

Act No. 389
Public Acts of 2004
Approved by the Governor
October 12, 2004
Filed with the Secretary of State
October 12, 2004
EFFECTIVE DATE: October 12, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Rep. Drolet

ENROLLED HOUSE BILL No. 5340

AN ACT to amend 2002 PA 440, entitled "An act to authorize the state administrative board to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance," by amending sections 3, 4, 5, and 6.

The People of the State of Michigan enact:

Sec. 3. The fair market value of the property described in section 1 shall be determined by an appraisal based on using the property for providing services to individuals who are mentally ill, aged, physically handicapped, substance abusers, or developmentally disabled, referred to collectively as community-based services.

Sec. 4. The property described in section 1 shall be conveyed to the Macomb-Oakland regional center, inc., commonly known as MORC, at fair market value as determined under section 3.

Sec. 5. (1) The conveyance authorized by this act shall be by quitclaim deed, and a right of first refusal agreement, drafted by and approved by the attorney general.

(2) The quitclaim deed shall provide that if property is subsequently offered for sale by the Macomb-Oakland regional center for any purpose other than the provision of community-based services, the state has the first right to repurchase the property from the grantee, for a period of 90 days, for an amount equal to the price that the Macomb-Oakland regional center paid to the state for the property.

Sec. 6. (1) The conveyance authorized under this act shall provide that, if the property is subsequently sold by the Macomb-Oakland regional center for any purpose other than the provision of community-based services as defined in section 3, and if the state has declined to exercise its first right to repurchase the property under section 5, the Macomb-Oakland regional center shall pay to the state both of the following amounts:

(a) An amount equal to the fair market value of the property according to an appraisal based on its highest and best use at the time it was sold to the Macomb-Oakland regional center by the state, less the sum of the following:

(i) The price the Macomb-Oakland regional center paid to the state for the property.

(ii) Any amount expended by the Macomb-Oakland regional center for new construction on the property.

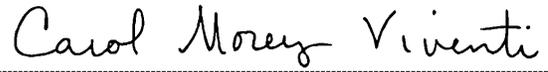
(b) An amount equal to 50% of the difference between the price paid by the subsequent purchaser to the Macomb-Oakland regional center for the property and the fair market value of the property according to an appraisal based on its highest and best use at the time it was sold to the Macomb-Oakland regional center by the state.

(2) The state shall not reserve the mineral rights to the property conveyed under this act. However, the conveyance authorized under this act shall provide that if the purchaser or any subsequent grantee develops any minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay 1/2 of that revenue to the state, for deposit in the state general fund.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor