

SENATE BILL NO. 658

November 13, 2019, Introduced by Senator OUTMAN and referred to the Committee on Appropriations.

A bill to authorize the department of technology, management, and budget to convey state-owned property in Mecosta County; to prescribe conditions for the conveyance; to provide for powers and duties of state departments, agencies, and officers in regard to the property; and to provide for disposition of revenue derived from the conveyance.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 1. As used in this act:
- 2** (a) "Net revenue" means the proceeds from the sale of the

1 property less reimbursement for any costs to the department of
 2 technology, management, and budget associated with the sale,
 3 including, but not limited to, administrative costs, including
 4 employee wages, salaries, and benefits; costs of reports and
 5 studies and other materials necessary to the preparation of the
 6 sale; environmental remediation; legal fees; and any litigation
 7 costs related to the conveyance.

8 (b) "Public use" means, subject to subdivision (c), actual use
 9 of the property by members of the public or actual use by the city
 10 of Big Rapids for any of the following:

11 (i) Publicly owned and operated correctional facilities.

12 (ii) Law enforcement purposes.

13 (iii) Emergency management response purposes.

14 (iv) Public educational use.

15 (v) Public transportation.

16 (vi) Public parks and recreational areas.

17 (vii) Public health uses.

18 (viii) Wildlife conservation or restoration.

19 (c) Public use does not include use by a for-profit enterprise
 20 or any use that is closed to the public.

21 Sec. 2. (1) The department of technology, management, and
 22 budget, on behalf of this state, may convey by quitclaim deed all
 23 or portions of real property described in subsection (2) that is
 24 owned by this state and under the jurisdiction of the department of
 25 natural resources.

26 (2) The real property that may be conveyed under this act is
 27 described as follows:

28 (a) Property described as follows:

29 DEPOT PARCEL UNENCUMBERED

1 That part of the City of Big Rapids, Mecosta County, Michigan,
2 being a part of the Southeast quarter of Section 11, T15N, R10W,
3 described as beginning at a point on the Southerly line of Maple
4 Street 293.5 feet Northeasterly of the Easterly line of South Third
5 Avenue; thence run Northeasterly along the said Southerly line of
6 Maple Street to the Westerly line of the Michigan Department of
7 Natural Resources Fred Meijer White Pine Trail State Park right of
8 way, being a distance of 20.00 feet Southwesterly at a right angle
9 from the centerline of the main track of the former railroad right
10 of way; thence run Southeasterly parallel and 20.00 feet Westerly
11 of the centerline of the main track of the former railroad right of
12 way a distance of 200.00 feet; thence run Southwesterly at a right
13 angle to the Easterly line of Vacated Fourth Avenue a distance of
14 130.50 feet more or less to the said Easterly line of Vacated
15 Fourth Avenue; thence run Northwesterly along the said Easterly
16 line of Vacated Fourth Avenue to the Northeasterly corner of C.D.
17 Stimson and Co.'s Addition to the City of Big Rapids; thence run
18 Northeasterly along the Northwesterly line of C.D. Stimson and
19 Co.'s said plat extended, a distance of 0.50 feet; thence run
20 Northwesterly parallel and 293.50 feet Easterly of the Easterly
21 line of South Third Avenue, a distance of 150.00 feet to the South
22 line of Maple Street and the point of beginning. Contains 0.6 acres
23 more or less.

24 REMAINDER ENCUMBERED

25 That part of the City of Big Rapids, Mecosta County, Michigan,
26 being a part of the Southeast quarter of Section 11, T15N, R10W,
27 described as commencing at the intersection of the North line of
28 Colburn Avenue and the Westerly line of the Michigan Department of
29 Natural Resources Fred Meijer White Pine Trail State Park right-of-

