

Act No. 180  
Public Acts of 2006  
Approved by the Governor  
June 6, 2006  
Filed with the Secretary of State  
June 6, 2006  
EFFECTIVE DATE: June 6, 2006

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

**Introduced by Reps. Murphy, Jones, Virgil Smith, McConico, Whitmer, Byrum, Zelenko, Lemmons, III, Waters, Stewart, Kolb, Kooiman, Meyer, Hummel, Vander Veen, Williams, Brown, Hunter, Pastor, LaJoy, Hopgood, Kathleen Law, Bieda, Wojno, Clack, Condino, Vagnozzi, DeRoche, Taub, Accavitti, Amos, Garfield, Gleason, Shaffer, Ward, Emmons, Sak, Moolenaar, Gillard, Dillon, Angerer, Ball, Baxter, Booher, Cheeks, Clemente, Cushingberry, Donigan, Elsenheimer, Espinoza, Gonzales, Hildenbrand, Lemmons, Jr., Marleau, Mayes, McDowell, Mortimer, Pearce, Alma Smith and Spade**

# **ENROLLED HOUSE BILL No. 5354**

AN ACT to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the conveyance; to provide for disposition of revenue derived from the conveyance; and to create certain funds and provide for the disposition of money from those funds.

*The People of the State of Michigan enact:*

Sec. 1. The state administrative board, on behalf of the state, may convey by quitclaim deed for not less than fair market value all or portions of certain state owned property now under the jurisdiction of the department of education, commonly known as the former Michigan school for the blind, and located in the city of Lansing, county of Ingham, Michigan, containing approximately 35 acres, and more particularly described as follows:

**PARCEL A:**

A parcel of land being part of Blocks 26 and 27 of the "Original Plat of Lansing", as recorded, being part of the Northwest 1/4 and Southwest 1/4 of Section 9, and also being part of the Northeast 1/4 and Southeast 1/4 of Section 8, all of T4N-R2W, City of Lansing, Ingham County, Michigan, being more particularly described as follows: BEGINNING at a M.A.G. nail at the intersection of the West line of North Pine Street (82.5' wide) and the South line of West Willow Street (Variable width); thence along the West line of said North Pine Street, S01°45'54"W, 870.00 feet to a 5/8-inch diameter iron rod and cap (#47952) on the North line of Maple Street (82.5' wide); thence along the North line of said Maple Street, N88°07'17"W, 678.35 feet to a 5/8-inch diameter iron rod and cap (#47952) on the West line of State Street (50' wide); thence along the West line of said State Street, S00°23'21"W, 202.86 feet to a concrete monument with Bronze cap (State of Michigan); thence along the North line of lands commonly known as "Comstock Park", N88°11'19"W, 892.01 feet to a 5/8-inch diameter iron rod and cap (#47952) on the East line of Princeton Avenue (60' wide); thence along the East line of said Princeton Avenue, N00°00'00"E, 892.32 feet to a 5/8-inch diameter iron rod and cap (#47952) on the South line of said West Willow Street; thence along the South line of said West Willow Street, S88°29'45"E, 452.07 feet to a 5/8-inch diameter iron rod and cap (#47952), thence 216.82 feet along the North line of lands Quit-Claimed to the State of Michigan, recorded in Liber 884-Page 282 (I.C.R.), on a non-tangential curve to the left, said curve having a radius of 469.38 feet, a central angle of 26°28'01", and a long chord which bears N78°49'20"E, 214.90 feet to a M.A.G. nail; thence continuing along said North line of lands recorded in Liber 884, Page 282, N65°35'20"E, 105.56 feet; thence along the South line of lands Quit-Claimed to the City of Lansing, recorded in Liber 882-Page 590 (I.C.R.), N65°35'20"E, 108.12 feet to a M.A.G. nail; thence continuing along said South line of lands recorded in Liber 882-Page 590, 151.53 feet on a non-tangential curve to the right, said curve having a radius of 341.85 feet, a central angle of 25°23'49", and a long chord which bears N78°17'15"E, 150.29 to a 5/8-inch diameter iron rod and cap (#47952) on the South line of said West

Willow Street; thence along the South line of said West Willow Street, S88°10'25"E, 593.56 feet to the POINT OF BEGINNING, containing 32.74 acres, more or less. Subject to any easements or restrictions, recorded or unrecorded.

