

Act No. 436
Public Acts of 2004
Approved by the Governor
December 16, 2004
Filed with the Secretary of State
December 21, 2004
EFFECTIVE DATE: December 21, 2004

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

Introduced by Rep. Caswell

ENROLLED HOUSE BILL No. 6101

AN ACT to authorize the state administrative board to convey certain parcels of state owned property in Branch county and Berrien 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 state administrative board, on behalf of the state, may convey to the township of Coldwater, in Branch county, for consideration of \$1.00, certain state owned property that is currently under the jurisdiction of the department of corrections and is adjacent to a parcel of property previously conveyed by the state to the township of Coldwater, and is located in Branch county, Michigan, and more particularly described as:

Land in Coldwater Township, Branch County, Michigan.

Land in the Southwest quarter of Section 10, Town 6 South, Range 6 West, Coldwater Township, Branch County, Michigan and described as beginning at a point on the West line of said Section 10 located North 00° 46' 35" West 1295.64 feet from the Southwest corner of said Section 10; and running thence from this point of beginning North 89° 59' 49" East 379.40 feet; thence South 00° 46' 35" East 444.00 feet; thence North 89° 59' 49" East 263.32 feet; thence North 00° 46' 35" West 463.61 feet; thence North 54° 19' 36" West 343.57 feet; thence South 89° 59' 49" West 366.34 feet, to the West line of said Section 10; and thence South 00° 46' 35" East 220.00 feet, along said Section line and along Marshall Road to the point of beginning. Containing 5.3 acres of land.

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

(a) The property shall be used exclusively for public recreational 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 public purpose use described in subdivision (a) or in the event of use for any nonpublic 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.

(4) The conveyance authorized by subsection (1) shall be by quitclaim deed approved by the attorney general and shall reserve mineral rights to the state. The quitclaim deed shall include the requirement that the grantee, not later than June 1, 2005, shall install a 6-foot-tall chain-link fence that separates the property conveyed under this section and the adjacent parcel of property previously conveyed by the state to the township of Coldwater from the property remaining under the jurisdiction of the department of corrections.

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

Sec. 2. (1) The state administrative board, on behalf of the state, may convey to the city of Niles, in Berrien county, for not less than fair market value plus a fee equal to the administrative costs incurred by the state in managing the conveyance, including, but not limited to, the costs of appraising and surveying the subject property, certain state owned property located in Berrien county, Michigan, and more particularly described as follows:

The north ten (10) feet of lot 17 of Newton Place, city of Niles, Berrien county, Michigan, according to the plat thereof recorded in liber 7 of plats, page 41, Berrien county records.

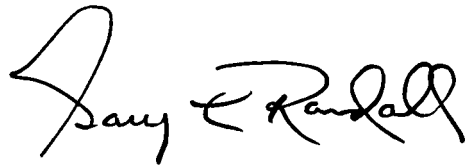
(2) The description of the parcel in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or attorney general considers necessary by survey or other legal description.

(3) The fair market value of the property described in subsection (1) shall be determined by a qualified independent fee appraiser selected by the department of management and budget, real estate division.

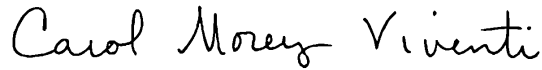
(4) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general and shall not reserve mineral rights to the state.

(5) The revenue received under this section shall be deposited in the state treasury and credited to the general fund, except that the Michigan department of management and budget may deduct and retain reimbursement for its administrative costs incurred in managing the conveyance, including, but not limited to, the costs of appraising and surveying the subject property.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor