

Act No. 509
Public Acts of 2004
Approved by the Governor
December 30, 2004
Filed with the Secretary of State
January 3, 2005
EFFECTIVE DATE: January 3, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Stamas and Allen

ENROLLED SENATE BILL No. 1434

AN ACT to allow the state to acquire and convey certain parcels of land in Otsego county; to provide conditions for the conveyances; to provide for certain easements; and to provide for disposition of the revenue derived from the conveyances.

The People of the State of Michigan enact:

Sec. 1. (1) The department of natural resources may acquire certain parcels of land previously conveyed by this state to the county of Otsego pursuant to section 1 of 1999 PA 232. The department of natural resources, on behalf of the state, shall accept the conveyance of that land by quitclaim deed from the county of Otsego. The property that is subject to this section is described in section 2.

(2) After accepting the land under subsection (1), the department of natural resources, on behalf of the state, shall convey the property described in section 2 to the county of Otsego for consideration of \$1.00, subject to the following conditions:

(a) The property shall be used exclusively for a public purpose open to the general public, including, but not limited to, leasing the property to a nonprofit corporation. 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 the property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers. Upon termination of the public purpose use or in the event of use for any nonpublic purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) 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. 2. The parcels of land that the department of natural resources shall accept and then convey as provided in section 1 are described as follows:

Parcel #1: commencing at the intersection of the South Line of Third Street (now called Fourth Street) and the West line of Michigan Central Railroad right of way, thence West along the South line of Third Street (now called Fourth Street) thirty (30) rods more or less to the East line of "B" Street, thence South along the East line of "B" Street to South 1/8 line of Sec. 4, T 30N, R3W, which was the South line of said village (now City) of Gaylord, thence East along the former South line of said Village (now City) to the West line of the Michigan Central Railroad right of way, thence North along the West line of said Railroad right of way to the point of beginning excepting therefrom a parcel in the Northeast corner of the above described lands beginning at the intersection of the South line of Third Street (now called Fourth Street) and the West line of the Michigan Central Railroad right of way, thence West along the South line of Third Street (now called Fourth Street) twelve (12) rods, thence in a southerly direction parallel with the West line of said Railroad right of way fifteen (15) rods, thence East parallel with the South line of Third Street (now called

Fourth Street) Twelve (12) rods to the West line of said Railroad right of way, thence Northerly along the West line of said Railroad right of way, fifteen (15) rods to the point of beginning, also reserving a right of way for road purposes of a strip of land two (2) rods wide running North and South adjacent to the West side of the above described exception, also excepting therefrom a parcel of land commencing at intersection of South One-eighth line and West line of Penn-Central Railroad (formerly MCCR) right of way, thence North Eighty-one Degrees (81°) Eighteen Minutes (18') Thirty Seconds (30") West Four Hundred Sixty and Thirty-two Hundredths (460.32) feet to East line of S. Illinois Avenue (formerly "B" Street), North Zero Degrees (00°) Seven Minutes (07') Fifty Seconds (50") East along said East line Forty-six (46) feet, South Eighty-three Degrees (83°) Forty-nine Minutes (49') Ten Seconds (10") East Four Hundred Sixty-one and Thirty-one Hundredths (461.31) feet to a point on West line of said Penn-Central Railroad right of way that is Sixty-six (66) feet North Three Degrees (03°) Thirteen Minutes (13') Zero Seconds (00") East of the point of beginning, South Three Degrees (03°) Thirteen Minutes (13') Zero Seconds (00") West Sixty-six (66) feet to said point of beginning.

Parcel #2: commencing at a point on the West line of "D" street twenty rods South of the South line of Third Street (now called Fourth Street) in the city of Gaylord, running thence Westerly parallel with the South line of Third Street (now called Fourth Street) to the East line of the Michigan Central Railroad right of way thence Southerly along the East line of the Michigan Central Railroad right of way to a point in line with the North line of Fourth street thence easterly parallel to the South line of Third street (now called Fourth Street) to the West line of "D" street, thence northerly along the West line of "D" street to the place of beginning.

Sec. 3. The conveyances authorized by section 1 shall be by quitclaim deed approved by the department of attorney general. The state shall not reserve mineral rights in the parcels of property, but the quitclaim deeds shall provide that if the grantee develops the mineral rights, the state shall receive not less than 1/2 of the net royalties derived from that development.

Sec. 4. The conveyances authorized by section 1 shall provide that the department of natural resources reserves an easement for the remediation of groundwater contamination, including, but not limited to, the treatment buildings, monitoring wells, flow lines, utility rights-of-way, and ingress and egress to the same which are supporting the remediation effort. The boundaries of the easement shall be delineated in a survey conducted by the department of natural resources. The easement shall remain in effect until completion of the groundwater remediation as determined by the department of natural resources. Any uses that interfere with or damage the operation and maintenance of the remediation effort and equipment are prohibited. The county of Otsego, by acceptance of this conveyance, agrees not to disrupt the area defined in the easement by excavation, wells, or other subsurface disturbance without written permission of the department of natural resources.

Sec. 5. The revenue received pursuant to the conveyances authorized by section 1 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