PARCEL B:

A parcel of land being Lots 1, 2, and 3 of "Moore's Subdivision on Block 27", as recorded in Liber 1 of Plats, Page 27 (I.C.R.), and being Lots 1-14 inclusive of "Assessor's Plat No. 38", as recorded in Liber 11 of Plats, Page 38 (I.C.R.), all being part of the Southwest 1/4 of Section 9, T4N, R2W, City of Lansing, Ingham County, Michigan, being more particularly described as follows: BEGINNING at a concrete monument at the Northeast corner of said "Assessor's Plat No. 38", thence along the West line of North Pine Street (82.5' wide), S02°05'04"W, 164.84 feet to a concrete monument at the Southeast corner of said "Assessor's Plat No. 38"; thence along the South line of said "Assessor's Plat No. 38" and along the South line of Lots 1, 2, and 3 of said "Moore's Subdivision on Block 27", N88°07'41"W, 625.33 feet to a M.A.G. nail in stump on the East line of State Street (50' wide); thence along the East line of said State Street, N00°23'21"E, 164.97 feet to a 5/8-inch diameter iron and cap (#47952) on the South line of Maple Street; thence along the South line of said Maple Street, S88°07'17"E, 630.21 feet to the POINT OF BEGINNING, containing 2.38 acres, more or less. Subject to any easements or restrictions, recorded or unrecorded.

Sec. 2. The description of the property in section 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.

Sec. 3. The property described in section 1 includes all surplus, salvage, and scrap property or equipment not identified by the department of education, as of the effective date of this act, as being items to be retained by the state.

Sec. 4. The fair market value of the property described in section 1 shall be determined by an appraisal prepared for the department of management and budget by an independent appraiser.

Sec. 5. The department of attorney general shall approve as to legal form and content the quitclaim deed authorized by this act.

Sec. 6. The director of the department of management and budget shall first offer the property described in section 1 for sale to the mid-Michigan leadership academy, a nonprofit public school academy, at not less than fair market value, subject to the conditions prescribed in this section. Mid-Michigan leadership academy has the first right to purchase the property for a period of 180 days after the effective date of this act. Before the state administrative board may convey the property to the mid-Michigan leadership academy under this section, the mid-Michigan leadership academy must enter into legally binding agreements with the LHC non-profit development corporation that provide for all of the following:

(a) Subject to a survey agreed to by the parties and conducted by the state, the conveyance of approximately 25 acres of the property from the mid-Michigan leadership academy to the LHC non-profit development corporation for consideration of \$749,000.00.

(b) The apportionment of utility costs and the separation of utility service made necessary by the conveyance required under subdivision (a).

(c) A lease agreement between the parties under which the LHC non-profit development corporation will lease back to the mid-Michigan leadership academy 1 or more buildings located on the 25 acres conveyed under subdivision (a) that are necessary for the operation of the mid-Michigan leadership academy, including any necessary easements.

Sec. 7. If the property described in section 1 is not sold pursuant to section 6, the department of management and budget shall take the necessary steps to prepare to convey the property described in section 1 using any of the following at any time:

(a) Competitive bidding designed to realize the best value to the state, as determined by the department of management and budget.

(b) A public auction designed to realize the best value to the state, as determined by the department of management and budget.

(c) Use of real estate brokerage services designed to realize the best value to the state, as determined by the department of management and budget.

(d) Offering the property for sale for fair market value to a local unit or units of government.

Sec. 8. If a local unit of government purchases the property for fair market value and intends to convey the property within 10 years after the conveyance from the state, the local unit shall provide written 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 costs of any improvements as determined by an independent fee appraisal, within 90 days after the notice. If the state waives its first refusal right, the local unit of government shall pay to the state 50% of the difference between the sale price of the conveyance from the state and the sale price of the local unit's subsequent sale or sales to a third party.

Sec. 9. The state shall not reserve oil, gas, or mineral rights to the property conveyed under this act. However, the conveyance authorized under this act 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.

Sec. 10. 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 described in section 1, 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.

Sec. 11. All state agencies and departments shall provide full cooperation to the state administrative board to facilitate the performance of its duties, powers, and responsibilities and the conveyance of property under this act. 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 act.

Sec. 12. (1) The net revenue received from the sale of property under this act shall be distributed as follows:

(a) An amount equal to 5% of the net revenue or \$50,000.00, whichever is less, shall be deposited in the state treasury and credited to the newline for the blind fund created in section 13.

(b) The balance of the net revenue shall be deposited in the Michigan school for the blind trust fund managed by the state board of education and shall be used for the support of camp Tuhsmehta in Greenville, Michigan.

(2) As used in this section, "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, administrative costs, including employee wages, salaries, and benefits; 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. 13. (1) The newline for the blind fund is created within the state treasury.

(2) The state treasurer shall receive the money designated under section 12(1)(a) for deposit into the fund. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

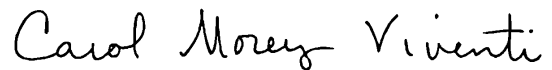
(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The Michigan commission for the blind shall expend money from the fund, upon appropriation, only for distribution to the national federation of the blind of Michigan for the purpose of the NFB-newline program.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor