



Romney Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## AMEND SANILAC CONVEYANCE ACT

**House Bill 5887 as introduced  
First Analysis (6-16-98)**

**Sponsor: Rep. Kim Rhead  
Committee: Regulatory Affairs**

### ***THE APPARENT PROBLEM:***

Public Act 528 of 1982 conveyed approximately 100 acres of state park land bordering Lake Huron just north of Port Sanilac to Sanilac County. At the time of the conveyance, the park contained about 20 primitive campsites, pit toilets, and had no potable water. The county had intended to develop the land into a county park, but the lack of drinkable water coupled with lack of available funding has delayed the project. Though campers do occasionally use the primitive campsites, reportedly the park is primarily used as a hangout for teenagers and bikers.

The problem of potable water is not limited to the area of the park. Residents living along the shoreline are also experiencing a shortage of safe drinking water. Proper wells cannot be dug because most of the groundwater contains brine (salt) and so is unsuitable for drinking. Many residents currently have old beach crock wells, but most do not meet current health code restrictions.

About four years old, the Huron Sanilac Service Authority was formed to study the problem of providing safe drinking water to area residents. The authority found that water could be piped in from Port Huron or Harbor Beach, but the cost would be prohibitive. Piping water from Minden City is affordable, but the city does not have sufficient water capacity to serve outside areas. The solution appears to be in the form of building a water treatment plant to treat the water from Lake Huron. A small parcel of land within the park has been determined to be the best site, in part because the land already belongs to the county and also because of its proximity to the lake. However, Public Act 528, which conveyed the land to the county, restricted the use of the land to park purposes only and contained a reverter clause specifying that the land would revert to state ownership if used for any other purpose. Therefore, legislation is being offered to amend the reverter

clause of the original conveyance act to allow for a water treatment plant to be built on a small parcel of the park grounds.

### ***THE CONTENT OF THE BILL:***

Public Act 528 of 1982, which conveyed the former Sanilac State Park to Sanilac County, contained a restriction that the land be used only for county park purposes or revert to state ownership. House Bill 5887 would amend the act to allow the county to sell or lease a seven-acre parcel of land in the park to the Huron Sanilac Service Authority to build a water treatment facility on the site. The bill would specify that all other restrictions and the reverter clause contained in the act would remain in effect.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no impact on state or local government. (6-9-98)

### ***ARGUMENTS:***

#### ***For:***

The land in question is part of a former state park that was conveyed to Sanilac County in 1982. Though the intention was to develop the land into a county park, the cost to provide drinkable water to park users has proved to be an obstacle. However, by amending the restriction clause of Public Act 528 of 1982, seven acres of park land could be used to build a water treatment plant. Reportedly, the Huron Sanilac Service Authority is close to approval on a federal grant to fund the treatment plant. The plant would not only provide drinkable water to the park's users, it also would provide a necessary and affordable source of safe drinking water to nearby residents, who currently are experiencing problems with old wells that do not comply with current health laws.

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**For:**

The park is on the shoreline of Lake Huron just north of Port Sanilac. Development of the park grounds into a camping and picnic area would provide both local residents and tourists with a much needed recreational area. There is a small park to the north, but it can barely accommodate the crowds seeking public access to Lake Huron. Therefore, development of the park grounds would bring additional revenue to the county while enabling more residents and tourists to enjoy the beauty of the Great Lake. However, providing safe drinking water is a necessary first step of the development plans.

**Against:**

The land was originally conveyed to the county for a minimal amount, if any. Yet, the bill would allow the county to sell or lease seven acres to the Huron Sanilac Water Authority. Though it could be argued that construction of a water treatment plant would also serve the public, the result would be that the county gains revenue from former state property. Perhaps the county should first buy the land for fair market value.

**Response:**

This bill is little different from many conveyances before it that conveyed land or buildings formerly owned by the state to local governments. In many instances, the municipality has leased the use of the property to other groups. The key appears to be whether it meets the test of public use. In this case, construction of a water treatment plant may still fit within the public use confines, since it would provide safe drinking water to area residents and allow for the development of park land that all of the state's residents could use.

**POSITIONS:**

The Department of Natural Resources does not oppose the bill. (6-15-98)

Analyst: S. Stutzky

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.