sec. 24; th along the E line of said Sec. S 00° 26' 30" E a distance of 678 feet to the Point of Beginning; th S 75° 38' W a distance of 238 feet; th N 21° 34' W a distance of 88.5 feet; th S 75° 57' W a distance of 75 feet; th N 14° 03' W to the center line of the Muskegon River; th E'ly upstream along the center line of said river to the E line of Sec. 24; th along said sec. and township line S 00° 26' 30" E to the point of beginning, containing 1.34 acres, more or less.

#### Parcel 2

A parcel of land in the NW 1/4 of Sec. 19, T12N, R12W, being part of Block A and Block 11 of the original plat of the Village of Newaygo, described as follows: all that part of Block A and Block 11 that lies N and W of the side track of the Pere Marquette Railroad which formerly led to the warehouse of what was once the Gleaner's Clearing House Association, including the former mill canal, and any remaining parts of 1/2 of the dam which formerly abutted said premises, except the right of way of the main line of the former Pere Marquette, now CSX Railroad.

also except that part lying E'ly of a line 60 feet W'ly measured at right angles and parallel with the construction center line of State Trunk Line Highway M-37, said center line being described as beginning at a point which is S 88° 21' E a distance of 754.3 feet along the N line of Sec. 19 from the NW corner of said sec. and running S 17° 20' 30" W a distance of 1,503.56 feet to the point of ending, containing 2.53 acres more or less.

#### Parcel 3

A parcel of land in the NW 1/4 of Sec. 19, T12N, R12W, being part of Block 11 of the original plat of the Village of Newaygo, described as follows: The W 30 feet of a parcel described as beginning at the SE corner of Block 11 at the intersection of State Street and Water Street; th W'ly along Water Street a distance of 70 feet; th N to the former side track of the Pere Marquette Railroad; th E'ly along said side track to State Street; th S'ly along State Street to the point of beginning, containing 0.03 acres more or less.

#### Parcel 4

Part of Government Lot 3, Sec. 19, T12N, R12 W, described as follows: All remaining parts of the N1/2 of the dam which formerly abutted said Government Lot together with the land formerly and currently occupied by dam and by the abutments of said dam, also an additional strip of land 10 feet in width on the N and W side of said abutment and crib work extending to the roadway under the highway, including a right of way for ingress and egress to and from said crib work, abutments and premises by means of the roadway running under the N end of the highway bridge as said roadway is now used and enjoyed.

#### Parcel 5

Government Lot 3, Sec. 19, T12N. R12W

except that part know as Shaw park, described in a deed from Edwin O. Show to the Village of Newaygo recorded in Liber 96, page 186, Newaygo County Records as beginning at the 1/4 corner between Secs. 18 and 19, th E on sec. line 3 chains, 54 links (233.64 feet); th S 1° W 5 chains, 10 links (336.6 feet); th S 49 3/4° W 1 chain, 83 1/2 links (121.11 feet); th S 84° W 7 chains (462 feet); th N 87° W 3 1/2 chains (231 feet); th N 74° W 2 chains, 36 links (155.76 feet); th N 10° E to a point distant 10 rods (165 feet) from S line of Croton Highway; th W'ly and parallel with said highway 16 rods; th N 10° E about 10 rods (165 feet) to S'ly line of said highway; th E'ly on S'ly line of said highway to the place of beginning.

also except that part of Government Lot 3 lying W of State Trunkline Highway M-37,

also except that part of Government Lot 3 lying E of State Trunkline Highway M-37 and W'ly of a line 500 feet E'ly measured at right angles and parallel with the construction center line of State Trunk Line Highway M-37, said center line being described as beginning at a point which is S 88° 21' E a distance of 754.3 feet along the N line of Sec. 19 from the NW corner of said sec. and running S 17° 20' 30" W a distance of 1,503.56 feet to the point of ending.

also except that part of Government Lot 3 lying E of line described as commencing at the 1/4 corner between Secs. 18 and 19 thence E on sec. line 3 chains, 54 links (233.64); th S 1° W 5 chains, 10 links (336.6 feet); th S 49 3/4° W 1 chain, 83 1/2 links (121.11 feet); th S 84° W 5 chains (330 feet); th due S 7 chains (462 feet), more or less to the shore of the Muskegon River.

#### Parcel 6

Eleven parcels of land, each part of the original plat of the Village of Newaygo as recorded in Liber 11 of Plats, page 434, Newaygo County Records, described as:

Lot 4 Block 12

Lots 1 and 2 of Block 13

Entire Block 14

Entire Block 45

North 1/2 of Lots 4 and 5 of Block 15

Block 44 except Lot 10

Entire Block 46

Lot 12 and that part of Lot 11 of Block 78 lying below the crest of the bank on the S side of the Muskegon River.

Lots 5 and 6 of Block 116

Lots 5 and 6 of Lock 117

Lots 5 and 6 of Block 126

Subject to an easement to construct and maintain facilities for transmitting and distributing electricity and/or conducting a communications business over part of Parcels 1, 2 and 3 as reserved by consumers Power Company in a deed recorded in Series P, numbers 5985 through 5989, Newaygo County Records and all other easements and restrictions of record.

(2) All flowage rights on parcels 1, 2, 3, 4, and 5 shall be retained by the state of Michigan.

Sec. 3. The conveyances authorized by this act shall provide for both of the following:

(a) That the property shall be used exclusively for public recreation purposes and shall be open to all residents of the state on the same terms, fees, and conditions; and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property, with the state assuming no liability for any improvements to the property.

(b) That if the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

Sec. 4. The conveyances authorized by this act shall be by quitclaim deed approved by the attorney general and shall provide for all of the following:

(a) That the state reserve all rights to coal, oil, gas, and other nonmetallic minerals found on, within, or under the conveyed lands.

(b) That all flowage rights are retained by the state.

(c) That Newaygo county and the city of Newaygo allow right of ingress and egress to the public for fishing and boating purposes on the Muskegon river.

Sec. 5. The revenue received under this act shall be deposited in a restricted account held by the department of natural resources.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved -----

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Governor.