

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 481**

(As Passed the Senate November 13, 1997)

A bill to authorize the state administrative board and the department of management and budget to convey certain parcels of state owned property; to prescribe conditions for the conveyances; to provide for disposition of the revenue from the conveyances; and to prescribe certain powers and duties of the department of management and budget regarding purchase and sale of certain real property.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The state administrative board, on behalf of
2 the state, may convey to the city of Flint, for consideration of
3 \$1.00, certain parcels of property under the jurisdiction of the
4 department of education and located in the city of Flint, Genesee
5 county, Michigan, and further described as follows:

1 The properties known as Broome Park, Soap Box Derby, and
2 Happy Hollow, all of which lie south of the Michigan School for
3 the Blind main campus' southern fence line.

4 (2) The description of the parcels in subsection (1) is
5 approximate and for purposes of the conveyance is subject to
6 adjustment as the state administrative board or the attorney gen-
7 eral considers necessary by survey or other legal description.

8 (3) The conveyance authorized by subsection (1) shall pro-
9 vide for both of the following:

10 (a) That the property shall be used exclusively for public
11 park and recreation purposes and shall be subject to the require-
12 ments of subsection (4), and that upon termination of that use or
13 use for any other purpose, the state may reenter and repossess
14 the property, terminating the grantee's estate in the property.

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

20 (4) The conveyance authorized by subsection (1) shall pro-
21 vide that if any fee, term, or condition is imposed on members of
22 the public for recreational use of the conveyed property, all
23 resident and nonresident members of the public shall be subject
24 to the same fees, terms, and conditions, except that the grantee
25 may waive daily fees or waive fees for the use of specific areas
26 or facilities.

1 (5) The conveyance authorized by subsection (1) shall be by
2 quitclaim deed approved by the attorney general. The conveyance
3 shall not reserve the mineral rights to the state; however, the
4 conveyance shall provide that if the grantee derives any revenue
5 from the development of any minerals found on, within, or under
6 the conveyed property, the grantee shall pay 1/2 of that revenue
7 to the state, for deposit in the state general fund.

8 (6) The revenue received under this section shall be depos-
9 ited in the state treasury and credited to the general fund.

10 Sec. 2. (1) The director of the department of management
11 and budget, on behalf of the state, and subject to the approval
12 of the state administrative board, may convey for consideration
13 of not less than fair market value as determined pursuant to
14 subsection (2), or for less than fair market value subject to
15 subsections (4) and (5), all or a portion of property now under
16 the jurisdiction of the department of consumer and industry serv-
17 ices and located in the city of Lincoln Park, Wayne county,
18 Michigan, and more particularly described as follows:

19 The following described premises situated in the City of
20 Lincoln Park, County of Wayne and State of Michigan, to-wit: A
21 parcel of land in private claim 84 in the City of Lincoln Park,
22 Wayne County, Michigan, described as follows: Beginning at the
23 intersection of the northwesterly line of the Pennsylvania
24 Railroad Right-of-Way and the southerly line of private claim 84,
25 proceed along said southerly line, said line being the northerly
26 line of Lincolnshire Subdivision No. 3, liber 49, page 86 of
27 plats, Wayne County Records, north 69 degrees 39 minutes 30

1 seconds west 1388.30 feet; thence north 69 degrees 54 minutes 13
2 seconds west 124.70 feet to the easterly line of Dix Avenue;
3 thence along said line north 2 degrees 34 minutes 20 seconds east
4 34.70 feet; thence on a curve to the east with central angle 8
5 degrees 39 minutes 55 seconds, radius 2449.47 feet, arc 370.45
6 feet, chord bearing and distance north 6 degrees 54 minutes 17.5
7 seconds east 370.10 feet to the northerly line of private claim
8 84, said line being southerly line of George P. Emrick's
9 Maplelawn Subdivision, liber 42, page 72 of plats, and
10 Fredrick-Roberts-McKenney Realty Co's Subdivision, liber 31, page
11 9 of plats, Wayne County Records; thence along said line south 69
12 degrees 35 minutes 50 seconds east 1661.41 feet to the westerly
13 line of said Pennsylvania Railroad Right-of-Way; thence along
14 said line south 19 degrees 25 minutes 10 seconds west 208.23
15 feet; and thence south 37 degrees 09 minutes 50 seconds west
16 190.65 feet to the point of beginning, said parcel containing
17 14.458 acres;

18 The parcel of land situate in the City of Lincoln Park, in
19 Wayne County, Michigan, being parts of private claim 84, said
20 parcel of land being separately bounded and described as two par-
21 cels as follows: according to a Survey and Plan thereof made by
22 Pate and Hirn, Civil Engineers, 532 Michigan Building, Detroit
23 26, Michigan, November 11, 1953 as follows, viz: One thereof,
24 for the widening of Garfield Avenue from 30 feet to 60 feet and
25 the widening of a public alley from 8 feet to 16 feet which is a
26 continuation to the southeast of a portion of said Avenue;
27 beginning at a point where the easterly line of Dix Avenue 120

1 feet wide, meets the northerly line of private claim 84 being
2 also the southerly line of Garfield Avenue, 30 feet wide; extend-
3 ing thence from said beginning point, south 69 degrees 35 minutes
4 50 seconds east along said northerly line of private claim 84,
5 for the full length of the course being described, being along
6 said southerly line of Garfield Avenue 30 feet wide which is
7 coincident with the southerly line of the George P. Emrick's
8 Maplelawn Subdivision liber 42, page 72 of plats, and along the
9 southerly line of an alley, 8 feet wide, which is coincident with
10 the southerly line of the Fredrick-Roberts-McKenney Realty
11 Company's Subdivision liber 31, page 9 of plats, Wayne County
12 Records, 1661.41 feet to the point of intersection with the pro-
13 longation southwardly of the westerly line of Abbott Avenue 50
14 feet wide at a corner of land of The Pennsylvania, Ohio and
15 Detroit Railroad Company, now known as The Connecting Railway
16 Company; thence south 19 degrees 25 minutes 10 seconds west along
17 part of a westerly line of said land of the Railroad Company,
18 being along said last mentioned prolonged line, 8.0 feet;
19 thence north 69 degrees 35 minutes 50 seconds west on a line par-
20 allel with and distant 8.0 feet southwardly at right angles from
21 said northerly line of private claim 84, for a distance of 521.13
22 feet to the northeast corner of land containing 8.498 acres, more
23 or less, which has been conveyed by the Granite Improvement
24 Company to The State of Michigan by Deed bearing date of December
25 4, 1953 and continuing along the course being described being
26 along a northerly line of the last mentioned land so conveyed to
27 The State of Michigan, an additional distance of 169.89 feet and

1 making total distance along the course being described of 691.02
2 feet to another corner of said last mentioned land, in the pro-
3 longation southwardly of the easterly line of Porter Avenue, 50
4 feet wide; the following two courses and distances being along a
5 westerly line and along another northerly line both of said last
6 mentioned land; thence south 19 degrees 12 minutes 40 seconds
7 west along said prolongation of the easterly line of Porter
8 Avenue 22.01 feet to another corner of said last mentioned land;
9 thence north 69 degrees 35 minutes 50 seconds west on a line par-
10 allel with and distant 30 feet southwardly at right angles from
11 said northerly line of private claim 84, 965.93 feet to said
12 easterly line of Dix Avenue; and thence northwardly along said
13 easterly line of Dix Avenue on a curve to the right having a
14 radius of 2449.47 feet with a central angle of 00 degrees 42
15 minutes 42 seconds said curve being subtended by a chord having a
16 bearing of north 10 degrees 52 minutes 54 seconds east and a
17 length of 30.42 feet, an arc length of 30.42 feet to the place of
18 beginning; containing 0.793 of an acre, more or less; and the
19 other thereof, for the widening of Cleveland Avenue from 30 feet
20 to 60 feet beginning at a point where the southerly line of pri-
21 vate claim 84, which is coincident with the northerly line of
22 Cleveland Avenue 30 feet wide, meets the easterly line of Dix
23 Avenue, 120 feet wide; Extending thence north 2 degrees 34
24 minutes 20 seconds east along said easterly line of Dix Avenue
25 31.46 feet to the point of meeting with the southerly line of
26 said land so conveyed to The State of Michigan; thence along two
27 courses which are parallel with and distant 30 feet northwardly

