

Act No. 363
Public Acts of 1998
Approved by the Governor
October 20, 1998
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October 20, 1998
EFFECTIVE DATE: October 20, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Rep. Martinez

ENROLLED HOUSE BILL No. 5069

AN ACT to authorize the state administrative board to convey certain state owned property in Ingham county; to authorize the department of natural resources to convey certain parcels of state owned property in Roscommon county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to certain property; and to provide for disposition of the revenue derived from the conveyance.

The People of the State of Michigan enact:

Sec. 1. The state administrative board, on behalf of the state, may convey to the recipient determined under sections 2 to 4, for consideration as determined pursuant to sections 2 to 4, all or a portion of certain real property under the jurisdiction of the department of management and budget located in the city of Lansing, Ingham county, Michigan, and further described as follows:

East parcel description:

That part of the Northwest 1/4 of the Northeast 1/4 and that part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Town 4 North, Range 2 West, City of Lansing, Ingham County Michigan, bounded on the North by Saginaw Street (M-43); being more particularly described as follows:

Commencing at the North 1/4 Corner of Section 15, Town 4 North, Range 2 West, City of Lansing, Ingham County Michigan; thence S 01 degree 21 minutes 25 seconds W, 40.00 feet along a line to the point of beginning of the following described parcel, said point also being an angle point in the Southerly right-of-way of Saginaw Street (M-43); thence S 88 degrees 44 minutes 10 seconds E, 816.53 feet along the said Southerly right-of-way line of Saginaw Street to a point at the Northwest Corner of the land owned by the Catholic Diocese of Lansing, said right-of-way line being 40 feet Southerly of and parallel with the North line of the Northeast 1/4 of said Section 15; thence S 01 degree 42 minutes 50 seconds W, 938.68 feet along the West property line of the land owned by the Catholic Diocese of Lansing; thence N 89 degrees 00 minutes 10 seconds W, 1055.47 feet to a point; thence N 01 degree 52 minutes 00 seconds E, 115.77 feet along a line parallel with the Easterly right-of-way line of Pennsylvania Avenue; thence N 88 degrees 08 minutes 00 seconds W, 99.59 feet to a point; thence N 01 degree 52 minutes 30 seconds E, 827.89 feet along the Easterly line, and its extension, of Fairview Subdivision; as recorded in Liber 3 of Plats, page 46 and the plat of Jones and Porter's addition, as recorded in Liber 2 of Plats, page 20 all in the Ingham County Records, to a point on the right-of-way line of Saginaw Street, said point being 7.00 feet Southerly of the Northeast Corner of the plat of Jones and Porter's addition; thence S 88 degrees 29 minutes 30 seconds E, 3.86 feet along said right-of-way line of Saginaw Street to an angle point; thence S 88 degrees 33 minutes 00 seconds E, 331.99 feet along said right-of-way line of Saginaw Street to the point of beginning, containing 24.670 acres, more or less. Subject to all easements and restrictions of record, if any.

West parcel description:

That part of the Northwest 1/4 of the Northeast 1/4 and that part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Town 4 North, Range 2 West, city of Lansing, Ingham County Michigan, bounded on the North by Orchard Street and on the West by Pennsylvania Avenue; being more particularly described as follows:

Commencing at the North 1/4 Corner of Section 15, Town 4 North, Range 2 West, City of Lansing, Ingham County Michigan; thence S 01 degree 21 minutes 25 seconds W, 40.00 feet along a line to an angle point in the Southerly right-of-way of Saginaw Street (M-43); thence N 88 degrees 33 minutes 00 seconds W, 331.99 feet along said Southerly right-of-way line of Saginaw Street to a point; thence N 88 degrees 29 minutes 30 seconds W, 3.86 feet continuing along said Southerly right-of-way line of Saginaw Street to a point on the Easterly line of the plat of Jones and Porter's addition, as recorded in Liber 2 of Plats, page 20 in the Ingham County Records, said point being 7.00 feet Southerly of the Northeast Corner of the Plats of Jones and Porter's addition; thence S 01 degree 52 minutes 30 seconds W, 395.00 feet along the Easterly line of said plat of Jones and Porter's addition, and the plat of Fairview Subdivision, as recorded in Liber 3 of Plats page 46 of the Ingham County Records, to the point of beginning of the following described parcel, said point being the Southeast Corner of said Fairview Subdivision; thence S 01 degree 52 minutes 30 seconds W, 432.89 feet along the extension of the Easterly line of said Fairview Subdivision and Jones and Porter's addition to a point; thence N 88 degrees 08 minutes 00 seconds W, 130.41 feet to a point; thence S 01 degree 52 minutes 00 seconds W, 60.00 feet along a line parallel with the Easterly right-of-way line of Pennsylvania Avenue; thence N 88 degrees 05 minutes 06 seconds W, 810.00 feet to a point on the Easterly right-of-way line of said Pennsylvania Avenue, said point being N 01 degree 52 minutes 00 seconds E, 1288.00 feet along the right-of-way line of Pennsylvania Avenue from the Northeasterly intersection of Pennsylvania Avenue and Jerome Street; thence N 01 degree 52 minutes 00 seconds E, 485.60 feet along the Easterly right-of-way line of said Pennsylvania Avenue to the Southwest Corner of said Fairview Subdivision; thence S 88 degrees 32 minutes 10 seconds E, 940.50 feet along the Southerly right-of-way line of Orchard Street to the Southeast Corner of said Fairview Subdivision, and the point of beginning, containing 10.384 acres, more or less. Subject to all easements and restrictions of record, if any.

