

STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011

Introduced by Senators Moolenaar, Marleau, Brandenburg, Casperson, Nofs, Hansen, Caswell, Walker and Meekhof

ENROLLED SENATE BILL No. 141

AN ACT to authorize the department of natural resources to accept and convey certain real property in Gladwin county; to prescribe certain conditions for the acceptance and conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. (1) The department of natural resources, on behalf of the state, subject to and contingent upon the conveyance of the property to the city of Gladwin as provided in subsection (3), may accept from the city of Gladwin, for consideration of \$1.00, certain real property that was originally conveyed to the city of Gladwin in the August 15, 1983 quitclaim deed to the city of Gladwin recorded in Liber 353 page 764, Gladwin county records, and is located in Gladwin county, Michigan, and more particularly described as:

(a) Part of the SE1/4, Sec. 1, T 18 N, R 2 W, described as beginning at a point distant 330 feet S of 1/8 post at the NE corner, NW1/4, SE1/4, and N 89° W 336.8 feet to the point of beginning of this parcel, th S 1° E 392.75 feet on the W line of Belvia S. Johnson Addn, th S 67°45' W 130.9 feet to the Cedar River; th N'y along said Cedar River to a point which is N 89° W of the point of beginning, th S 89° E 330 feet more or less to point of beginning.

(b) Commencing at a point 70 feet S of NW corner of C.C. Fouch's Addition to the Village of Gladwin and running S 73°45' E 2.56 chains, th S 63°10' E 2.23 chains, th S 14°15' E 3.05 chains, th S 57°30' E 1.09 chains, th S 24°30' E 1.19 chains, th S 6°15' W 2.50 chains, th S 19° E 3.15 chains, th S 19°45' W 1.62 chains, th S 28°15' W 4.00 chains, th N 89°30' W 1.42 chains to Cedar River, th along the thread of said river to the 1/8 post in the center of SE1/4, Sec. 1, T 18 N, R 2 W, th N along 1/8 line 8.75 chains to point of beginning, except beginning at a 1/2" iron bar on the E 1/8 line of Sec. 1, T 18 N, R 2 W, said point being the SE corner of the Plat of Belvia S. Johnson Addition to the City of Gladwin and also being 71.3 feet S of NW corner of the C.C. Fouch Addition, th S 73°45'00" E 169.0 feet, th S 63°10'00" E 147.1 feet, th S 14°15'00" E 201.3 feet, th S 57°30'00" E 71.9 feet, th S 24°30'00" E 78.5 feet, th S 05°15'00" W 165.00 feet, th S 19°00'00" E 207.9 feet, th S 19°45'00" W 106.0 feet, th S 28°15'00" W 264.0 feet, th N 89°30'00" W 14.4 feet, th N 10°00'00" E 50.85 feet, th N 41°33'20" E 88.45 feet, th N 25°00'00" E 133.75 feet, th N 20°45'30" E 102.80 feet, th N 19°18'00" W 197.65 feet, th N 04°55'00" E 170.35 feet, th N 19°09'40" W 69.25 feet, th N 55°28'40" W 75.90 feet, th N 11°46'40" W 177.00 feet, th N 64°41'10" W 162.80 feet, th N 73°13'40" W 158.75 feet to E 1/8 line of Sec. 1, th to place of beginning.

(c) Commencing at the 1/8 post in the center of the SE1/4, Sec. 1, in the margin of Cedar River and running N on the 1/8 ln 8.75 chains to a point 70 feet S of the NW corner of C.C. Fouch Addition to Village of Gladwin, th N 84°30' W 4.39 chains, th S 67°45' W 2.90 chains to the Cedar River, th in a SE'y course following the thread of said Cedar River to the point of beginning except beginning at a 1/2 inch iron bar on the E 1/8 line of Sec. 1, said point being the SE corner of the Plat of Belvia S. Johnson Addition to the City of Gladwin and also being 71.3 feet S of NW corner of the C.C. Fouch Addition, th 84°56'00" W 288.60 feet, th S 79°58'30" E 292.00 feet to E 1/8 line, th N to beginning, Sec. 1, T 18 N, R 2 W.

(d) Block 18 and all of the unplatted portion W of Block 12 and E of Cedar River in C.C. Fouch's Addition to City of Gladwin, Sec. 1, T 18 N, R 2 W; and

(e) Lot 12 except E 40 feet thereof, Belvia S. Johnson Addition to City of Gladwin, Sec. 1, T 18 N, R 2 W - Gladwin County.

(2) The description of the parcel in subsection (1) is approximate and for purposes of the conveyances is subject to adjustment as the department of natural resources or attorney general considers necessary by survey or other legal description.

(3) The department of natural resources, on behalf of the state, after receiving the conveyance authorized in subsection (1), shall convey to the city of Gladwin, for consideration of \$1.00, the real property described in subsection (1).

(4) The conveyance authorized by subsection (3) 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, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) In the event of activity inconsistent with subdivision (a), 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.

(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.

(5) The state shall reserve oil, gas, and mineral rights to the property conveyed under this section.

(6) The conveyance of property under subsection (3) shall provide that the state reserves all aboriginal antiquities including mounds, earthworks, forts, burial and village sites, mines, and other relics, on, within, or under the property, with power to the state, and all others acting under its authority, to enter the property for any purpose related to exploring, excavating, and taking away aboriginal antiquities.

(7) The conveyance under subsection (3) shall be by quitclaim deed or other instrument approved by the attorney general.

Enacting section 1. Section 1 of 1983 PA 100 is repealed.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor