

Act No. 43  
Public Acts of 2007  
Approved by the Governor  
July 17, 2007  
Filed with the Secretary of State  
July 17, 2007  
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**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2007**

Introduced by Senator Switalski

# ENROLLED SENATE BILL No. 134

AN ACT to authorize the state administrative board to convey certain parcels of state owned property in Ingham county, Wayne county, and Tuscola county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments and agencies in relation to the conveyances; to provide for disposition of revenue derived from the conveyances; and to provide for the release of certain property rights held by the state.

*The People of the State of Michigan enact:*

Sec. 1. (1) Subject to subsections (5) and (6), the state administrative board, on behalf of the state, shall convey to the city of Lansing, for not less than fair market value as determined under subsection (4), all or portions of certain real property now under the jurisdiction of the department of management and budget and located in Ingham county, Michigan, and more particularly described as:

A parcel of land in Block #4 of Claypool's Subdivision and Block #90 of the Original Plat of the City of Lansing, City of Lansing, Ingham County, Michigan, containing part of Lots #1 and 2, and all of Lots #3 and 4 of said Claypool's Subdivision and all of Lots #1, 2, 3, 5 and 6 of said Block #90 of the Original Plat of the City of Lansing, more particularly described as beginning at the northwest corner of said Block #4, Claypool's Subdivision; thence easterly along the north line of said block 344.33 feet; thence southerly parallel to the west line of said block 198.00 feet; thence easterly parallel to the north line of said block 92.26 feet; thence northerly parallel to the west line of said block 198.00 feet to the north line of said block; thence easterly along said north line 140.92 feet to the northwest corner of said Block #90 of the Original Plat; thence continuing easterly on the north line of said block 161.21 feet to the east line of said block; thence southerly along said east line 197.35 feet to the southeast corner of Lot 3 of said block; thence westerly 159.26 feet on the south line of said Lot 3 to the west line of said block; thence southerly 65.42 feet on said west line to the northwest corner of Lot 5 of said block; thence easterly 158.61 feet on the north line of said Lot 5 to the east line of said block; thence southerly on said east line 132.44 feet to the south line of said block; thence westerly on said south line 157.33 feet to the southeast corner of said Lot 2, Block #4 of Claypool's Subdivision; thence continuing westerly 178.75 feet on the south line of said block; thence northerly parallel to the west line of said block 148.50 feet; thence westerly parallel to the south line of said block 55.00 feet; thence southerly parallel to the west line of said block 148.50 feet to the south line of said block; thence westerly on said south line 348.74 feet to the west line of said block; thence northerly on said west line 396.00 feet to the point of beginning, containing 5.87 acres.

(2) The description of the property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The property described in subsection (1) includes all surplus, salvage, and scrap property or equipment.

(4) The fair market value of the property described in subsection (1) shall be determined by an appraisal prepared for the department of management and budget by an independent appraiser.

(5) The department of management and budget shall take the necessary steps to prepare to convey the property described in subsection (1). The director of the department of management and budget shall first offer the property described in subsection (1) for sale to the city of Lansing or the Lansing economic development corporation at not less than fair market value as determined under subsection (4). The city of Lansing, or an entity formed by the city of Lansing, has the first right to purchase the property for a period of 180 days after the effective date of this act.

(6) If the property described in subsection (1) is not sold to the city of Lansing pursuant to subsection (5), the department of management and budget shall take the necessary steps to prepare to convey the property using any of the following at any time:

(a) Competitive bidding designed to realize the best value to the state, as determined by the department of management and budget.

(b) A public auction designed to realize the best value to the state, as determined by the department of management and budget.

(c) Use of real estate brokerage services designed to realize the best value to the state, as determined by the department of management and budget.

(d) Offering the property for sale for fair market value to a local unit or units of government.

(7) The department of attorney general shall approve as to legal form the quitclaim deed authorized by this section.

(8) The state shall not reserve oil, gas, or mineral rights to the parcels of property conveyed under this section. However, the conveyances authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(9) All state agencies and departments shall provide full cooperation to the state administrative board to facilitate the performance of its duties, powers, and responsibilities and the conveyance of property under this section. The state administrative board may require a state agency or department to prepare or record any documents necessary to evidence the conveyance of property under this section.

(10) The net revenue received from the sale of the property 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 parcels of property less reimbursement for any costs to the state associated with the sale of the parcels of property.

Sec. 2. (1) The state administrative board, on behalf of the state, may convey by quitclaim deed for not less than fair market value or, if subsection (5)(e) applies, for less than fair market value, all or portions of certain state owned property now under the jurisdiction of the department of corrections, commonly known as western Wayne correctional facility, and located in Plymouth township, Wayne county, Michigan, and more particularly described as follows:

A parcel of land in the N 1/2 of section 20, T1S - R8E Plymouth Township, Wayne County, Michigan, more particularly described as beginning at the NW corner of said section 20; thence N89°50'10"E 2650.86 feet on the north line of said section to the N 1/4 corner of said section; thence continuing on said north line S89°45'02"E 1319.14 feet; thence S01°03'21"W 2532.18 feet to the northerly right of way of the Chesapeake and Ohio Railroad; thence along said northerly right of way for the following four (4) courses:

1) 116.58 feet on a curve to the right with a radius of 2596.27 feet, a central angle of 02°34'22" and a long chord bearing and distance of N56°44'27"W 116.57 feet

2) N55°27'04"W 1052.13 feet

3) 672.28 feet on a curve to the left with a radius of 3889.51 feet, a central angle of 09°54'12" and a long chord bearing and distance of N60°24'17"W 671.45 feet

4) N65°21'16"W 2614.21 feet to the west line of said section 20; thence N00°05'01"E 447.57 feet on said west line to the point of beginning, containing 127.27 acres, more or less.

EXCEPT a parcel of land described as commencing at the N 1/4 corner of said section 20; thence S89°45'02"E 1119.14 feet on the north line of said section to the point of beginning of this description; thence continuing on said north line S89°45'02"E 50.00 feet; thence S01°03'21"W 225.00 feet; thence S89°45'02"E 150.00 feet to the east line of a parcel recorded at Liber 22436, Page 520; thence S01°03'21"W 200.00 feet on said east line; thence N89°45'02"W 200.00 feet; thence N01°03'21"E 425.00 feet to the point of beginning, containing 1.18 acres, more or less.

Subject to a 60-foot wide easement adjacent and parallel to the west and north section lines for roadway purposes.

(2) The description of the property in this section 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. The property described in this section includes all surplus, salvage, and scrap property or equipment.

(3) The fair market value of the property described in this section shall be determined by an appraisal prepared for the department of management and budget by an independent appraiser.

(4) The department of attorney general shall approve as to legal form the quitclaim deed authorized by this section.

(5) The department of management and budget shall take the necessary steps to prepare to convey the property described in this section using any of the following at any time:

(a) Competitive bidding designed to realize the best value to the state, as determined by the department of management and budget.

(b) A public auction designed to realize the best value to the state, as determined by the department of management and budget.

(c) Use of real estate brokerage services designed to realize the best value to the state, as determined by the department of management and budget.

(d) Offer the property for sale for fair market value to a local unit or units of government.

(e) Offer the property for sale for less than fair market value to a local unit or units of government subject to subsection (6).

(6) Any conveyance to a local unit of government authorized by subsection (5)(e) shall provide for all of the following:

(a) The property shall be used exclusively for public purposes 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, all members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) In the event of an activity inconsistent with subdivision (a), the state may reenter and repossess the property, terminating the grantee's or successor's estate in the property.

(c) If the grantee or successor 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.

(d) If the state reenters and repossesses the property, the state shall not be liable to reimburse any party for any improvements made on the property.

(7) The state shall not reserve oil, gas, or mineral rights to the property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(8) Subject to the state's right to reenter and repossess the property under subsection (6), if a local unit of government intends to convey the property conveyed under this section within 7 years after the conveyance from the state, the local unit of government shall provide notice to the director of the department of management and budget of its intent to offer the property for sale. The department of management and budget shall retain a right to first purchase the property at the original sale price, plus the value of any improvements made to the property as determined by an independent fee appraiser, within 90 days after the notice. If the state waives its first refusal right, the local unit of government shall pay to the state 40% of the difference between the sale price of the conveyance from the state and the sale price of the local unit of government's subsequent sale or sales to a third party.

