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ROSCOMMON AND CRAWFORD COUNTY LAND CONVEYANCES

House Bill 6033 (Substitute H-3) First Analysis (9-22-98)

Sponsor: Rep. John Gernaat
Committee: Regulatory Affairs

THE APPARENT PROBLEM:

About 80 percent of Lyon Township by Higgins Lake in Roscommon County is state-owned land, leaving little municipally-owned land to develop for public use. Meanwhile, the population of year-round residents and seasonal visitors has boomed in recent years. According to township officials, the township has outgrown the town hall and the one small township park. The township has expressed an interest in a 15-acre parcel of state-owned land that is adjacent to the current township park. Plans include additional baseball and softball fields (currently, one field is shared by three softball leagues), tennis courts, soccer fields, and the creation of a municipal center to house a new township hall, fire department, and possibly a satellite police department.

In like fashion, the Roscommon Metropolitan Recreation Authority is seeking legislation to convey about 40 acres of state-owned forest in Higgins Township in Roscommon County to the authority. The property is adjacent to the Marguerite Gahagan Nature Preserve and consists primarily of young to middle age pine and oak trees. The preserve, which has a developed network of walking trails that traverses a cedar swamp and along the banks of the Tank Creek, has become increasingly popular with residents and visitors. Since the parcel of state-owned land is isolated from other state property in the area, the authority would like to expand the network of walking trails and develop cross-country ski trails, along with providing a buffer zone for wildlife.

Further, some individuals are interested in building an animal shelter on a parcel of state-owned land of approximately 72 acres in Crawford County. Legislation has been offered to convey the three parcels.

THE CONTENT OF THE BILL:

The bill would allow the Department of Natural Resources (DNR) to convey three separate parcels of land, each for \$1.00, by quitclaim deed approved by the attorney general. The state would retain rights to sand, gravel, clay, and other nonmetallic minerals found on or under the properties, but would convey rights to coal, oil, gas, and other minerals. (Note: Public Act 117 of 1998 amended the Natural Resources and Environmental Protection Act to specify that the DNR "shall not reserve the rights to sand, gravel, clay, or other nonmetallic minerals.) Any revenue received under the act would have to be deposited in the state treasury and credited to the general fund. If any of the parcels were used for any purpose other than that specified in the bill, the parcel in question would revert to the state. In case of a dispute over the state's right of reentry, the attorney general could bring an action to quiet title to the parcel and regain possession of the property. The bill would specify that the descriptions contained in the bill were approximate, and could be adjusted as necessary by survey or other legal description. Specifically, the parcels to be conveyed are as follows:

Parcel one: A parcel of approximately 40 acres located in Higgins Township in Roscommon County could be conveyed to the Roscommon Metropolitan Recreation Authority. The property would have to be used for public recreational purposes only. (The land is adjacent to the ten-acre Marguerite Gahagan Nature Preserve. The Authority has expressed an interest in expanding the Preserve's system of hiking trails.)

Parcel two: A parcel of approximately 15 acres located in Lyon Township in Roscommon County could be conveyed to the county. The property would have to be used exclusively for public purposes. (The

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township has developed a recreational area with a ball diamond, ice-rink, restrooms, and compost center on land adjacent to the parcel, and has expressed an interest in expanding the recreational area and building a new municipal center.)

Parcel three: A parcel of approximately 72 acres located in Crawford County could be conveyed to the county. The property would have to be used only for the purpose of constructing and operating an animal shelter.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Roscommon County, with many forests and the beautiful and popular Higgins and Houghton Lakes, is seeing a boom in both year-round residents and in seasonal visitors. However, in some townships, much land is held by the state, leaving little land to be developed to meet the needs of visitors and residents. Such is the case for Lyons Township, of which 80 percent of the land is owned by the state. The township has outgrown its town hall and its town park. The park has one ballfield which is used by three softball leagues, and has recently expanded an ice rink. The land also supports a community compost site for yard wastes. The township would like to acquire about 15 acres of state-owned land that is adjacent to the park to build more ballfields and to relocate the compost site from high-use areas of the park. The township also would like to build a new municipal center to house the township offices and a fire department and possibly a satellite police department. Currently, the township must rely on fire and police departments from neighboring communities. Township officials point out that they have made good use of the land that the current park is located on, which was conveyed from the state about 15 years ago, creating a beautiful park that is enjoyed by many. The bill, therefore, would serve the public by enabling the township to provide more municipal services and recreational opportunities to residents and visitors alike.

In addition, the land next to the Marguerite Gahagan Nature Preserve should be conveyed to the preserve so that it can expand the nature trails. Apparently, the 40-acre parcel of state-owned land is separated from other state lands, and is not being used for any purpose. The creation of walking trails would enable people to partake of the beauty of the area without needlessly disturbing the environment or wildlife. The

Roscommon Metropolitan Recreation Authority has also expressed an interest in possibly using part of the land to create demonstration plots to exemplify the benefits to wildlife of clear cuts and select cuts. This could be important both from an educational and research point of view.

Against:

The bill specifies that the state would retain the rights over nonmetallic minerals, but would convey the rights to oil, gas, coal, and other minerals. However, current law requires the state to convey rights to nonmetallic minerals. Further, there has been a recent trend for conveyance bills to specify that if fees are going to be charged to use the land conveyed to local municipalities, that the fees must be the same for residents and nonresidents alike. The bill should be amended to address these concerns.

Against:

The bill would convey a 72-acre parcel of state-owned in Crawford County for the purpose of building an animal shelter. It seems unlikely that a shelter would require that much land.

POSITIONS:

The Lyons Township Board of Trustees supports the bill. (9-21-98)

The Roscommon Metropolitan Recreation Authority supports the bill. (1-16-98)

Analyst: S. Stutzky

■ 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.