

Act No. 274
Public Acts of 2005
Approved by the Governor
December 18, 2005
Filed with the Secretary of State
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**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senator Cropsey

ENROLLED SENATE BILL No. 457

AN ACT to authorize the state administrative board to convey certain parcels of state owned property in Ionia county and in Wayne county; to prescribe conditions for the conveyances; to prescribe certain powers and duties of certain state officers, departments, and agencies with regard to the conveyances; and to provide for disposition of revenue derived 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 Ionia county, for consideration of \$1.00, certain parcels of property now under the jurisdiction of the department of corrections and located in Ionia county, Michigan, and further described as follows:

PARCEL A

A parcel of land in sections 23, 24 and 26, T7N – R7W, Easton Township, Ionia County, Michigan, more particularly described as commencing at the NE corner of said section 26; thence N00°14'39"E 90.26 feet to a point on the northwesterly right of way of the Grand Trunk Railroad (100 feet wide) and the point of beginning of this description; thence 543.35 feet on a curve to the right with a radius of 5779.65 feet, a delta angle of 5°23'11" and a long chord bearing and distance of N54°54'01"E 543.15 feet; thence N28°31'41"W 33.00 feet to the centerline of Main Street (66' wide); thence S61°28'19"W 53.64 feet; thence S57°42'04"W 450.89 feet on said centerline; thence S67°16'59"W 394.91 feet on said centerline; thence S13°03'30"E 194.44 feet to the northwesterly right of way of the Grand Trunk Railroad; thence 416.93 feet on said right of way on a curve to the right with a radius of 5779.65 feet, a delta angle of 4°08'00" and a long chord bearing and distance of N50°08'26"E 416.84 feet to the point of beginning, containing 1.65 acres including road right of way.

PARCEL B

A parcel of land in the N1/2 of section 26, T7N – R7W, Easton Township, Ionia County, Michigan, more particularly described as commencing at the NE corner of said section 26; thence N89°29'41"W 864.01 feet on the north line of said section; thence S00°00'00"W 204.62 feet to a point on the centerline of Main Street and the point of beginning of this description; thence along said centerline for the following four (4) courses:

1. S67°16'59"W 1794.61 feet;
2. S80°27'49"W 958.57 feet;
3. 441.07 feet on a curve to the left with a radius of 4022.59 feet, a delta angle of 6°16'57" and a long chord bearing and distance of S77°14'15"W 440.85 feet;

4. S73°48'27"W 109.52 feet to the east line of the west 1/2 of the NW 1/4 of said section 26; thence S00°20'39"W 720.70 feet on said east line to a point on the northerly bank of the Grand River; thence along said northerly bank for the following six (6) courses:

1. N70°17'46"E 618.88 feet;
2. N78°05'08"E 616.44 feet;
3. N77°39'11"E 472.89 feet;
4. N87°38'02"E 350.81 feet;
5. S73°30'12"E 55.36 feet;
6. S35°08'39"E 503.68 feet to the northwesterly right of way of the Grand Trunk Railroad; thence N33°18'46"E 674.99 feet on said railroad right of way; thence 904.48 feet on said railroad right of way on a curve to the right with a radius of 5779.65 feet, a delta angle of 8°57'59" and a long chord bearing and distance of N37°42'57"E 903.56 feet; thence N17°23'04"W 416.79 feet to the point of beginning, containing 55.88 acres including road right of way.

PARCEL C

A parcel of land in sections 24, 25 and 26, T7N – R7W, Easton Township, Ionia County, Michigan, more particularly described as commencing at the NE corner of said section 26; thence S00°29'34"W 37.53 feet on the east line of said section to the southeasterly right of way of the Grand Trunk Railroad (100 feet wide) and the point of beginning of this description; thence 1802.04 feet along said right of way on a curve to the left with a radius of 5679.65 feet, a delta angle of 18°10'44" and a long chord bearing and distance of S42°19'19"W 1794.49 feet; thence S33°18'46"W 716.91 feet on said railroad right of way to the northerly bank of the Grand River; thence along said northerly bank for the following six (6) courses:

1. S19°18'21"E 600.94 feet;
2. S60°20'04"E 401.58 feet;
3. S84°22'48"E 573.41 feet;
4. N69°29'34"E 487.79 feet;
5. N56°06'51"E 1214.60 feet;
6. N54°47'25"E 392.06 feet; thence

N00°30'15"E 2103.06 feet; thence N61°02'54"E 882.80 feet; thence N00°28'49"E 404.42 feet to the southeasterly right of way of the Grand Trunk Railroad (100 feet wide); thence S61°02'54"W 1487.20 feet on said railroad right of way; thence 962.36 feet along said right of way on a curve to the left with a radius of 5679.65 feet, a delta angle of 9°42'29" and a long chord bearing and distance of S56°15'56"W 961.20 feet to the point of beginning, containing 149.72 acres.

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

(a) The parcels of property shall be used exclusively for the purpose of a public park, 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 the parcels of property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) In the event of an activity inconsistent with subdivision (a), the state may reenter and repossess the property, terminating the grantee's or successor's estate in the property.

(c) If the grantee or successor 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.

(d) If the state reenters and repossesses the property, the state shall not be liable to reimburse any party for any improvements made on the property.

(3) The description of the parcels in subsection (1) is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description. The parcels of property described in subsection (1) include all surplus, salvage, and scrap property or equipment.

(4) The state shall not reserve oil, gas, or mineral rights to the parcels of property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under any of the conveyed parcels of property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(5) The state reserves all aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines, or other relics lying on, within, or under the parcels of property conveyed under this section, with power to the state and all others acting under its authority to enter the property for any purpose related to exploring, excavating, and taking away the aboriginal antiquities.

(6) The department of attorney general shall approve as to legal form the quitclaim deed authorized by this section.

(7) 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 by quitclaim deed to Plymouth township, in Wayne county, for consideration of \$1.00, all or portions of certain property now under the jurisdiction of

the department of corrections and located in Plymouth township, Wayne county, Michigan, and further described as follows:

A parcel of land in the northeast quarter of section 20, Plymouth Township, Wayne County, Michigan, Town 1 South, Range 8 East, described as: commencing at the N 1/4 corner of said section 20; thence S89°45'02"E 1119.14 feet on the north line of said section to the point of beginning of this description; thence continuing on said north line S89°45'02"E 50.00 feet; thence S01°03'21"W 225.00 feet; thence S89°45'02"E 150.00 feet to the east line of a parcel recorded at Liber 22436, Page 520; thence S01°03'21"W 200.00 feet on said east line; thence N89°45'02"W 200.00 feet; thence N01°03'21"E 425.00 feet to the point of beginning, containing 1.18 acres, more or less.

(2) The description of the parcel in this section is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description. The property described in this section includes all surplus, salvage, and scrap property or equipment.

(3) The department of attorney general shall approve as to legal form the quitclaim deed authorized by this section.

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

(a) The property shall be used exclusively for public purposes, including, but not limited to, the construction of a water tower, 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, all members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) In the event of an activity inconsistent with subdivision (a), the state may reenter and repossess the property, terminating the grantee's or successor's estate in the property.

(c) If the grantee or successor 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.

(d) If the state reenters and repossesses the property, the state shall not be liable to reimburse any party for any improvements made on the property.

(5) The state shall not reserve oil, gas, or mineral rights to the property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the natural resources trust fund.

(6) The state reserves all aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines, or other relics lying on, within, or under the property conveyed under this section, with power to the state and all others acting under its authority to enter the property for any purpose related to exploring, excavating, and taking away the aboriginal antiquities.

(7) Subject to the state's right to reenter and repossess the property under subsection (4), if the grantee intends to convey the property conveyed under this section within 3 years after the conveyance from the state, the grantee shall provide notice to the director of the department of management and budget of its intent to offer the property for sale. The department of management and budget shall retain a right to first purchase the property at the original sale price, plus the value of any improvements made to the property as determined by an independent fee appraiser, within 90 days after the notice. If the state waives its first refusal right, the grantee shall pay to the state 40% of the difference between the sale price of the conveyance from the state and the sale price of the grantee's subsequent sale or sales to a third party.

(8) All state agencies and departments shall cooperate fully with the state administrative board to facilitate the performance of its duties, powers, and responsibilities under this section. The state administrative board may require a state agency or department to prepare or record any documents necessary to evidence the conveyance of property under this section.

(9) The net revenue received from the sale of property under this section shall be deposited in the state treasury and credited to the general fund. As used in this subsection, "net revenue" means the proceeds from the sale of the property less reimbursement for any costs to the state associated with the sale of property, including, but not limited to, employee wages, salaries, and benefits associated with administrative personnel; costs of reports and studies and other materials necessary to the preparation of sale; environmental remediation; legal fees; and any litigation related to the conveyance of the property.

Sec. 3. (1) The state administrative board shall transfer and convey to the land bank fast track authority created in section 15 of the land bank fast track act, 2003 PA 258, MCL 124.765, subject to the conditions and restrictions of this section, the surplus state real property described in this section, including all options, easements, rights-of-way, and all improvements to the property except as noted in this section. The following described state surplus real property shall be transferred to the state authority under this section:

A parcel of land located in the South 1/2 of Section 35, T3S-10E, City of Southgate, Wayne County, Michigan, being more particularly described as follows: BEGINNING at the South 1/4 corner of said Section 35; thence along the centerline of Pennsylvania Avenue (60' 1/2 R.O.W.) and the South line of said Section 35, S88°43'53"W, 381.93 feet to a

point on the Southerly extension of the East line of "Cornerstone Subdivision", a subdivision as recorded in Liber 110 of Plats, Pages 38-42 (W.C.R.); thence along the East line of said "Cornerstone Subdivision" and its Northerly and Southerly extensions, N01°32'29"W, 1951.67 feet to a point in the centerline of the Frank and Poet Drain; thence along the centerline of said Frank and Poet Drain the following seventeen (17) courses:

- 1) S65°09'18"E, 17.21 feet;
- 2) S38°50'04"E, 61.06 feet;
- 3) S56°29'21"E, 78.36 feet;
- 4) S52°18'15"E, 47.65 feet;
- 5) S37°07'00"E, 67.52 feet;
- 6) S65°32'59"E, 32.66 feet;
- 7) S47°11'10"E, 71.96 feet;
- 8) S62°59'15"E, 61.73 feet;
- 9) S52°36'18"E, 41.80 feet;
- 10) S46°06'32"E, 33.12 feet;
- 11) S31°23'25"E, 34.98 feet;
- 12) S07°20'20"E, 49.66 feet;
- 13) S26°14'12"W, 36.63 feet;
- 14) S35°10'46"E, 119.14 feet;
- 15) N66°13'25"E, 50.70 feet;
- 16) N86°30'36"E, 484.63 feet;
- 17) S81°59'52"E, 53.22 feet to a point on the East line of the West 1/2 of the West 1/2 of the Southeast 1/4 of said Section 35; thence

along said East line of the West 1/2 of the West 1/2 of the Southeast 1/4 of said Section 35, N01°39'14"W, 106.60 feet; thence S59°01'20"E, 449.56 feet to a point on the North line of "Country Gate Condominium", a Wayne County Condominium, Plan number 394, as recorded in Liber 28176, Pages 950-951; thence along the North line of said "Country Gate Condominium", S88°37'05"W, 49.84 feet to the Northwest corner of said "Country Gate Condominium"; thence along the West line of said "Country Gate Condominium", S01°41'33"E, 1310.77 feet to a point on the South line of said Section 35; thence along the centerline of Pennsylvania Avenue and the South line of said Section 35, S88°51'50"W, 989.22 feet to the POINT OF BEGINNING, containing 48.43 acres, more or less, and subject to the rights of the public over the existing Pennsylvania Avenue, subject to any other easements and restrictions, recorded or unrecorded, and subject to any gores, hiatuses or encroachments which might be disclosed by a survey of the same.

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

(3) Proceeds from the sale of property transferred to the land bank fast track authority under subsection (1) shall be deposited in the land bank fast track fund created in section 18 of the land bank fast track act, 2003 PA 258, MCL 124.768, and shall be expended for purposes of the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774.

(4) The governor may direct a department or agency of this state to prepare or record any documents necessary to evidence the transfer of property to the land bank fast track authority under this section.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Dany E. Randall

Clerk of the House of Representatives

Approved _____

Governor