1 at right angles from said southerly line of private claim 84
2 which is coincident with said northerly line of Cleveland Avenue
3 30 feet wide, south 69 degrees 54 minutes 13 seconds east along
4 part of said southerly line of land so conveyed to The State of
5 Michigan, 134.24 feet to an angle corner of said last mentioned
6 land; thence south 69 degrees 39 minutes 30 seconds east along
7 the remaining portion of said southerly line of the last men-
8 tioned land for a distance of 918.80 feet to the southeast corner
9 of said last mentioned land and continuing along the course being
10 described, an additional distance of 478.63 feet and making a
11 total distance along the course being described of 1397.43 feet
12 to a northwesterly line of land of The Pennsylvania, Ohio and
13 Detroit Railroad Company, now known as The Connecting Railway
14 Company; thence south 37 degrees 09 minutes 50 seconds west,
15 along part of said northwesterly line of land of the Railroad
16 Company, 31.34 feet to the point of meeting with said southerly
17 line of private claim 84; the following two courses and distances
18 being along said southerly line of private claim 84, being coin-
19 cident with said northerly line of Cleveland Avenue 30 feet wide,
20 being also coincident with the northerly line of the Lincolnshire
21 Subdivision No. 3, liber 49, page 86 of plats, Wayne County
22 Records; thence north 69 degrees 39 minutes 30 seconds west
23 1388.30 feet to an angle point and thence north 69 degrees 54
24 minutes 13 seconds west 124.70 feet to the place of beginning,
25 containing 1.004 acres, more or less, subject to easements of
26 record.

1 (2) The fair market value of the property described in
2 subsection (1) shall be determined by an appraisal based on the
3 property's highest and best use, as prepared by the state tax
4 commission or an independent fee appraiser.

5 (3) Before offering the property described in subsection (1)
6 for public sale, the director of the department of management and
7 budget shall first offer the property for sale for fair market
8 value to the local units of government in which the property is
9 located.

10 (4) If the property described in subsection (1) is not sold
11 pursuant to subsection (3) and fails to sell at public sale for
12 fair market value, the director of the department of management
13 and budget may do any of the following:

14 (a) Order a reappraisal of the property.

15 (b) Withdraw the property from sale.

16 (c) Determine that the property should be sold for less than
17 fair market value because it is not in the best interest of the
18 state to continue to hold and maintain the property.

19 (5) Any conveyance of the property described in this section
20 that is conveyed for public purpose for less than fair market
21 value shall provide for both of the following:

22 (a) That the property shall be used exclusively for public
23 purposes [and if any fee, term, or condition is imposed on members
of the public for recreational use of the conveyed property, all
resident and nonresident members of the public shall be subject to
the same fees, terms, and conditions, except that the grantee may
waive daily fees or waive fees for the use of specific areas or
facilities;] and that upon termination of that use or use for any
24 other purpose, the state may reenter and repossess the property,
25 terminating the grantee's estate in the property.

26 (b) That if the grantee disputes the state's exercise of its
27 rights of reentry and fails to promptly deliver possession of the

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1 property to the state, the attorney general, on behalf of the
2 state, may bring an action to quiet title to, and regain posses-
3 sion of, the property.

4 (6) The description of the parcel in subsection (1) is
5 approximate and for purposes of the conveyance is subject to
6 adjustment as the director of the department of management and
7 budget, the state administrative board, or the attorney general
8 considers necessary by survey or other legal description.

9 (7) The conveyances authorized by this section shall be by
10 quitclaim deed approved by the attorney general.