Sec. 2. (1) The city of Lansing has the exclusive right, for a period of 12 months after the effective date of this act, to purchase the property described in section 1. The purchase price shall be 1 of the following:

- (a) One dollar, if the city agrees to use the property for public purposes.
- (b) Fair market value, if the city does not agree to use the property for public purposes.

(2) If the city of Lansing intends to use a portion of the property described in section 1 for public purposes and the remainder for nonpublic purposes, the purchase price shall be adjusted so that the portion used for public purposes is conveyed for \$1.00, and the portion used for nonpublic purposes is conveyed for fair market value.

Sec. 3. If the property described in section 1 is not sold to the city of Lansing pursuant to section 2 within 12 months after the effective date of this act, the director of the department of management and budget shall offer the property for sale on the open market for fair market value or by broker contract.

Sec. 4. If the property described in section 1 is not sold pursuant to section 2 or 3, the director of the department of management and budget with the concurrence of the state administrative board may do any of the following:

- (a) Order a reappraisal of the property.
- (b) Withdraw the property from sale.
- (c) Offer the property for sale at less than fair market value.

Sec. 5. Any conveyance of property described in section 1 for less than fair market value shall provide for both of the following:

(a) That the property shall be used exclusively for public purposes and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities; and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

Sec. 6. The fair market value of the property described in section 1 shall be determined by an appraisal based on the property's highest and best use, as prepared by the state tax commission or an independent fee appraiser.

Sec. 7. The description of the parcel 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. 8. The conveyance authorized by sections 1 to 7 shall be by quitclaim deed approved by the attorney general. The conveyance shall not reserve the mineral rights to the state; however, the conveyance shall provide that if the grantee derives any revenue from the development of any minerals found on, within, or under the conveyed property, the grantee shall pay 1/2 of that revenue to the state, for deposit in the state general fund.

Sec. 9. (1) The net revenue received from the conveyance of the property described in section 1 shall be deposited in the state treasury and credited to the general fund.

(2) For the purposes of this section, "net revenue" means the proceeds from the sale of the property described in section 1 less reimbursement for any costs to the state associated with the sale of that property.

Sec. 10. (1) The department of natural resources, on behalf of the state, may convey to the Roscommon metropolitan recreation authority, for consideration of \$1.00, certain real property under the jurisdiction of the department of natural resources and located in Higgins township, in Roscommon county, Michigan, and further described as follows:

T 24 N. R 2W, Section 7: S.E. 1/4 N.W. 1/4

(2) The conveyance authorized by this section shall provide for both of the following:

(a) That the property shall be used exclusively for public recreational purposes and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

Sec. 11. (1) The department of natural resources, on behalf of the state, may convey to Lyon township, in Roscommon county, for consideration of \$1.00, certain real property under the jurisdiction of the department of natural resources and located in Lyon township, in Roscommon county, Michigan, and further described as follows:

Blocks 16, 17 & 18 of the Michigan Central Park and blocks 23, 24 east of U.S. 27 right of way, 33 east of U.S. 27 right of way & 34 of the Second Addition to the Michigan Central Park.

(2) The conveyance authorized by this section shall provide for both of the following:

(a) That the property shall be used exclusively for public purposes and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

Sec. 12. The descriptions of the parcels in sections 10 and 11 are approximate, and for purposes of the conveyances may be adjusted as the department of natural resources or attorney general considers necessary, by survey or other legal description.

Sec. 13. The conveyances authorized by sections 10 to 12 shall be by quitclaim deed approved by the attorney general and shall convey all rights held by the state to coal, oil, gas, and other minerals found on or under the property conveyed.

Sec. 14. The revenue received from the conveyances authorized in sections 10 to 12 shall be deposited in the state treasury and credited to the general fund.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.