

Act No. 174
Public Acts of 1997
Approved by the Governor
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Senator Conroy

ENROLLED SENATE BILL No. 481

AN ACT 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:

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

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

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

(3) The conveyance authorized by subsection (1) shall provide for both of the following:

(a) That the property shall be used exclusively for public park and recreation purposes and shall be subject to the requirements of subsection (4), 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.

(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.

(4) The conveyance authorized by subsection (1) shall provide that 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.

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

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

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

The following described premises situated in the City of Lincoln Park, County of Wayne and State of Michigan, to-wit: A parcel of land in private claim 84 in the City of Lincoln Park, Wayne County, Michigan, described as follows: Beginning at the intersection of the northwesterly line of the Pennsylvania Railroad Right-of-Way and the southerly line of private claim 84, proceed along said southerly line, said line being the northerly line of Lincolnshire Subdivision No. 3, liber 49, page 86 of plats, Wayne County Records, north 69 degrees 39 minutes 30 seconds west 1388.30 feet; thence north 69 degrees 54 minutes 13 seconds west 124.70 feet to the easterly line of Dix Avenue; thence along said line north 2 degrees 34 minutes 20 seconds east 34.70 feet; thence on a curve to the east with central angle 8 degrees 39 minutes 55 seconds, radius 2449.47 feet, arc 370.45 feet, chord bearing and distance north 6 degrees 54 minutes 17.5 seconds east 370.10 feet to the northerly line of private claim 84, said line being southerly line of George P. Emrick's Maplelawn Subdivision, liber 42, page 72 of plats, and Fredrick-Roberts-McKenney Realty Co's Subdivision, liber 31, page 9 of plats, Wayne County Records; thence along said line south 69 degrees 35 minutes 50 seconds east 1661.41 feet to the westerly line of said Pennsylvania Railroad Right-of-Way; thence along said line south 19 degrees 25 minutes 10 seconds west 208.23 feet; and thence south 37 degrees 09 minutes 50 seconds west 190.65 feet to the point of beginning, said parcel containing 14.458 acres;

The parcel of land situate in the City of Lincoln Park, in Wayne County, Michigan, being parts of private claim 84, said parcel of land being separately bounded and described as two parcels as follows: according to a Survey and Plan thereof made by Pate and Hirn, Civil Engineers, 532 Michigan Building, Detroit 26, Michigan, November 11, 1953 as follows, viz: One thereof, for the widening of Garfield Avenue from 30 feet to 60 feet and the widening of a public alley from 8 feet to 16 feet which is a continuation to the southeast of a portion of said Avenue; beginning at a point where the easterly line of Dix Avenue 120 feet wide, meets the northerly line of private claim 84 being also the southerly line of Garfield Avenue, 30 feet wide; extending thence from said beginning point, south 69 degrees 35 minutes 50 seconds east along said northerly line of private claim 84, for the full length of the course being described, being along said southerly line of Garfield Avenue 30 feet wide which is coincident with the southerly line of the George P. Emrick's Maplelawn Subdivision liber 42, page 72 of plats, and along the southerly line of an alley, 8 feet wide, which is coincident with the southerly line of the Fredrick-Roberts-McKenney Realty Company's Subdivision liber 31, page 9 of plats, Wayne County Records, 1661.41 feet to the point of intersection with the prolongation southwardly of the westerly line of Abbott Avenue 50 feet wide at a corner of land of The Pennsylvania, Ohio and Detroit Railroad Company, now known as The Connecting Railway Company; thence south 19 degrees 25 minutes 10 seconds west along part of a westerly line of said land of the Railroad Company, being along said last mentioned prolonged line, 8.0 feet; thence north 69 degrees 35 minutes 50 seconds west on a line parallel with and distant 8.0 feet southwardly at right angles from said northerly line of private claim 84, for a distance of 521.13 feet to the northeast corner of land containing 8.498 acres, more or less, which has been conveyed by the Granite Improvement Company to The State of Michigan by Deed bearing date of December 4, 1953 and continuing along the course being described being along a northerly line of the last mentioned land so conveyed to The State of Michigan, an additional distance of 169.89 feet and making total distance along the course being described of 691.02 feet to another corner of said last mentioned land, in the prolongation southwardly of the easterly line of Porter Avenue, 50 feet wide; the following two courses and distances being along a westerly line and along another northerly line both of said last mentioned land; thence south 19 degrees 12 minutes 40 seconds west along said prolongation of the easterly line of Porter Avenue 22.01 feet to another corner of said last mentioned land; thence north 69 degrees 35 minutes 50 seconds west on a line parallel with and distant 30 feet southwardly at right angles from said northerly line of private claim 84, 965.93 feet to said easterly line of Dix Avenue; and thence northwardly along said easterly line of Dix Avenue on a curve to the right having a radius of 2449.47 feet with a central angle of 00 degrees 42 minutes 42 seconds said curve being subtended by a chord having a bearing of north 10 degrees 52 minutes 54 seconds east and a length of 30.42 feet, an arc length of 30.42 feet to the place of beginning; containing 0.793 of an acre, more or less; and the other thereof, for the widening of Cleveland Avenue from 30 feet to 60 feet beginning at a point where the southerly line of private claim 84, which is coincident with the northerly line of Cleveland Avenue 30 feet wide, meets the easterly line of Dix Avenue, 120 feet wide; Extending thence north 2 degrees 34 minutes 20 seconds east along said easterly line of Dix Avenue 31.46 feet to the point of meeting with the southerly line of said land so conveyed to The State of Michigan; thence along two courses which are parallel with and distant 30 feet northwardly at right angles from said southerly line of private claim 84 which is coincident with said northerly line of Cleveland Avenue 30 feet wide, south 69 degrees 54 minutes 13 seconds east along part of said southerly line of land so conveyed to The State of Michigan, 134.24 feet to an angle corner of said last mentioned land; thence south 69 degrees 39 minutes 30 seconds east along the remaining portion of said southerly line of the last mentioned land for a distance of 918.80 feet to the southeast corner of said last mentioned land and continuing along the course being described, an additional distance of 478.63 feet and making a total distance along the course being described of 1397.43 feet to a northwesterly line of land of The Pennsylvania, Ohio and Detroit Railroad Company, now known as The Connecting Railway Company; thence south 37 degrees 09 minutes 50 seconds west, along part of said northwesterly line of land of

the Railroad Company, 31.34 feet to the point of meeting with said southerly line of private claim 84; the following two courses and distances being along said southerly line of private claim 84, being coincident with said northerly line of Cleveland Avenue 30 feet wide, being also coincident with the northerly line of the Lincolnshire Subdivision No. 3, liber 49, page 86 of plats, Wayne County Records; thence north 69 degrees 39 minutes 30 seconds west 1388.30 feet to an angle point and thence north 69 degrees 54 minutes 13 seconds west 124.70 feet to the place of beginning, containing 1.004 acres, more or less, subject to easements of record.

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

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

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

(a) Order a reappraisal of the property.

(b) Withdraw the property from sale.

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

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

(a) That the property shall be used exclusively for public 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 other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights 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.

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

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

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

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

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

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

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

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

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

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

(a) Order a reappraisal of the property.

(b) Withdraw the property from sale.

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

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

(a) That the property shall be used exclusively for public 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 other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights 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.

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

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

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

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

Sec. 4. (1) The department of management and budget may purchase radio tower sites for the department of state police public safety communications system. If department of state police land for the previous communications system or land which is purchased for the new communications system or timber thereon is in excess of the radio tower needs, the excess may be sold at not less than its fair market value based on appraisals, unless 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.

(2) The state shall convey title to property sold under this section by quitclaim deed approved by the attorney general. The revenue from the sale of property under this section shall be considered reimbursement of project expenditures and shall be available to be spent for purposes of the state police public safety communications system.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary B. Swell

Clerk of the House of Representatives.

Approved _____

Governor.