

Act No. 92
Public Acts of 2001
Approved by the Governor
July 27, 2001
Filed with the Secretary of State
July 30, 2001
EFFECTIVE DATE: July 30, 2001

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Rep. Sanborn

ENROLLED HOUSE BILL No. 4547

AN ACT to authorize the department of natural resources to convey certain state owned property in Macomb county; to authorize the state administrative board to convey certain parcels of state owned property in Delta county and Ingham county; to prescribe conditions for the conveyances; and to provide for disposition of the revenue from the conveyances.

The People of the State of Michigan enact:

Sec. 1. (1) The department of natural resources, on behalf of the state, may convey to the charter township of Shelby, for consideration of \$1.00, property under the jurisdiction of the department of natural resources and located in the charter township of Shelby, Macomb county, Michigan, and further described as follows:

All state-owned land dedicated as the Rochester-Utica State Recreation Area located in Shelby Township, Macomb County, more specifically described as land located in Section 19, T3N, R12E; all state-owned lands in the E 1/2 of Section 19 and all state-owned lands in the W 1/2 of Section 19 lying east of the Clinton River, T3N, R12E, Macomb county.

(2) The conveyance authorized by this section shall provide for all of the following:

(a) The property shall be used exclusively for public park purposes and if any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for use of this property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

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

(c) 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.

(3) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general and shall not reserve mineral rights to the state.

(4) The conveyance authorized by this section shall require that, within 30 days after the date of the conveyance, a restrictive covenant be filed with the register of deeds for recording, which shall specify the land use or resource use restrictions, or both, that are necessary to protect the public health, safety, or welfare, or the environment, and to assure the effectiveness and integrity of the environmental contamination remedies consistent with part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, and the comprehensive environmental response compensation and liability act of 1980, Public Law 96-510, 94 Stat. 2767. The form and content of the restrictive covenant is subject to the approval of the department of environmental quality.

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

(6) This section pertains solely to the conveyance and restricted use of the property described in subsection (1) and does not alter the obligations, rights, or duties, either substantive or procedural, of any party under any judicial or administrative action that took effect before the effective date of this section.

Sec. 2. (1) The state administrative board, on behalf of the state and subject to the terms stated in this section, may convey to Delta county certain property now under the jurisdiction of the family independence agency in the city of Escanaba, Delta county, Michigan, and further described as follows:

Commence at NW corner of SW 1/4 of NE 1/4 of Section 13, T 39 N, R 23 W, thence South 89 degrees 47 minutes 05 seconds East 669.48 feet, thence South 9 deg 17 minutes West 607.59 feet, thence N 89 deg 47 minutes 05 seconds West 572.50 feet, thence N 0 deg 04 minutes 45 seconds East 600 feet to POB.

(2) In exchange for the property described in subsection (1), the family independence agency shall receive from Delta county a 4.525-acre parcel of land, further described as follows:

From the Southeast corner of the SE 1/4 of NW 1/4 of Section 13, T 39N, R 23 W, thence N 0 degrees 04 minutes 45 seconds East 300 feet, thence S 88 degrees 36 minutes 08 seconds West 659.43 feet, thence S 0 deg 00 minutes 11 seconds East 300 feet, thence North 88 degrees 36 minutes 08 seconds East 659 feet to POB.

(3) The descriptions of the parcels in subsections (1) and (2) are approximate and for purposes of the conveyance are subject to adjustments as the state administrative board, the department of management and budget, or the attorney general considers necessary by survey or other legal description.

(4) The department of management and budget is responsible for brokering, managing, and implementing the land exchange on behalf of the state, in accordance with the provisions of this section. The department of management and budget shall be compensated directly by the family independence agency or Delta county, or both, as the parties may mutually agree in advance, for all costs incurred in discharging those functions, including, but not limited to, the costs of commissioning any professional surveys the department of management and budget considers necessary and prudent.

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

Sec. 3. (1) The state administrative board, on behalf of the state and subject to the terms stated in this section, may convey to the city of Lansing all or portions of certain state owned property now under the jurisdiction of the department of management and budget and located in the city of Lansing, Michigan, and more particularly described as:

Lots 10, 11 and 12 of Block 116 of the original plat of the Town of Michigan, now the City of Lansing.

Excepting any easements of record

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

(3) In exchange for the property described in subsection (1), the department of management and budget shall receive from the city of Lansing property equal in value, based on fair market value.

(4) If the property described in subsection (1) is not exchanged for property of equal value pursuant to subsection (3), the city of Lansing may purchase the property for fair market value.

(5) The city of Lansing has the exclusive right, for a period of 12 months after the effective date of this act, to acquire the property described in subsection (1) for the purpose described in subsection (6).

(6) Any conveyance or exchange of the property described in subsection (1) shall be for a project that includes city owned parking. The deed transferring the property shall provide for all of the following:

(a) The property shall be used for a project that will include city owned parking.

(b) The city of Lansing shall cause to be provided to the state of Michigan, within the parcel of property described in subsection (1), not less than 400 or more than 500 reserved parking spaces for senate employees for a period of not less than 50 years. Senate employees who are designated to park in these spaces shall pay a rate of not more than \$40.00 per month, adjusted annually by the Detroit consumer price index.

(c) If the city of Lansing subsequently conveys all or any part of the property to another party, both of the following apply:

(i) The city shall notify the secretary of the Michigan senate and the majority leader of the Michigan senate of its intent to convey the property. The notice shall be in writing and shall be delivered at least 30 days before the date on which the city conveys the property to the other party.

(ii) The party that purchases the property from the city, and any successor or assignee, shall be obliged to meet all the requirements described in subdivisions (a) and (b) regarding the provision of parking spaces to the state of Michigan.

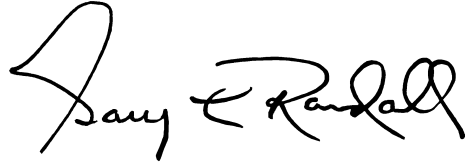
(7) An agreement between the city of Lansing and the state, providing for the state of Michigan parking places, shall be executed before the property is conveyed to the city of Lansing by the state administrative board.

(8) The fair market value of the properties described in subsections (1) and (3) shall be determined according to their highest and best use by an appraisal prepared by the state tax commission or an independent fee appraiser.

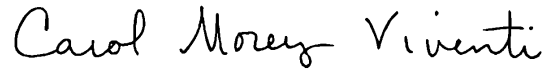
(9) The conveyances authorized by this section shall be by quitclaim deed approved by the attorney general.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.