(9) All state agencies and departments shall cooperate fully with the state administrative board to facilitate the performance of its duties, powers, and responsibilities under this section. The state administrative board may require a state agency or department to prepare or record any documents necessary to evidence the conveyance of property under this section.

(10) The net revenue received from the sale of property 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 property.

Sec. 3. The state administrative board, on behalf of the state, may release for less than fair market value the reservation of aboriginal antiquities, including mounds, earthworks, forts, burial and village sites, mines, and other relics, on, within, or under the property located in the city of Detroit and recited on the quitclaim deed between the state of Michigan and 1200 Sixth street, LLC, recorded in liber 42965, page 77, Wayne county register of deeds.

Sec. 4. (1) The state administrative board, on behalf of the state, may convey to Indianfields township in Tuscola county, for consideration of \$1.00 plus the cost necessary to prepare the real property for sale, all of certain real property now under the jurisdiction of the department of community health and located in Tuscola county, Michigan, and more particularly described as:

Part of the Southeast 1/4 and Southwest 1/4 of Section 17, and part of the Northwest 1/4 of Section 20, T12N, R9E, Indianfields Township, Tuscola County, Michigan, described as commencing at the Center of said Section 17; thence along the East-West 1/4 line of said Section 17, S. 88° 41' 50" E., 335.38 feet to the Point of Beginning; thence continuing along said East-West 1/4 line of Section 17, S. 88° 41' 50" E., 2177.53 feet to a traverse line on the top of bank of the Cass River; thence along said traverse line, S. 41° 54' 49" W., 1422.68 feet and S. 82° 35' 09" W., 751.00 feet and S. 62° 37' 43" W., 572.95 feet and S. 34° 54' 06" W., 865.51 feet and S. 63° 47' 30" W., 1325.94 feet and S. 46° 04' 24" W., 492.67 feet to the centerline of Chambers Road; thence along said centerline of Chambers Road on a curve to the right

having a radius of 327.40 feet, central angle of 83° 39' 40", and long chord bearing and distance of N. 16° 26' 39" W., 436.71 feet; thence continuing along said centerline of Chambers Road, N. 25° 23' 11" E., 1028.69 feet to a point on a curve; thence on said curve to the left having a radius of 230.00 feet, central angle of 52° 44' 42", and long chord bearing and distance of N. 00° 57' 57" W., 204.33 feet to the Southeasterly line of railroad right-of-way; thence on a non-tangent curve to the left having a radius of 3447.47 feet, central angle of 10° 18' 35", and long chord bearing and distance of N. 50° 54' 56" E., 619.50 feet; thence continuing along said Southeasterly line of railroad right-of-way, N. 47° 34' 00" E., 1723.14 feet to the Point of Beginning; containing 116.54 acres to the water's edge, more or less; subject to riparian rights pertaining to the Cass River and other rights-of-way, easements and restrictions of record.

(2) The description of the real property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The property described in subsection (1) includes all surplus, salvage, and scrap property and equipment.

(4) The department of management and budget shall take the steps necessary to convey the property described in subsection (1).

(5) The conveyance authorized by subsection (1) shall provide for all of the following:

(a) The property shall be used exclusively for the purpose of a public park 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.

(6) The conveyance authorized by this section shall be by quitclaim deed. The department of attorney general shall approve as to legal form the quitclaim deed authorized under this section.

(7) The conveyance authorized under this section shall provide for the exercise of the state's ongoing property interests in and regulatory jurisdiction over any historic artifacts and antiquities subsequently found on the site.

(8) The state shall not reserve oil, gas, or mineral rights to the parcels of property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(9) The revenue received from the conveyance authorized by 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

*Richard J. Brown*

Clerk of the House of Representatives

Approved .....

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Governor