



SENATE BILL No. 659

September 20, 1995, Introduced by Senator SCHUETTE and referred to the Committee on Local, Urban and State Affairs.

A bill 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:

1 Sec. 1. (1) The department of natural resources, on behalf
2 of the state, may convey to Newaygo county, for consideration of
3 \$1.00, certain parcels of real property under the jurisdiction of
4 the department of natural resources and located in Newaygo
5 county, Michigan, and more particularly described as:

6 Parcel 1

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

8 Parcel 2

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

1 except so much of said Government Lot as is part of Shaw Park,
 2 described in a deed From Edwin O. Show to the Village of
 3 Newaygo recorded in Liber 96, page 186, Newaygo County Records
 4 as Beginning at the 1/4 corner between Secs. 18 and 19, th E on
 5 sec. line 3 chains, 54 links (233.64 feet); th S 1° W 5 chains,
 6 10 links (336.6 feet); th S 49 3/4° W 1 chain 83 1/2 links
 7 (121.11 feet); th S 84° W 7 chains (462 feet); th N 87° W 3 1/2
 8 chains (231 feet); th N 74° W 2 chains, 36 links (155.76 feet);
 9 th N 10° E to a point distant 10 rods (165 feet) from S line of
 10 Croton Highway; th W'ly and parallel with said highway 16 rods;
 11 th N 10° E about 10 rods (165 feet) to S'ly line of said high-
 12 way; th E'ly on S'ly line of said highway to the place of
 13 beginning,

14 Parcel 3

15 All that part of Government Lot 3, Sec. 19, T12N, R12W, lying E
 16 of line described as commencing at the 1/4 corner between
 17 Secs. 18 and 19, th E on sec. line 3 chains and 54 links
 18 (233.64 feet); th S 1° W 5 chains, 10 links (336.6 feet); th S
 19 49 3/4° W 1 chain, 83 1/2 links (121.11 feet); th S 84° W 5
 20 chains (330 feet); th due S 7 chains (462 feet), more or less,
 21 to the shore of the Muskegon River.

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

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

3 Sec. 2. (1) The department of natural resources, on behalf
4 of the state, may convey to the city of Newaygo, for considera-
5 tion of \$1.00, certain parcels of real property under the juris-
6 diction of the department of natural resources and located in the
7 city of Newaygo, Newaygo county, Michigan, and more particularly
8 described as:

9 Parcel 1

10 A parcel of land in the NE 1/4 of Sec. 24, T12N, R13W, being
11 part of Block B of the original plat of the Village of Newaygo,
12 described as follows: Commencing at the NE corner of Sec. 24;
13 th along the E line of said Sec. S 00° 26' 30" E a distance of
14 678 feet to the Point of Beginning; th S 75° 38' W a distance
15 of 238 feet; th N 21° 34' W a distance of 88.5 feet; th S 75°
16 57' W a distance of 75 feet; th N 14° 03' W to the center line
17 of the Muskegon River; th E'ly upstream along the center line
18 of said river to the E line of Sec. 24; th along said sec. and
19 township line S 00° 26' 30 " E to the point of beginning, con-
20 taining 1.34 acres, more or less.

21 Parcel 2

22 A parcel of land in the NW 1/4 of Sec. 19, T12N, R12W, being
23 part of Block A and Block 11 of the original plat of the
24 Village of Newaygo, described as follows: all that part of
25 Block A and Block 11 that lies N and W of the side track of the
26 Pere Marquette Railroad which formerly led to the warehouse of
27 what was once the Gleaner's Clearing House Association,

1 including the former mill canal, and any remaining parts of 1/2
2 of the dam which formerly abutted said premises,
3 except the right or way of the main line of the former Pere
4 Marquette, now CSX Railroad.

5 also except that part lying E'ly of a line 60 feet W'ly mea-
6 sured at right angles and parallel with the construction center
7 line of State Trunk Line Highway M-37, said center line being
8 described as beginning at a point which is S 88° 21' E a dis-
9 tance of 754.3 feet along the N line of Sec, 19 from the NW
10 corner of said sec. and running S 17° 20' 30" W a distance of
11 1,503.56 feet to the point of ending, containing 2.53 acres
12 more or less.

13 Parcel 3

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

23 Parcel 4

24 Part of Government Lot 3, Sec. 19, T12N, R12 W, described as
25 follows: All remaining parts of the N1/2 of the dam which
26 formerly abutted said Government Lot together with the land
27 formerly and currently occupied by dam and by the abutments of

1 said dam, also an additional strip of land 10 feet in width on
2 the N and W side of said abutment and crib work extending to
3 the roadway under the highway, including a right of way for
4 ingress and egress to and from said crib work, abutments and
5 premises by means of the roadway running under the N end of the
6 highway bridge as said roadway is now used and enjoyed.

7 Parcel 5

8 Government Lot 3, Sec. 19, T12N. R12W
9 except that part know as Shaw park, described in a deed from
10 Edwin O. Show to the Village of Newaygo recorded in Liber 96,
11 page 186, Newaygo County Records as beginning at the 1/4 corner
12 between Secs. 18 and 19, th E on sec. line 3 chains, 54 links
13 (233.64 feet); th S 1° W 5 chains, 10 links (336.6 feet); th S
14 49 3/4° W 1 chain, 83 1/2 links (121.11 feet); th S 84° W 7
15 chains (462 feet); th N 87° W 3 1/2 chains (231 feet); th N 74°
16 W 2 chains, 36 links (155.76 feet); th N 10° E to a point dis-
17 tant 10 rods (165 feet) from S line of Croton Highway; th W'ly
18 and parallel with said highway 16 rods; th N 10° E about 10
19 rods (165 feet) to S'ly line of said highway; th E'ly on S'ly
20 line of said highway to the place of beginning.

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

23 also except that part of Government Lot 3 lying E of State
24 Trunkline Highway M-37 and W'ly of a line 500 feet E'ly mea-
25 sured at right angles and parallel with the construction center
26 line of State Trunk Line Highway M-37, said center line being
27 described as beginning at a point which is S 88° 21' E a

1 distance of 754.3 feet along the N line of Sec. 19 from the NW
2 corner of said sec. and running S 17° 20' 30" W a distance of
3 1,503.56 feet to the point of ending.

4 also except that part of Government Lot 3 lying E of line
5 described as commencing at the 1/4 corner between Secs. 18 and
6 19 thence E on sec. line 3 chains, 54 links (233.64); th S 1° W
7 5 chains, 10 links (336.6 feet); th S 49 3/4° W 1 chain, 83 1/2
8 links (121.11 feet); th S 84° W 5 chains (330 feet); th due S 7
9 chains (462 feet), more or less to the shore of the Muskegon
10 River.

11 Parcel 6 .

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

15 Lot 4 Block 12

16 Lots 1 and 2 of Block 13

17 Entire Block 14

18 Entire Block 45

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

20 Block 44 except Lot 10

21 Entire Block 46

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

24 Lots 5 and 6 of Block 116

25 Lots 5 and 6 of Lock 117

26 Lots 5 and 6 of Block 126

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

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

9 Sec. 3. The conveyances authorized by this act shall pro-
10 vide for both of the following:

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

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

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

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

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

5 (c) That Newaygo county and the city of Newaygo allow right
6 of ingress and egress to the public for fishing and boating pur-
7 poses on the Muskegon river.

8 Sec. 5. The revenue received under this act shall be depos-
9 ited in a restricted account held by the department of natural
10 resources.