

Act No. 138
Public Acts of 2002
Approved by the Governor
April 1, 2002
Filed with the Secretary of State
April 1, 2002
EFFECTIVE DATE: April 1, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senator Cherry

ENROLLED SENATE BILL No. 468

AN ACT to authorize the department of natural resources to convey certain state owned parcels of property in Genesee county and Kalkaska county; to authorize the state administrative board to convey certain parcels of state owned property in Wayne county; to prescribe conditions for the conveyances; and to provide for disposition of the revenue from the conveyances.

The People of the State of Michigan enact:

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

Parcel A

1.5 acres - and improvements - \$35,000.00 (Optioned at appraisal)
E 15 rods of S 16 rods of W1/2 of SW1/4, Sec. 1, T8N, R7E - Genesee County
Vendor: Douglas Roster, Mt. Morris, Michigan
Option Expires: November 2, 1993
Reservations: Seller reserves occupancy of building and site until June 1, 1994
Appraisal: Land \$8,000.00; Improvements \$27,000.00; Total \$35,000.00
Relocation cost: \$5,550.00
Assessed Value: \$15,400.00

Parcel B

50.3 acres - \$1,192.84 per acre - \$60,000.00 (Optioned at 3.3 per cent over appraisal)
S1/2 of N1/2 of NE 1/4 except N 142 feet of S 628.45 feet of E 310 feet, also except S 220 feet of E 238 feet, Sec. 1, T8N, R7E - Genesee County
Vendor: William Szikszay, Ortonville, Michigan
Option Expires: November 12, 1993
Reservations: Cropping rights until December 31, 1993
Appraisal: Land \$58,000.00; Improvements \$0; Total \$58,000.00
Assessed Value: \$21,800.00

(2) The conveyance authorized by this section shall provide that the property conveyed shall be used only for public recreation purposes and shall be open to all residents of the state on the same terms, fees, and conditions; and that upon termination of that use or use for any other purpose the property shall revert immediately to the state, with the state assuming no liability for any improvements made by Genesee county.

(3) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general and shall reserve mineral rights to the state.

(4) The description of the parcels in subsection (1) is approximate and for purposes of the conveyance is subject to adjustments as the department of natural resources or the attorney general considers necessary by survey or other legal description.

(5) The revenue received under this section shall be deposited in the state treasury and credited to the general fund.

Sec. 2. (1) The state administrative board, on behalf of the state, may convey for consideration of not less than fair market value as determined pursuant to subsection (6) certain state owned property now under the jurisdiction of the department of management and budget and located in Wayne county, and further described as follows:

Michigan Plaza Building and land:

PARCEL A:

All of Lots 108 through 113, inclusive, except the Easterly 12 feet of Lot 113 of West Side Industrial Subdivision No. 2, of part of Private Claims 22, 23, 24, 27, 246, 248, and 727, City of Detroit, Wayne County, Michigan, as recorded in Liber 86 of Plats, Pages 39 and 40, Wayne County Records, said parcel of land being more particularly described as:

BEGINNING at the southwest corner of Porter Street and Sixth Street at the northwest corner of said Easterly 12 feet of Lot 113; thence S30 degrees 00 minutes 47 seconds E 285.50 feet along the southwesterly line of said Easterly 12 feet of Lot 113 and Sixth Street to the northwesterly line of Abbott Street; thence S59 degrees 58 minutes 43 seconds W 309.10 feet along said northwesterly line and southeasterly line of said Lots 108 through 113 to the southwest corner of said Lot 108; thence N30 degrees 00 minutes 47 seconds W 285.50 feet along the southwesterly line of said Lot 108 to the southeasterly line of said Porter Street; thence N59 degrees 58 minutes 43 seconds E 390.10 feet along said southeasterly line to the Point of Beginning, containing 2.557 acres and being subject to easements and restrictions of record.

PARCEL B:

All of Lots 1 through 14, inclusive, except the Easterly 12 feet of Lots 1 and 14 of Block 42, the adjacent vacated Southerly 5 feet of Abbott Street, the vacated alley and public easements in said Block 42, and the East 25 feet of vacated Brooklyn Avenue and public easement lying between Howard Avenue (60 feet wide) and Abbott Avenue (50 feet wide), said easement created by the Common Council of the City of Detroit on September 24, 1968, and recorded in the J.C.C., Pages 2331 - 2332, of the Plat of the Labrosse Farm, South of Chicago Road (Michigan Avenue), from Chicago Road to Fort Street, (City of Detroit), Wayne County, Territory of (now State of) Michigan, as recorded in Liber 13 of Deeds, Page 35, Wayne County Records; said parcel of land being more particularly described as:

BEGINNING at the northwest corner of Howard Street and Sixth Street at the southeast corner of said Easterly 12 feet of Lot 14; thence S60 degrees 01 minutes 23 seconds W 363.27 feet along the northwesterly line of said Howard Street to the southwesterly line of said East 25 feet of vacated Brooklyn Avenue; thence N30 degrees 00 minutes 47 seconds W 285.75 feet along said southwesterly line to the northwesterly line of said vacated Southerly 5 feet of Abbott Street; thence N59 degrees 58 minutes 43 seconds E 363.27 feet along said northwesterly line to the southwesterly line of said Easterly 12 feet of said Lots 1 and 14 and said Sixth Street; thence S30 degrees 00 minutes 47 seconds E 286.03 feet along said southwesterly line of said Easterly 12 feet of said Lots 1 and 14 and said Sixth Street to the Point of Beginning, containing 1.128 acres and being subject to easements and restrictions of record.