11 (8) The state shall not reserve the mineral rights to land
12 sold under this section.

[(9) The revenue received under this section shall be deposited in the state treasury and
credited to the general fund.]

13 Sec. 3. (1) The director of the department of management
14 and budget, on behalf of the state, and subject to the approval
15 of the state administrative board, may convey for consideration
16 of not less than fair market value as determined pursuant to
17 subsection (2), or for less than fair market value subject to
18 subsections (4) and (5), all or a portion of property now under
19 the jurisdiction of the department of management and budget and
20 located in the city of Lansing, Ingham county, Michigan, commonly
21 known as the Hosmer street warehouse, and more particularly
22 described as follows:

23 Lot 5, Assessors Plat #24 of outlots A and B, Lansing Improvement
24 Company's Addition, according to the recorded plat thereof; Liber
25 10, Page 29, Plats Ingham County Records.

26 Contains 2.15 acres, more or less, subject to survey.

1 (2) The fair market value of the property described in
2 subsection (1) shall be determined by an appraisal based on the
3 property's highest and best use, as prepared by the state tax
4 commission or an independent fee appraiser.

5 (3) Before offering the property described in subsection (1)
6 for public sale, the director of the department of management and
7 budget shall first offer the property for sale for fair market
8 value to the local units of government in which the property is
9 located.

10 (4) If the property described in subsection (1) is not sold
11 pursuant to subsection (3) and fails to sell at public sale for
12 fair market value, the director of the department of management
13 and budget may do any of the following:

14 (a) Order a reappraisal of the property.

15 (b) Withdraw the property from sale.

16 (c) Determine that the property should be sold for less than
17 fair market value because it is not in the best interest of the
18 state to continue to hold and maintain the property.

19 (5) Any conveyance of the property described in this section
20 that is conveyed for public purpose for less than fair market
21 value shall provide for both of the following:

22 (a) That the property shall be used exclusively for public
23 purposes [and if any fee, term, or condition is imposed on members
of the public for recreational use of the conveyed property, all
resident and nonresident members of the public shall be subject to
the same fees, terms, and conditions, except that the grantee may
waive daily fees or waive fees for the use of specific areas or
facilities;] and that upon termination of that use or use for any
24 other purpose, the state may reenter and repossess the property,
25 terminating the grantee's estate in the property.

26 (b) That if the grantee disputes the state's exercise of its
27 rights of reentry and fails to promptly deliver possession of the

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1 property to the state, the attorney general, on behalf of the
2 state, may bring an action to quiet title to, and regain posses-
3 sion of, the property.

4 (6) The description of the parcel in subsection (1) is
5 approximate and for purposes of the conveyance is subject to
6 adjustment as the director of the department of management and
7 budget, the state administrative board, or the attorney general
8 considers necessary by survey or other legal description.

9 (7) The conveyances authorized by this section shall be by
10 quitclaim deed approved by the attorney general.

11 (8) The state shall not reserve the mineral rights to land
12 sold under this section.

[(9) The revenue received under this section shall be deposited in the state treasury and
credited to the general fund.]

13 Sec. 4. (1) The department of management and budget may
14 purchase radio tower sites for the department of state police
15 public safety communications system. If department of state
16 police land for the previous communications system or land which
17 is purchased for the new communications system or timber thereon
18 is in excess of the radio tower needs, the excess may be sold at
19 not less than its fair market value based on appraisals, unless
20 otherwise approved by the joint capital outlay subcommittee. [Any
authority conferred by this section on the department of state
police to sell excess land shall expire 7 years after the effective
date of this act.]

21 (2) The state shall convey title to property sold [~~under~~]
22 under this section by quitclaim deed approved by the attorney
23 general. The revenue from the sale of property under this sec-
24 tion shall be considered reimbursement of project expenditures
25 and shall be available to be spent for purposes of the state
26 police public safety communications system.

SB0481, As Passed House, December 10, 1997

Senate Bill No. 481

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