



HOUSE BILL No. 4355

February 24, 1993, Introduced by Reps. London, Joe Young, Jr., Goschka, Jaye and McNutt and referred to the Committee on State Affairs.

A bill 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:

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

4 Sec. 2. The department of ~~conservation shall have no~~
5 ~~power to~~ NATURAL RESOURCES SHALL NOT deed or convey ~~said~~ THE
6 lands ~~—~~ DESCRIBED IN SECTION 1 except as ~~hereinafter~~ provided
7 in sections 2a ~~, 2b, 2c, 2d, 2e, 2f, 2g and 2h~~ TO 2I, but ~~it~~
8 ~~is vested with the power in its discretion to~~ MAY lease lands of
9 the character ~~named~~ DESCRIBED in section 1 ~~of this act,~~ to
10 ~~any~~ A person, firm, society, association, or corporation for
11 the purposes and in the manner ~~hereinafter~~ provided IN THIS
12 ACT. The ~~conservation~~ commission OF NATURAL RESOURCES may ded-
13 icate unleased lands of the character ~~named~~ DESCRIBED in sec-
14 tion 1 ~~of this act~~ for public hunting, fishing, and other rec-
15 reational uses.

16 SEC. 2I. (1) UPON APPLICATION OF AN INDIVIDUAL, PARTNER-
17 SHIP, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY THAT HOLDS
18 A LEASE FROM THIS STATE OF ANY PORTION OR PORTIONS OF THE REAL
19 PROPERTY DESCRIBED IN SUBSECTION (2), THE DEPARTMENT OF NATURAL
20 RESOURCES MAY EXECUTE AND DELIVER TO THE APPLICANT A DEED CONVEY-
21 ING ALL OF THE RIGHT, TITLE, AND INTEREST OF THIS STATE IN AND TO
22 THAT REAL PROPERTY, SUBJECT TO THE PARAMOUNT RIGHTS OF HUNTING,
23 FISHING, AND NAVIGATION, WHICH REMAIN IN THE GENERAL PUBLIC AND
24 IN THE GOVERNMENT AS RECOGNIZED BY LAW. THE DEEDS SHALL CONTAIN
25 THE SAME PROVISIONS AS TO USE AND OCCUPANCY NOW SET FORTH IN ALL
26 THE LEASES PREVIOUSLY GRANTED UNDER THIS ACT.

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

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

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

9 (C) SNI BORA CHANNEL, LOT 366.

10 (D) LOT 470, MIDDLE CHANNEL SECTION.

11 (E) LOT 471, MIDDLE CHANNEL SECTION.

12 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2), THE DEPARTMENT
13 SHALL NOT GRANT A DEED UNDER THIS SECTION UNLESS THE STRUCTURE
14 AND THE LOT SUBJECT TO THE DEED, INCLUDING SEAWALLS WHERE
15 PRESENT, COMPLY WITH THE APPLICABLE TOWNSHIP BUILDING CODE AND
16 COUNTY AND STATE SANITATION CODES AND THE STRUCTURE IS LOCATED ON
17 A PARCEL OF LAND THAT IS ADEQUATELY PROTECTED FROM EROSION.

18 (4) A DEED GRANTED UNDER THIS SECTION SHALL NOT INCLUDE A
19 PORTION OF THE ORIGINAL LEASE THAT IS SUBMERGED OR LIES BELOW THE
20 ORDINARY HIGH WATER MARK OF LAKE ST. CLAIR WHICH IS 574.5
21 INTERNATIONAL GREAT LAKES DATUM (IGLD 1955). THE DEPARTMENT OF
22 NATURAL RESOURCES SHALL PERFORM A SITE INSPECTION AND SET STAKES,
23 IF NECESSARY, TO IDENTIFY THE BOUNDARIES OF THE AREA OF THE
24 PARCEL TO BE DEEDED. THE APPLICANT MAY BE REQUIRED TO PROVIDE A
25 BOUNDARY SURVEY THAT DELINEATES THE AREA OF THE REAL PROPERTY TO
26 BE DEEDED.

1 (5) A DEED SHALL NOT BE GRANTED UNDER THIS SECTION AT LESS
2 THAN THE FAIR MARKET VALUE OF THE REAL PROPERTY IN ACCORDANCE
3 WITH THE CURRENT DEPARTMENT APPRAISAL PROCEDURES FOR THE ELIGIBLE
4 PARCELS. THE APPRAISAL SHALL NOT INCLUDE IMPROVEMENTS SUCH AS
5 BUILDINGS, SEAWALLS, AND DOCKS.