

Act No. 489
Public Acts of 2012
Approved by the Governor
December 27, 2012
Filed with the Secretary of State
December 28, 2012
EFFECTIVE DATE: December 28, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senator Warren

ENROLLED SENATE BILL No. 1133

AN ACT to authorize the state administrative board to convey certain parcels of state-owned property in Washtenaw county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

The People of the State of Michigan enact:

Sec. 1. (1) The state administrative board, on behalf of this state, may convey by quitclaim deed all or portions of certain state-owned property under the jurisdiction of the department of state police, commonly known as the Ypsilanti state police post #26 facility, located in the township of Ypsilanti, Washtenaw county, Michigan, and further described as follows:

That part of the Southwest 1/4 of Section 16, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as beginning at a point distant North 3° 10' 40" West, 960.96 feet and South 72° 21' 20" West, 1396.20 feet from the South 1/4 corner of said Section 16, and proceeding thence South 72° 21' 20" West, 600.00 feet; thence North 8° 24' 20" East along the centerline of South Huron Street, 300.00 Feet; thence North 72° 21' 20" East 600.00 feet; thence South 8° 24' 20" West, 300.00 feet to the Point of Beginning. The property described in this subsection is subject to easements, rights-of-way, and restrictions of record, if any.

(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) The property described in subsection (1) includes all surplus, salvage, and scrap property or equipment remaining on the property as of the date of the conveyance.

(4) The fair market value of the property described in subsection (1) shall be determined by an appraisal prepared for the department by an independent appraiser.

(5) The director of the department shall first offer the property described in subsection (1) for sale for \$1.00 to the local units of government in which the property is located. To exercise its right to purchase the property under this subsection, a local unit of government shall complete the purchase within 180 days after the effective date of this act. Conveyance of any portion of the property for \$1.00 is subject to the conditions prescribed in subsections (7) and (8).

(6) If the property described in subsection (1) or any portion thereof is not conveyed pursuant to subsection (5), the department shall take the necessary steps to prepare to convey the remaining property using any of the following at any time:

(a) Competitive bidding designed to realize the best value to this state, as determined by the department.

(b) A public auction designed to realize the best value to this state, as determined by the department.

(c) Real estate brokerage services designed to realize the best value to this state, as determined by the department.

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

(e) Offering the property for sale for less than fair market value to a local unit or units of government subject to subsections (7) and (8).

(7) A conveyance for less than fair market value authorized by subsection (5) or (6)(e) shall provide for all of the following:

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

(b) If the provision of the conveyance required under subdivision (a) is violated, this 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 this state's exercise of its right of reentry and fails to promptly deliver possession of the property to this state, the attorney general, on behalf of this state, may bring an action to quiet title to, and regain possession of, the property.

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

(e) If requested, the grantee shall reimburse the department for costs necessary to prepare the property for conveyance.

(8) If the property is conveyed pursuant to subsection (5) or (6)(e) and if the local unit of government intends to convey the property within 10 years after the conveyance under subsection (5) or (6)(e), the local unit shall provide notice to the department of its intent to offer the property for sale. The department shall retain a right to first purchase the property at the original sale price within 90 days after the notice is received. If this state repurchases the property, this state is not liable to any party for improvements to, or liens placed on, the property. If this state waives its right to first purchase the property, the local unit of government shall pay to this state 40% of the difference between the sale price of the conveyance from this state under subsection (5) or (6)(e) and the sale price of the local unit's subsequent sale or sales to a third party.

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

(10) This state shall not reserve oil, gas, or mineral rights to property conveyed under this section. However, a 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 general fund.

(11) This state reserves all aboriginal antiquities including mounds, earthworks, forts, burial and village sites, mines, or other relics lying on, within, or under the property with power to this 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.

(12) Net revenue shall be deposited in the state treasury and credited to the general fund.

(13) As used in this section:

(a) "Department" means the department of technology, management, and budget.

(b) "Net revenue" means the proceeds from the sale of the property less reimbursement for any costs to this state associated with the sale of the 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.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

.....
Governor