

HOUSE BILL No. 5088

September 25, 2001, Introduced by Rep. Bradstreet and referred to the Committee on Regulatory Reform.

A bill to authorize the department of natural resources to convey certain state owned property in Kalkaska county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. The department of natural resources, on behalf of
2 the state, may convey to the township of Clearwater, for consid-
3 eration of \$1.00, property under the jurisdiction of the depart-
4 ment of natural resources and located in the township of
5 Clearwater, Kalkaska county, Michigan, and further described as
6 follows:

7 T 28 N, R 8 W, Sec. 9. A metes and bounds
8 description in the NW 1/4 of SE 1/4, described as
9 follows:

HB5088, As Passed House, November 1, 2001

2

1 That part of the NW 1/4 SE 1/4 lying North of
2 Smith and Ricker's Addition to Rapid City, except
3 the right of way over a strip of land 2 rods wide
4 extending across the entire north side thereof for
5 a highway for public and private use and except a
6 parcel of land beginning 66 feet due North of the
7 Northwest corner of Lot 10, Block B of the afore-
8 said Addition to Rapid City, thence continuing due
9 North 99 feet, thence East 356 feet on a line par-
10 allel with the North line of Water Street of the
11 aforesaid Addition, thence due South 99 feet on
12 the center line of First Street produced to the
13 North line of Water Street, thence West 356 feet
14 on the North line of Water Street to the point of
15 beginning, and also except a parcel of land begin-
16 ning at the intersection of the North line of
17 Water Street and the center line of First Street
18 of the aforesaid Addition, thence due North 99
19 feet, thence East 363 feet on a line parallel with
20 the North line of Water Street, thence due South
21 99 feet to the North line of Water Street, thence
22 West 363 feet on the North line of Water Street to
23 the point of beginning. (Located on Rapid River,
24 15.37 acres, 1,452 feet of frontage)
25 T 28 N, R 8 W, Sec. 9 - A metes and bounds
26 description in the NE 1/4 of SW 1/4, described as
27 follows:

HB5088, As Passed House, November 1, 2001

HB 5088 as amended October 30, 2001

3

1 Commencing at the corner (center) of Section 9,
2 running thence West on the East and West quarter
3 line of said Section 9, 23 rods more or less to a
4 point situated 133 feet East of the center line of
5 the main track of the Chicago, Petoskey Division
6 of the Pere Marquette Railroad, as now located
7 over and across Section 9; thence South 36 rods;
8 East to North and South quarter line of said
9 Section 9; thence North to place of beginning.
10 (Located on Rapid River, 5.175 acres, 308 feet of
11 frontage)

12 Sec. 2. The conveyance authorized by this act shall provide
13 for all of the following:

14 (a) The property shall be used exclusively for [the purpose of]
15 public recre-
16 ational [and boating and fishing accesses,] and if any fee, term, or
17 condition for the use
18 of the property is imposed on members of the public, or if any of
19 those fees, terms, or conditions are waived for use of this prop-
20 erty, resident and nonresident members of the public shall be
21 subject to the same fees, terms, conditions, and waivers.

22 (b) Upon termination of the use described in subdivision (a)
23 or use for any other purpose, the state may reenter and repossess
24 the property, terminating the grantee's estate in the property.

25 (c) If the grantee disputes the state's exercise of its
26 right of reentry and fails to promptly deliver possession of the
27 property to the state, the attorney general, on behalf of the
28 state, may bring an action to quiet title to, and regain
29 possession of, the property.

HB5088, As Passed House, November 1, 2001

4

1 Sec. 3. The conveyance authorized by this act shall be by
2 quitclaim deed approved by the attorney general and shall not
3 reserve mineral rights to the state.

4 Sec. 4. The revenue received under this act shall be depos-
5 ited in the state treasury and credited to the general fund.