PARCEL C:

All of Lots 1 through 7, inclusive, except the Easterly 12 feet of Lot 1 and the Northerly 90.00 feet of Lots 8 through 11 of Block 42, of the Plat of the Labrosse Farm, South of Chicago Road (Michigan Avenue), from Chicago Road to Fort Street, (City of Detroit), Wayne County, Territory of (now State of) Michigan, as recorded in Liber 13 of Deeds, Page 35, Wayne County Records, and the Northerly 90.00 feet of Lots 1 through 5, inclusive, except the Easterly 12 feet of Lot 1, of the Plat of the Subdivision of Lots 12, 13, & 14, Block Number 34, Labrosse Farm on the Northwest Corner of Lafayette & Sixth Street, Detroit, Wayne County, Michigan, as recorded in Liber 44 of Deeds, Page 120, Wayne County Records, and the vacated alley in said Block 42, said parcel of land being more particularly described as:

BEGINNING at the southwest corner of Howard Street and Sixth Street at the northwest corner of said Easterly 12 feet of Lot 1; thence S30 degrees 00 minutes 47 seconds E 239.88 feet; thence S60 degrees 00 minutes 34 seconds W 338.58 feet along the southeasterly line of said Northerly 90 feet of said Lots 1 through 5 of the Subdivision of Lots 12, 13, & 14 and Lots 8 through 11 of said Block 34 to the southwesterly line of Brooklyn Avenue; thence N29 degrees 59 minutes 27 seconds W 239.96 feet along said southwesterly line to the northwesterly line of Howard Street; thence N60 degrees 01 minutes 23 seconds E 338.49 feet along said northwesterly line to the Point of Beginning, containing 1.864 acres and being subject to easements and restrictions of record.

PARCEL D: Not included in Plaza Building Property.

PARCEL E:

All of Lots 114 through 123, inclusive, of West Side Industrial Subdivision No. 2, of part of Private Claims 22, 23, 24, 27, 246, 248, and 727, City of Detroit, Wayne County, Michigan, as recorded in Liber 86 of Plats, Pages 39 and 40, Wayne County Records, and a parcel of land lying south of Porter Street (60 feet wide), north of Howard Street (60 feet wide), east of and adjacent to the easterly line of said West Side Industrial Subdivision No. 2, and west of the westerly line of the John C. Lodge Freeway and being a part of Lots 3, 4, and 12, and part of the vacated public alley (20 feet

wide) adjoining said lots in Block 41, and part of Lots 4, 10, and 11 and part of the vacated public alley (20 feet wide) adjoining said lots in Block 49, and part of vacated Abbott Street (60 feet wide), of the Subdivision of that Part of the Labrosse (or Berthelet) Farm, and the Forsyth Farm South of Michigan Avenue, Map of the Western Addition to the City of Detroit, by John Mullett, Surveyor, July 3, 1835, City of Detroit, Wayne County, Michigan, as recorded in liber 14 of deeds, page 136, Wayne County Records and described as:

BEGINNING at the southwesterly corner of said Lot 12, which is also the southeasterly corner of said West Side Industrial Subdivision No. 2; thence along the easterly line of said West Side Industrial Subdivision No. 2, N30 degrees W 258.70 feet, and N45 degrees 15 minutes 59 seconds W 22.81 feet, and N66 degrees 12 minutes 03 seconds W 74.42 feet, and N30 degrees 01 minutes 13 seconds W 105.25 feet, and S59 degrees 58 minutes 35 seconds W 25.05 feet, and N30 degrees 01 minutes 13 seconds W 25.00 feet, and N21 degrees 23 minutes 35 seconds E32.05 feet, and N30 degrees 01 minutes 13 seconds W 130.19 feet to the northeasterly corner of said West Side Industrial Subdivision No. 2; thence along the westerly right of way line of said John C. Lodge Freeway, S37 degrees 59 minute 13 second E 597.91 feet; thence on a curve to the right, radius 43.33 feet, and arc distance of 45.39 feet to the Point of Beginning, chord of said curve bears S18 degrees 38 minutes 29 seconds W 44.00 feet, to the Point of Beginning, said parcel of land being more particularly described as:

BEGINNING at the southeast corner of Porter Street and Sixth Street at the northwest corner of said Lot 114; thence N60 degrees 00 minutes 00 seconds E 150.21 feet along the southeasterly line of Porter Street to the westerly Limited Access Right of Way Line of said John C. Lodge Freeway; thence S37 degrees 59 minutes 13 seconds E 597.71 feet; thence to the southeasterly line of a 20 foot wide public alley; thence southerly 46.15 feet along the arc of a 43.33 foot radius non-tangential curve to the right (with a central angle of 61 degrees 01 minutes 32 seconds subtending a chord bearing S18 degrees 17 minutes 30 seconds W 44.00 feet and having a tangent of 25.54 feet) to the southeast corner of said Lot 123 and northwesterly line of Howard Street; thence S60 degrees 00 minutes 00 seconds W 200.27 feet along said northwesterly line to the northeasterly line of said Sixth Street; thence N30 degrees 00 minutes 47 seconds W 621.19 feet along said northeasterly line and southwesterly line of said Lots 114 through 123 to the Point of Beginning, containing 2.754 acres and being subject to easements and restrictions of record.

(2) The sale of the property described in this section shall be conducted in a manner to realize the highest price for the sale and the highest return to the state. The sale of this property shall be done in an open manner that uses 1 or more of the following:

- (a) A competitive sealed bid.
- (b) Oral bid.
- (c) Public auction.
- (d) Use of broker services.

(3) Broker services for the sale of property under this section shall only be used if there are 3 or more bidders for this property. The minimum selling price for the property shall be the higher value of either its fair market value or the result of a professional concept plan value as determined by a real estate professional qualified to make such valuations. This real estate professional shall be selected through a request for proposal and competitive bid process.

(4) A notice of a sealed or oral bid, public auction sale, or use of broker negotiation services regarding the property described in this section shall be published at least once in a newspaper as defined in section 1461 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1461, not less than 10 days before the sale. The newspaper shall be 1 that is published in the county where the property is located. If a newspaper is not published in the county where the property is located, the notice shall be published in a newspaper in a county nearest to the county in which the property is located. A notice shall describe the general location of the property and the date, time, and place of the sale.

(5) The conveyance authorized under this section shall be by quitclaim deed approved by the attorney general.

(6) The fair market value of the property described in this section shall be determined by an appraisal as prepared by the state tax commission and an independent fee appraiser.

(7) The descriptions of the parcels in this section are approximate and for purposes of the conveyance are subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description.

(8) The net revenue received under this section shall be deposited in the state treasury and credited to the general fund. As used in this subsection, "net revenue" means the proceeds from the sale of the property less reimbursement for any costs to the state associated with the sale of the property.

Sec. 3. (1) The department of natural resources, on behalf of the state, may convey to the township of Clearwater, for consideration of \$1.00, property under the jurisdiction of the department of natural resources and located in the township of Clearwater, Kalkaska county, Michigan, and further described as follows:

T 28 N, R 8 W, Sec. 9. A metes and bounds description in the NW 1/4 of SE 1/4, described as follows:

That part of the NW 1/4 SE 1/4 lying North of Smith and Ricker's Addition to Rapid City, except the right of way over a strip of land 2 rods wide extending across the entire north side thereof for a highway for public and private use and except a parcel of land beginning 66 feet due North of the Northwest corner of Lot 10, Block B of the aforesaid Addition to Rapid City, thence continuing due North 99 feet, thence East 356 feet on a line parallel with the North line of Water Street of the aforesaid Addition, thence due South

99 feet on the center line of First Street produced to the North line of Water Street, thence West 356 feet on the North line of Water Street to the point of beginning, and also except a parcel of land beginning at the intersection of the North line of Water Street and the center line of First Street of the aforesaid Addition, thence due North 99 feet, thence East 363 feet on a line parallel with the North line of Water Street, thence due South 99 feet to the North line of Water Street, thence West 363 feet on the North line of Water Street to the point of beginning. (Located on Rapid River, 15.37 acres, 1,452 feet of frontage)

T 28 N, R 8 W, Sec. 9 - A metes and bounds description in the NE 1/4 of SW 1/4, described as follows:

Commencing at the corner (center) of Section 9, running thence West on the East and West quarter line of said Section 9, 23 rods more or less to a point situated 133 feet East of the center line of the main track of the Chicago, Petoskey Division of the Pere Marquette Railroad, as now located over and across Section 9; thence South 36 rods; East to North and South quarter line of said Section 9; thence North to place of beginning. (Located on Rapid River, 5.175 acres, 308 feet of frontage)

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

(a) The property shall be used exclusively for the purpose of public recreational and boating and fishing accesses 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, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) Upon termination of the use described in subdivision (a) or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(c) 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.

(3) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general and shall not reserve mineral rights to the state.

(4) The revenue received under this section shall be deposited in the state treasury and credited to the general fund.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Jay E. Randall

Clerk of the House of Representatives.

Approved

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Governor.