

HOUSE BILL No. 5569

February 27, 1992, Introduced by Reps. Muxlow, London and Strand and referred to the Committee on State Affairs.

A bill to amend Act No. 326 of the Public Acts of 1913,
entitled as amended

"An act to provide for the leasing, control and taxation of certain lands owned and controlled by the state, and the improvements on certain lands owned and controlled by the state; to authorize the department of natural resources to enforce the provisions of this act relating to the removal of metallic minerals, marl, stone, rock, sand, gravel, earth, oil, or gas from or under the beds of the Great Lakes; to authorize deeds to particular land, subject to the paramount right of navigation, hunting, and fishing in the general public; to authorize the department of natural resources to issue and enforce suitable regulations covering the exercise of the public right of navigation, hunting, and fishing in the St. Clair Flats area; providing penalties for the violation of certain provisions of this act; and repealing Act No. 215 of the Public Acts of 1909, and all other acts or parts of acts inconsistent with this act,"

as amended, being sections 322.401 to 322.429 of the Michigan Compiled Laws, by adding section 2i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 326 of the Public Acts of 1913, as
2 amended, being sections 322.401 to 322.429 of the Michigan

1 Compiled Laws, is amended by adding section 2i to read as
2 follows:

3 SEC. 2I. (1) THE DEPARTMENT OF NATURAL RESOURCES, UPON
4 APPLICATION OF ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIA-
5 TION, OR OTHER LEGAL ENTITY THAT HOLDS A LEASE FROM THIS STATE OF
6 ANY PORTION OR PORTIONS OF THE REAL PROPERTY DESCRIBED IN
7 SUBSECTION (2), MAY EXECUTE AND DELIVER TO THE APPLICANT A DEED
8 CONVEYING ALL OF THE RIGHT, TITLE, AND INTEREST OF THIS STATE IN
9 AND TO THAT REAL PROPERTY, SUBJECT TO THE PARAMOUNT RIGHTS OF
10 HUNTING, FISHING, AND NAVIGATION, WHICH REMAIN IN THE GENERAL
11 PUBLIC AND IN THE GOVERNMENT AS RECOGNIZED BY LAW. THE DEEDS
12 SHALL CONTAIN THE SAME PROVISIONS AS TO USE AND OCCUPANCY AS ARE
13 NOW SET FORTH IN ALL THE LEASES PREVIOUSLY GRANTED UNDER THIS
14 ACT.

15 (2) THE REAL PROPERTY TO WHICH THIS SECTION APPLIES ARE THAT
16 PORTION OF THE ST. CLAIR FLATS, TOWNSHIP OF CLAY, ST. CLAIR
17 COUNTY, MICHIGAN, AS SURVEYED UNDER FORMER ACT NO. 175 OF THE
18 PUBLIC ACTS OF 1899, WHICH FRONT UPON OR ARE A PART OF THE NORTH
19 AND SNI BORA CHANNEL SECTION AND MIDDLE CHANNEL SECTION DESCRIBED
20 AS:

21 (A) SNI BORA CHANNEL, THE NORTHEAST ONE-HALF OF LOT 386.

22 (B) NORTH CHANNEL, LOTS 79 AND 80.

23 (C) SNI BORA CHANNEL, LOT 366.

24 (D) LOT 470, MIDDLE CHANNEL SECTION.

25 (E) LOT 471, MIDDLE CHANNEL SECTION.

26 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2), THE DEPARTMENT
27 SHALL NOT GRANT A DEED UNDER THIS SECTION UNLESS THE STRUCTURE

1 AND THE LOT SUBJECT TO THE DEED, INCLUDING SEAWALLS WHERE
2 PRESENT, ARE IN COMPLIANCE WITH THE APPLICABLE TOWNSHIP BUILDING
3 CODE AND COUNTY AND STATE SANITATION CODES AND THE STRUCTURE IS
4 LOCATED ON A PARCEL OF LAND THAT IS ADEQUATELY PROTECTED FROM
5 EROSION.

6 (4) A DEED GRANTED UNDER THIS SECTION SHALL NOT INCLUDE ANY
7 PORTION OF THE ORIGINAL LEASE THAT IS SUBMERGED OR LIES BELOW THE
8 ORDINARY HIGH WATER MARK OF LAKE ST. CLAIR WHICH IS 574.5
9 INTERNATIONAL GREAT LAKES DATUM (IGLD 1955). THE DEPARTMENT OF
10 NATURAL RESOURCES SHALL PERFORM A SITE INSPECTION AND SET STAKES,
11 IF NECESSARY, TO IDENTIFY THE BOUNDARIES OF THE AREA OF THE
12 PARCEL TO BE DEEDED. THE APPLICANT MAY BE REQUIRED TO PROVIDE A
13 BOUNDARY SURVEY WHICH DELINEATES THE AREA OF THE REAL PROPERTY TO
14 BE DEEDED.

15 (5) A DEED SHALL NOT BE ISSUED AT LESS THAN THE FAIR MARKET
16 VALUE OF THE REAL PROPERTY IN ACCORDANCE WITH THE CURRENT DEPART-
17 MENT APPRAISAL PROCEDURES FOR THE ELIGIBLE PARCELS. THE
18 APPRAISAL SHALL NOT INCLUDE ANY IMPROVEMENTS SUCH AS BUILDINGS,
19 SEAWALLS, AND DOCKS.

20 (6) ALL OTHER PROVISIONS OF THIS ACT APPLY TO THE PARCELS
21 DESCRIBED IN THIS SECTION.