

MICHIGAN COMMUNITY FOUNDATION ACT (EXCERPT)
Act 38 of 2017

***** 123.905.new THIS NEW SECTION IS EFFECTIVE AUGUST 21, 2017 *****

123.905.new Receipt of property by municipality, school board; intermediate school board, or public library; sale; disposal; use of proceeds.

Sec. 5. (1) A municipality may receive, own, and enjoy any gift of real, personal, or intangible personal property, made by grant, devise, or bequest, or in any other manner, for public parks, grounds, cemeteries, public buildings, or other public purposes, whether made directly or in trust, subject to the conditions, limitations, and requirements provided in the grant, devise, bequest, or other instrument. A gift shall not be invalid because of an informality in the instrument evidencing the gift, if the intent can be determined from the instrument, or by reason of its contravening a statute or rule against perpetuities. All gifts made prior to the effective date of this act, either by grant, devise, or bequest, or in any other manner, are declared valid, though they violate a statute or rule against perpetuities, the same as if this act had been in effect when made.

(2) A school board of a general powers school district may receive, own, and enjoy a gift of real, personal, or intangible personal property made by grant, devise, or bequest, or in any other manner, that is made for school purposes under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852. An intermediate school board of an intermediate school district may receive, own, and enjoy a gift of real or personal property made by grant, devise, or bequest, or in any other manner, that is made for intermediate school district purposes under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(3) A public library may receive and accept gifts and donations of real, personal, or intangible personal property, for the library, and shall hold, use, and apply the property received for the purposes, in accordance with the provisions, and subject to the conditions and limitations, if any, set forth in the instrument of gift.

(4) Whenever any property, real, personal, or intangible personal, now or hereafter held and used for the purpose of a municipality, school board, intermediate school board, or public library by any municipality, school board, intermediate school board, or public library, in the judgment of that municipality, school board, intermediate school board, or public library, is no longer needed for that purpose, that property may be sold and disposed of by the municipality, school board, intermediate school board, or public library unless the sale and disposal are inconsistent with the terms and conditions upon which the property was acquired, at a price and upon terms and conditions as the municipality, school board, intermediate school board, or public library may deem proper, and the proceeds of that property shall be used and applied for the purpose of the municipality, school board, intermediate school board, or public library.

History: 2017, Act 38, Eff. Aug. 21, 2017.