

Legislative Analysis



REMOVE REQUIREMENT THAT A PORTION OF CLEARWATER TOWNSHIP PARK BE USED EXCLUSIVELY FOR PUBLIC RECREATION

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House Bill 4965

Sponsor: Rep. Howard Walker

Committee: Tourism, Outdoor Recreation, and Natural Resources

Complete to 7-16-07

A SUMMARY OF HOUSE BILL 4965 AS INTRODUCED 6-21-07

In 2002, the State of Michigan conveyed real property to Clearwater Township for \$1 with the requirement that it be used for public recreation, fishing, and boating. (Record No. 3038896, Kalkaska County). The conveyed parcels totaling more than 20 acres located in northwestern Kalkaska County (near Torch and Elk Lakes and Lake Skegemog) contain a public park known as "Freedom Park" on the Rapid River. The law authorizing the conveyance, Public Act 138 of 2002, required the property to be used exclusively for public recreation, boating, and fishing available to both resident and non-resident members of the public on equal terms, and required the state to reserve the right to repossess the property (and authorized the Attorney General to bring suit to quiet title and repossess the property), if it were used for other purposes.

Reportedly, a 2004 remonumentation of the park disclosed that a portion may have been encroached upon by private landowners when an addition was built on their home. The bill would authorize the state to convey its right to reenter and repossess a portion of the property (.24 acres out of the original conveyance of just over 20 acres, presumably containing the encroachment) to Clearwater Township in return for \$1. Presumably, this conveyance would allow Clearwater Township to use this quarter acre of the park in any lawful way it saw fit in resolving the encroachment matter.

FISCAL IMPACT:

The state would receive one dollar in consideration for releasing its reversionary interests as to approximately one-quarter acre of recreational property. It is possible that Clearwater Township could receive compensation in resolving the encroachment issue with the private landowners.

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