1 way, being a distance of 20.00 feet Southwesterly at a right angle
2 from the centerline of the main track of the former railroad right-
3 of-way; thence run Northwesterly parallel and 20.00 feet Westerly
4 of the centerline of the main track of the former railroad right-
5 of-way, 205.13 feet to a point 20.00 feet Southwesterly of an
6 abandoned railroad spur, being the point of beginning of the
7 following described parcel of land: thence run Northwesterly
8 parallel and 20.00 feet Southwesterly of said abandoned railroad
9 spur to the Easterly line of Vacated South Fourth Avenue; thence
10 run Northwesterly along the Easterly line of Vacated South Fourth
11 Avenue to a point 50 feet Southeasterly of the Northeast corner of
12 C.D. Stimson and Co.'s Addition to the City of Big Rapids; thence
13 run Northeasterly at a right angle to the Easterly line of Vacated
14 Fourth Avenue a distance of 130.50 feet more or less to the
15 Westerly line of the Michigan Department of Natural Resources Fred
16 Meijer White Pine Trail State Park right-of-way, being a distance
17 of 20.00 feet Southwesterly at a right angle from the centerline of
18 the main track of the former railroad right-of-way; thence run
19 Southeasterly parallel and 20.00 feet Westerly of the centerline of
20 the main track of the former railroad right-of-way to the point of
21 beginning. Also Lots 25, 26 and 27 of C. D. Stimson and Co.'s
22 Addition to the City of Big Rapids, together with the 20.00 feet of
23 Vacated South Fourth Avenue lying adjacent thereto. Contains 1.9
24 acres more or less.

25 (b) Property described as follows:

26 PARENT PARCEL

27 That part of the DNR Railroad property, formerly Penn Central,
28 known as the G.R. & I. Branch, as located in the City of Big
29 Rapids, described as commencing at the Southeast corner of Section

1 11, T15N, R10W, thence run S89°03'11"W along the South line of said
2 Section 11 a distance of 1534.17, thence run N31°20'09"W a distance
3 of 37.91 feet to the intersection of the North line of Coburn
4 Avenue with a line 20 feet Southwesterly of and parallel with the
5 previous Railroad main line, said point being the point of
6 beginning of the following described parcel of land: thence run
7 N31°20'09"W along the said line a distance of 205.13 feet; thence
8 run Northwesterly along a 468.83 feet radius curve to the left
9 being 20 feet Southerly of and parallel with a previous Railroad
10 spur line a distance of 358.47 feet to the Northeasterly line of
11 Vacated Fourth Avenue, the chord bears N53°14'25"W a distance of
12 349.80 feet; thence run N31°20'07"W along the said line a distance
13 of 15.12 feet to the Southeasterly line of Lot 25 of C.D.Stimson &
14 Co's Addition to the City of Big Rapids and it's Northeasterly
15 extension; thence run S58°30'38"W along the said line a distance of
16 157.51 feet to the Northeasterly line of an alley; thence run
17 N31°24'33"W along the said line a distance of 150.00 feet to the
18 Northwesterly line of Lot 27 of said Addition; thence run
19 N58°30'38"E along the said line and it's Northeasterly extension a
20 distance of 157.70 feet to the said Northeasterly line of Vacated
21 Fourth Avenue; thence run N31°20'07"W along the said line a
22 distance of 250.00 feet to the Northwesterly line of C.D.Stimson's
23 & Co's Addition and it's Northeasterly extension; thence run
24 N31°04'38"W a distance of 150.00 feet to a point 293.50 feet
25 Northeasterly from the intersection of the Southeasterly line of
26 Maple Street with the Northeasterly line of Third Avenue; thence
27 run N59°08'45"E along the said line a distance of 224.82 feet
28 (recorded as 225.5 feet) to the Southwesterly line of Roben's
29 Addition to the City of Big Rapids; thence run S31°20'09"E along

1 the said line and it's Southeasterly extension a distance of
 2 1147.98 feet to the said North line of Coburn Avenue; thence run
 3 S88°46'07"W along the said line a distance of 109.81 feet to the
 4 point of beginning. Contains 4.98 acres of land more or less.

5 DEPOT PARCEL

6 That part of the DNR Railroad property, formerly Penn Central,
 7 known as the G.R. & I. Branch, as located in the City of Big
 8 Rapids, described as commencing at the Southeast corner of Section
 9 11, T15N, R10W, thence run S89°03'11"W along the South line of said
 10 Section 11 a distance of 1534.17, thence run N31°20'09"W along a
 11 line being 20 feet Southwesterly of and parallel with the previous
 12 Railroad main line a distance of 931.16 feet to the point of
 13 beginning of the following described parcel of land: thence run
 14 S59°08'35"W a distance of 130.50 feet to the Northeasterly line of
 15 Vacated Fourth Avenue; thence run N31°20'07"W along the said line a
 16 distance of 50.00 feet to the Northwesterly line of C.D.Stimson's &
 17 Co's Addition and it's Northeasterly extension; thence run
 18 N31°04'38"W a distance of 150.00 feet to a point 293.50 feet
 19 Northeasterly from the intersection of the Southeasterly line of
 20 Maple Street with the Northeasterly line of Third Avenue; thence
 21 run N59°08'43"E along the said line a distance of 139.82 feet to a
 22 line 10 feet Southwesterly of and parallel with the said Railroad
 23 main line; thence run S31°20'09"W along the said line a distance of
 24 200.00 feet; thence run S59°08'35"W a distance of 10.00 feet to the
 25 point of beginning. Contains 0.64 acres of land more or less.

26 TRAIL PARCEL

27 That part of the DNR Railroad property, formerly Penn Central,
 28 known as the G.R. & I. Branch, as located in the City of Big
 29 Rapids, described as commencing at the Southeast corner of Section

1 11, T15N, R10W, thence run S89°03'11"W along the South line of said
2 Section 11 a distance of 1534.17, thence run N31°20'09"W a distance
3 of 37.91 feet to the intersection of the North line of Coburn
4 Avenue with a line 20 feet Southwesterly of and parallel with the
5 previous Railroad main line, said point being the point of
6 beginning of the following described parcel of land: thence run
7 N31°20'09"W along the said line a distance of 893.70 feet; thence
8 run N59°08'35"E a distance of 10.00 feet to a line 10 Southwesterly
9 of and parallel with the said Railroad main line; thence run
10 N31°20'09"W along the said line a distance of 200.00 feet to the
11 Southeasterly line of Maple Street; thence run N59°08'43"E along
12 the said line a distance of 85.00 feet to the Southwesterly line of
13 Roben's Addition to the City of Big Rapids; thence run S31°20'09"E
14 along the said line and it's Southeasterly extension a distance of
15 1147.98 feet to the North line of Coburn Avenue; thence run
16 S88°46'07"W along the said line a distance of 109.81 feet to the
17 point of beginning. Contains 2.40 acres of land more or less.

18 REMAINDER PARCEL

19 That part of the DNR Railroad property, formerly Penn Central,
20 known as the G.R. & I. Branch, as located in the City of Big
21 Rapids, described as commencing at the Southeast corner of Section
22 11, T15N, R10W, thence run S89°03'11"W along the South line of said
23 Section 11 a distance of 1534.17, thence run N31°20'09"W a distance
24 of 37.91 feet to the intersection of the North line of Coburn
25 Avenue with a line 20 feet Southwesterly of and parallel with the
26 previous Railroad main line; thence run N31°20'09"W along the said
27 line a distance of 205.13 feet to the point being the point of
28 beginning of the following described parcel of land: thence run
29 Northwesterly along a 468.83 feet radius curve to the left being 20

1 feet Southerly of and parallel with a previous Railroad spur line a
2 distance of 358.47 feet to the Northeasterly line of Vacated Fourth
3 Avenue, the chord bears N53°14'25"W a distance of 349.80 feet;
4 thence run N31°20'07"W along the said line a distance of 15.12 feet
5 to the Southeasterly line of Lot 25 of C.D.Stimson & Co's Addition
6 to the City of Big Rapids and it's Northeasterly extension thereof;
7 thence run S58°30'38"W along the said line a distance of 157.51
8 feet to the Northeasterly line of an alley; thence run N31°24'33"W
9 along the said line a distance of 150.00 feet to the Northwesterly
10 line of Lot 27 of said Addition; thence run N58°30'38"E along the
11 said line and it's Northeasterly extension a distance of 157.70
12 feet to the said Northeasterly line of Vacated Fourth Avenue;
13 thence run N31°20'07"W along the said line a distance of 200.00
14 feet; thence run N59°08'35"E a distance of 130.50 feet to a line 20
15 feet Southwesterly of and parallel with the said Railroad main
16 line; thence run S31°20'09"E along the said line a distance of
17 688.57 feet to point of beginning. Contains 1.94 acres of land more
18 or less.

19 30' INGRESS-EGRESS EASEMENT

20 That part of the DNR Railroad property, formerly Penn Central,
21 known as the G.R. & I. Branch, as located in the City of Big
22 Rapids, described as commencing at the Southeast corner of Section
23 11, T15N, R10W, thence run S89°03'11"W along the South line of said
24 Section 11 a distance of 1534.17, thence run N31°20'09"W along a
25 line being 20 feet Southwesterly of and parallel with the previous
26 Railroad main line a distance of 931.16 feet; thence run
27 S59°08'35"W a distance of 74.00 feet to the point of beginning of
28 the following described Ingress and Egress Easement: thence run
29 S59°08'35"W a distance of 30.00 feet; thence run N31°20'09"W a

1 distance of 200.00 feet to the Southeasterly line of Maple Street;
2 thence run N59°08'43"E along the said line a distance of 30.00
3 feet; thence run S31°20'09"E a distance of 200.00 feet to the point
4 of beginning. Contains 0.64 acres of land more or less.

5 (3) The descriptions of the property in subsection (2) are
6 approximate and, for purposes of a conveyance under this act, may
7 be adjusted as the department of technology, management, and budget
8 or the department of attorney general considers necessary because
9 of a survey or another legal description.

10 (4) The department of technology, management, and budget shall
11 not convey property under this act unless the conveyance and the
12 terms of the conveyance have been approved by the state
13 administrative board.

14 Sec. 3. (1) The department of technology, management, and
15 budget may take the necessary steps to convey real property
16 described in section 2 by offering the property for sale to the
17 city of Big Rapids for \$1.00.

18 (2) A conveyance under subsection (1) is subject to the
19 following conditions:

20 (a) The property must be used exclusively for public use. If a
21 fee, term, or condition is imposed on members of the public for use
22 of the property, or if such a fee, term, or condition is waived,
23 all members of the public must be subject to the same fees, terms,
24 conditions, and waivers. The public use restriction must be
25 included in the deed.

26 (b) If the city of Big Rapids intends to convey the property,
27 the city must first offer the property for sale, in writing, to
28 this state, which may purchase the property at the original sale
29 price. The city shall provide this state 120 days to consider

1 reacquiring the property. If this state agrees to reacquire the
2 property, this state is not liable to any person for improvements
3 to or liens placed on the property. If this state declines to
4 reacquire the property, the public use restrictions described in
5 subdivision (a) remain in effect. This restriction must be included
6 in the deed.

7 (c) The department of technology, management, and budget may
8 require the city of Big Rapids to reimburse this state at closing
9 for costs demonstrably incurred by this state that were necessary
10 to prepare the property for conveyance.

11 Sec. 4. (1) A deed authorized by this act must be approved as
12 to legal form by the department of attorney general.

13 (2) Real property conveyed under this act includes all
14 surplus, salvage, and personal property or equipment remaining on
15 the property on the date of the conveyance.

16 (3) This state shall not reserve oil, gas, or mineral rights
17 to property conveyed under this act. However, the conveyance
18 authorized under this act must provide that, if the grantee or any
19 successor develops any oil, gas, or minerals found on, within, or
20 under the conveyed property, the grantee or any successor must pay
21 this state 1/2 of the gross revenue generated from the development
22 of the oil, gas, or minerals. A payment under this subsection must
23 be deposited in the general fund.

24 (4) A conveyance under this act must reserve to this state all
25 aboriginal antiquities, including mounds, earthworks, forts, burial
26 and village sites, mines, or other relics lying on, within, or
27 under the property, with power to this state and all others acting
28 under its authority to enter the property for any purpose related
29 to exploring, excavating, and taking away the aboriginal

1 antiquities.

2 (5) If property conveyed under this act was used by this state
3 as a historical monument, memorial, burial ground, park, or
4 protected wildlife habitat area, the grantee or any successor shall
5 maintain and protect the property for that purpose in perpetuity in
6 accordance with applicable law.

7 (6) If property conveyed under this act is used in a manner
8 that violates any of the restrictions imposed under section 3 or
9 subsection (3), (4), or (5), this state may reenter and take the
10 property, terminating the grantee's or any successor's estate in
11 the property. An action to regain possession of the property may be
12 brought and maintained by the attorney general on behalf of this
13 state.

14 (7) If this state reenters and repossesses property under
15 subsection (6), this state is not liable to reimburse any person
16 for any improvements made on the property or to compensate any
17 person for any part of an unfulfilled contract or license issued to
18 provide goods or services on or for the property.

19 Sec. 5. (1) The department of natural resources is responsible
20 for all expenses of maintaining the property to be conveyed under
21 this act until the time of conveyance.

22 (2) The department of technology, management, and budget may
23 require a grantee of property conveyed under this act to record the
24 instrument of conveyance with the appropriate register of deeds and
25 provide the department of technology, management, and budget with a
26 recorded copy of the recorded instrument.

27 (3) The department of technology, management, and budget shall
28 deposit the net revenue received from the sale of property under
29 this section in the state treasury. The state treasurer shall

1 credit the money deposited to the general fund.