



**House
Legislative
Analysis
Section**

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CHEBOYGAN CITY CONVEYANCE

**House Bill 4354 as enrolled
Second Analysis (7-7-94)**

**Sponsor: Rep. Beverly Bodem
House Committee: State Affairs
Senate Committee: State Affairs and
Military/Veteran Affairs**

THE APPARENT PROBLEM:

The City of Cheboygan owns a city park which is located on the east side of the Cheboygan River, north of Lincoln Avenue and a boat access site at the Cheboygan Dam. A 24 foot x 1,143 foot sliver of state-owned land lies between the river and the park. The city has requested that this parcel of land be conveyed to it so that recreational activities at the park could be expanded to include fishing on the river. The conveyance would give the city 1,143 feet of river frontage. The site would not be used for boat launching, but would provide access to the river to people for fishing along the bank. The area would be accessible from South Avenue in Cheboygan, via a 33-foot state-owned easement across property owned by the Consumers Power Company.

THE CONTENT OF THE BILL:

The bill would convey to the city of Cheboygan for one dollar a .63-acre parcel of land, now part of the Department of Natural Resource's 20.62-acre Cheboygan Dam Boating Access Site No. 16-17. The land is a 24-foot wide by 1,143-foot long sliver of land between the east side of the Cheboygan River and city park property, and includes 1,142.60 feet of river frontage. The bill also would convey a 33-foot easement (which would allow access to the land from South Avenue) to the city.

The city would have to use the property for a public park that was open to all members of the public under the same annual and daily fees, terms, and conditions. The city could waive fees for specific areas or facilities for specified groups or classes of people, but the waiver would have to apply to all members regardless of where they lived. The city also would have to allow free access across the property at all times for public fishing and would be responsible for the gabion (an open cylinder filled

with stones used in the preliminary construction of dams) and stairway on the property.

The conveyance would be by quitclaim deed and would reserve mineral rights to the state. Title to the property would revert to the state if the land were used other than as specified in the bill. The bill would take effect immediately upon being enacted.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would result in a savings to the state, since the city of Cheboygan would be responsible for the maintenance costs associated with the upkeep of stairways and abutments at the access site. (4-28-93)

ARGUMENTS:

For:

The bill would enable the city of Cheboygan to extend the recreational facilities available at the city park east of the Cheboygan River and would provide visitors to the park with access to the adjacent river. In addition, although the site would not have a boat launch, it would provide river access for fishing. The city has agreed to maintain the property and to assure that access is provided for public fishing.

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