

HOUSE BILL NO. 6379

September 20, 2022, Introduced by Rep. Hornberger and referred to the Committee on Appropriations.

A bill to authorize the department of natural resources to convey state-owned property in Macomb 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) "Public use" means, subject to subdivision (b), actual use
3 of the property by members of the public or actual use by the unit

of local government for any of the following:

(i) Publicly owned and operated correctional facilities.

(ii) Law enforcement purposes.

(iii) Emergency management response purposes.

(iv) Public educational use.

(v) Public transportation.

(vi) Public parks and recreational areas.

(vii) Public health uses.

(viii) Wildlife conservation or restoration.

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

Sec. 2. (1) The department of natural resources, on behalf of this state, shall convey by quitclaim deed the real property described in subsection (2) that is owned by this state and is under the jurisdiction of the department of natural resources.

(2) The real property that may be conveyed under this act is located in the county of Macomb, township of Chesterfield, is identified as DNR Parcel ID No: 15-09-23-426-001 and commonly known as Brandenburg Park, and is described as follows:

Supervisor's Plat No. 5, part of the East 1/2 of fractional section 23, part of lot 47, described as: beginning at Southeast Corner of lot 47, thence North 429.65 feet along East Line of said Lot, thence South 52°22' West 1000.83 feet along Southeasterly side of M59, aka Jefferson Ave relocated, thence South 63°14' East 463.14 feet to the shore of Lake St. Clair, thence Northeasterly along said shore to the point of beginning.

Containing approximately 7.43 acres of land.

(3) The description of the property in subsection (2) is approximate and, for purposes of a conveyance under this act, may

1 be adjusted as the department of natural resources or the
2 department of attorney general considers necessary because of a
3 survey or another legal description.

4 (4) The department of natural resources shall not convey or
5 transfer property under this act unless the conveyance and the
6 terms of the conveyance have been approved by the state
7 administrative board.

8 Sec. 3. The department of natural resources shall take the
9 necessary steps to convey the real property described in section 2
10 to the charter township of Chesterfield for \$1.00, subject to the
11 condition that the property must be used exclusively for public
12 use. If a fee, term, or condition is imposed on members of the
13 public for use of the property, or if such a fee, term, or
14 condition is waived, all members of the public must be subject to
15 the same fees, terms, conditions, and waivers. The public use
16 restriction must be included in the deed.

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

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

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

1 (4) A conveyance under this act must reserve to this state all
2 aboriginal antiquities, including mounds, earthworks, forts, burial
3 and village sites, mines, or other relics lying on, within, or
4 under the property, with power to this state and all others acting
5 under its authority to enter the property for any purpose related
6 to exploring, excavating, and taking away the aboriginal
7 antiquities.

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

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

20 (7) If this state reenters and repossesses property under
21 subsection (6), this state is not liable to reimburse any person
22 for any improvements made on the property or to compensate any
23 person for any part of an unfulfilled contract or license issued to
24 provide goods or services on or for the property.

25 Sec. 5. (1) The department of natural resources is responsible
26 for all expenses of maintaining the property to be conveyed or
27 transferred under this act until the time of conveyance.

28 (2) The department of natural resources may require a grantee
29 of property conveyed under this act or recipient under an affidavit

1 of jurisdictional transfer to record the instrument of conveyance
2 or transfer with the appropriate register of deeds and provide the
3 department of natural resources with a recorded copy of the
4 recorded instrument.

5 (3) The department of natural resources shall deposit the net
6 revenue received from the sale of property under this section in
7 the state treasury. The state treasurer shall credit the money
8 deposited to the general fund.