

Act No. 36
Public Acts of 1993
Approved by the Governor
May 11, 1993
Filed with the Secretary of State
May 11, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. London, Joe Young, Jr., Goschka, Jaye and McNutt

ENROLLED HOUSE BILL No. 4355

AN ACT to amend section 2 of 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," being section 322.402 of the Michigan Compiled Laws, and to add section 2i.

The People of the State of Michigan enact:

Section 1. Section 2 of Act No. 326 of the Public Acts of 1913, being section 322.402 of the Michigan Compiled Laws, is amended and section 2i is added to read as follows:

Sec. 2. The department of natural resources shall not deed or convey the lands described in section 1 except as provided in sections 2a to 2i, but may lease lands of the character described in section 1 to a person, firm, society, association, or corporation for the purposes and in the manner provided in this act. The commission of natural resources may dedicate unleased lands of the character described in section 1 for public hunting, fishing, and other recreational uses.

Sec. 2i. (1) Upon application of an individual, partnership, corporation, association, or other legal entity that holds a lease from this state of any portion or portions of the real property described in subsection (2), the department of natural resources may execute and deliver to the applicant a deed conveying all of the right, title, and interest of this state in and to that real property, subject to the paramount rights of hunting, fishing, and navigation, which remain in the general public and in the government as recognized by law. The deeds shall contain the same provisions as to use and occupancy now set forth in all the leases previously granted under this act.

(2) The real property to which this section applies are that portion of the St. Clair Flats, Township of Clay, St. Clair County, Michigan, as surveyed under former Act No. 175 of the Public Acts of 1899, that front upon or are a part of the north and Sni Bora channel section and middle channel section described as:

- (a) Sni Bora channel, the northeast one-half of lot 386.
- (b) North channel, lots 79 and 80.
- (c) Sni Bora channel, lot 366.

(d) Lot 470, middle channel section.

(e) Lot 471, middle channel section.

(3) Notwithstanding subsections (1) and (2), the department shall not grant a deed under this section unless the structure and the lot subject to the deed, including seawalls where present, comply with the applicable township building code and county and state sanitation codes and the structure is located on a parcel of land that is adequately protected from erosion.

(4) A deed granted under this section shall not include a portion of the original lease that is submerged or lies below the ordinary high water mark of Lake St. Clair which is 574.5 international Great Lakes Datum (IGLD 1955). The department of natural resources shall perform a site inspection and set stakes, if necessary, to identify the boundaries of the area of the parcel to be deeded. The applicant may be required to provide a boundary survey that delineates the area of the real property to be deeded.

(5) A deed shall not be granted under this section at less than the fair market value of the real property in accordance with the current department appraisal procedures for the eligible parcels. The appraisal shall not include improvements such as buildings, seawalls, and docks.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.