

Act No. 492
Public Acts of 1998
Approved by the Governor
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Rep. Gernaat

ENROLLED HOUSE BILL No. 6033

AN ACT to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions.

The People of the State of Michigan enact:

Sec. 1. (1) The state administrative board, on behalf of the state, may convey to the county of Oakland, for consideration of not less than fair market value as determined pursuant to subsection (3), or for less than fair market value subject to subsections (6) and (7), and in exchange for an easement at the southernmost section of county owned property that is appropriate to service developed parcels described in section 2, property under the jurisdiction of the department of community health and located in the city of Pontiac, Oakland county, Michigan, and further described as follows:

A parcel of land in the south 1/2 of section 19, town 3 north, range 10 east, City of Pontiac, Oakland county, Michigan and more particularly described as commencing at the southwest corner of said section 19; thence south 89 degrees 15 minutes 33 seconds east 555.42 feet, to the point of beginning of this description; thence north zero degrees 19 minutes 40 seconds west 515.69 feet; thence north 53 degrees 48 minutes 53 seconds west 235.87 feet; thence north 19 degrees 40 minutes 35 seconds east 148.12 feet; thence north zero degrees 08 minutes 40 seconds west 595.43 feet; thence south 86 degrees 45 minutes 45 seconds east 564.40 feet; thence north zero degrees 00 minutes 54 seconds west 754.13 feet; south 79 degrees 46 minutes 59 seconds east 1531.00 feet; thence 211.98 feet, on the arc of a curve to the left with a central angle of 21 degrees 11 minutes 27 seconds, a radius of 573.14 feet and a long chord bearing and distance of north 21 degrees 46 minutes 23 seconds west 210.77 feet to the southwesterly right-of-way of the Grand Trunk Western Railroad right-of-way; thence south 43 degrees 47 degrees 15 minutes east 1022.11 feet, on said right-of-way; thence south 47 degrees 53 minutes 39 seconds west 1488.46 feet; thence south zero degrees 00 minutes 00 seconds west 319.13 feet; thence north 89 degrees 15 minutes 33 seconds west 1450.00 feet, to the point of beginning, containing 87.95 acres, more or less.

(2) The conveyance of the parcel described in subsection (1) shall not be effective until parcels in section 2 are conveyed under section 2, or 18 months after the effective date of this act, whichever is first. Any conveyance under this section shall be first approved by the director of the department of management and budget.

(3) The fair market value of the property described in subsection (1) shall be determined by an appraisal based on the property's highest and best use, as prepared by the state tax commission or an independent fee appraiser.

(4) The description of the parcel in subsection (1), which is estimated to be 88 acres, is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers

necessary by survey or other legal description. The conveyance of the parcel of land is subject to any easements, rights-of-way, or restrictions if any, and restrictions and easements determined by the director of the department of management and budget and approved by the state administrative board as necessary for the development and use of the remaining parcel or parcels of land owned by the state in the city of Pontiac.

(5) If the property described in subsection (1) is not sold pursuant to subsection (1) within 21 months after the effective date of this act, the director shall offer the property for sale for fair market value first to local government and then through open bid or by broker contract.

(6) If the property described in subsection (1) is not sold pursuant to subsection (5), the director of the department of management and budget with the concurrence of the state administrative board may do any of the following:

(a) Order a reappraisal of the property.

(b) Withdraw the property from sale.

(c) Determine that the property should be sold for less than fair market value because it is not in the best interest of the state to continue to hold and maintain the property.

(7) Any conveyance of the property described in this section for less than fair market value shall provide for both of the following:

(a) That the property shall be used exclusively for public purposes and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities; and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(8) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general. The conveyance shall not reserve the mineral rights to the state; however, the conveyance shall provide that if the grantee derives any revenue from the development of any minerals found on, within, or under the conveyed property, the grantee shall pay 1/2 of that revenue to the state, for deposit in the state general fund.

Sec. 2. (1) The state administrative board, on behalf of the state, may convey for consideration of not less than fair market value as determined pursuant to subsection (2), or for less than fair market value subject to subsections (7) and (8), all or a portion of 2 parcels of property now under the jurisdiction of the department of community health and located in the city of Pontiac, Oakland county, Michigan, and further described as follows:

Starting at a point on the property line along Telegraph Road approximately 1300 feet north of the intersection of Elizabeth Lake Road and Telegraph Road; thence in an easterly direction approximately 1800 feet; thence in a southerly direction approximately 500 feet; thence in an easterly direction approximately 1600 feet; thence in a northeasterly direction approximately 924 feet; thence in a northwesterly direction parallel with the Grand Trunk Western Railroad approximately 2100 feet; thence in a northeasterly direction approximately 1000 feet to the Grand Trunk Western Railroad right-of-way; thence in a southeasterly direction along the Grand Trunk Western Railroad right-of-way approximately 3500 feet to the property line along Johnson Avenue; thence in a southwesterly direction along the property line on Johnson Avenue to the property line along Elizabeth Lake Road thence in a westerly direction along the property line on Elizabeth Lake Road to Telegraph Road; thence north to the point of beginning; and excluding the following parcels, the parcel on Johnson Avenue which is under the jurisdiction of the department of military affairs, and the parcels facing Elizabeth Lake Road and recorded in the Oakland County Register of Deeds liber 9346, pages 99 through 103; liber 12850, page 305; liber 10942, pages 245 through 247; and liber 10529, pages 626 through 629.

and

A parcel of land in sections 19 and 30, town 3 north, range 10 east, City of Pontiac, Oakland County, Michigan and more particularly described as commencing at the southwest corner of said section 19; thence south 89 degrees 15 minutes 33 seconds east 1453.02 feet, to the point of beginning of this description; thence south 89 degrees 15 minutes 33 seconds east 552.40 feet; thence north zero degrees 00 minutes 00 seconds east 319.13 feet; thence north 47 degrees 3 minutes 39 seconds east 488.46 feet; thence south 43 degrees 47 minutes 15 seconds 2100.00 feet; thence south 23 degrees 13 minutes 36 seconds west 924.20 feet; thence north 89 degrees 15 minutes 33 seconds west 1600.00 feet; thence north zero degrees 13 minutes 24 seconds west 500.00 feet; thence north 89 degrees 15 minutes 33 seconds west 396.98 feet; thence north zero degrees 13 minutes 24 seconds west 1200.00 feet, to the point of beginning, containing 84.94 acres, more or less.

(2) The fair market value of the property described in subsection (1) shall be determined by an appraisal based on the property's highest and best use, as prepared by the state tax commission or an independent fee appraiser.

(3) The description of the parcels in subsection (1), which is estimated to be 220 acres, is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description. These parcels of land are subject to any easements, rights-of-way, or restrictions, if any, and restrictions and easements determined by the director of the department of management and budget and approved by the state administrative board as necessary for the development and use of the remaining parcel or parcels of land owned by the state in the city of Pontiac.

(4) For 18 months after the effective date of this act, any plan for reusing the property and the conveyance and development of the property shall be done in partnership by the city of Pontiac and the state of Michigan. The city of Pontiac, through a statutory authorized development agency or agencies, including the economic development corporation, shall act as an agent of the state or the state may option the land to the city of Pontiac for disposition of the property, in whole or in part. Any conveyance under this section shall be first approved by the director of the department of management and budget in accordance with subsection (5).

(5) The city of Pontiac and the state of Michigan, in partnership, and within 60 days after the effective date of this act, shall develop a request for proposals to develop parcels described in subsection (1), addressing: possible public purposes, financial structure/ownership, highest and best use, and maximizing the tax base, consistent with securing or approaching fair market value, which shall not conflict with the city of Pontiac's plan 2010 as amended. The request for proposals shall be sent to the director of the department of management and budget, and the director must approve or offer reasons for denial within 30 days of receipt. Response to the request for proposal shall be received within 6 months after the effective date of this act and be reviewed by the city of Pontiac and the director within 9 months after the effective date of this act. The director must approve or offer reasons for denial of the recommended proposal within 30 days of receipt. A denial by the director of submitted request for proposal or recommended proposal shall extend all subsequent dates by 30 days. Any other extension of dates may be approved by the director.

(6) If the property described in subsection (1) is not sold pursuant to subsection (4) within 18 months after the effective date of this act, the director of the department of management and budget may offer the property for sale for fair market value first to local government and then through open bid or by broker contract.

(7) If the property described in subsection (1) is not sold pursuant to subsection (6), the director of the department of management and budget with the concurrence of the state administrative board may do any of the following:

(a) Order a reappraisal of the property.

(b) Withdraw the property from sale.

(c) Determine that the property should be sold for less than fair market value because it is not in the best interest of the state to continue to hold and maintain the property.

(8) Any conveyance of the property described in this section for less than fair market value shall provide for both of the following:

(a) That the property shall be used exclusively for public purposes and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities; and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(9) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general. The conveyance shall not reserve the mineral rights to the state; however, the conveyance shall provide that if the grantee derives any revenue from the development of any minerals found on, within, or under the conveyed property, the grantee shall pay 1/2 of that revenue to the state, for deposit in the state general fund.

Sec. 3. (1) The state administrative board, on behalf of the state, may convey for consideration of not less than fair market value as determined pursuant to subsection (2), or for less than fair market value subject to subsections (5) and (6), all or a portion of property now under the jurisdiction of the department of community health and located in the city of Pontiac, Oakland county, Michigan, commonly known as the Clinton Valley Center, Fairlawn center campus, and further described as follows:

A parcel of land in the NW 1/4 of section 30, T3N, R10E, City of Pontiac, Oakland County, Michigan and more particularly described as commencing at the northwest corner of said section 30; thence S00°00'00"W 2482.90 feet; thence S90°00'00"E 1396.89 feet, to the point of beginning of this description on the northerly right of way line of Elizabeth Lake Road; thence N00°13'24"W 1264.98 feet; thence N89°15'33"W 887.40 feet; thence N00°13'24"W 1200.00 feet; thence S89°15'33"E 953.02 feet; thence S00°13'24"E 2451.81 feet, to the northerly right of way line of Elizabeth Lake Road; thence S79°21'30"W 66.71 feet, on said right of way to the point of beginning, containing 28.15 acres.

(2) The fair market value of the property described in subsection (1) shall be determined by an appraisal prepared by the state tax commission or an independent fee appraiser.

(3) The description of the property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description.

(4) The director of management and budget shall offer the property described in this section for sale on the open market for fair market value or by broker contract.

(5) If the property described in subsection (1) is not sold pursuant to subsection (4) and fails to sell at a public sale for fair market value, the director of management and budget with the concurrence of the state administrative board may do any of the following:

- (a) Order a reappraisal of the property.
- (b) Withdraw the property from sale.
- (c) Offer the property for sale for less than fair market value.

(6) Any conveyance of the property described in this section for less than fair market value shall provide for both of the following:

(a) That the property shall be used exclusively for public purposes and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities; and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(7) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general. The conveyance shall not reserve the mineral rights to the state; however, the conveyance shall provide that if the grantee derives any revenue from the development of any minerals found on, within, or under the conveyed property, the grantee shall pay 1/2 of that revenue to the state, for deposit in the state general fund.

Sec. 4. (1) The state administrative board, on behalf of the state, may convey, for consideration of not less than fair market value as determined pursuant to subsection (3) or for less than fair market value subject to subsection (4), all of the property commonly known as Brown Hall, which is under the jurisdiction of the department of education and located in the city of Flint, Genesee county, Michigan, and is further described as follows:

A parcel of land located in Section 8 of Indian Reservation of 11 Sections at near The Grand Traverse on Flint River, City of Flint, Genesee County, Michigan; the surveyed boundary being described as Commencing at the Southwest corner of Section 24, Town 7 North, Range 6 East, City of Flint, Genesee County, Michigan; thence North 89 degrees 32 minutes 40 seconds East along the South line of said Section 24 a distance of 946.72 feet; thence North 00 degrees 27 minutes 20 seconds West perpendicular to the South line of said Section 24 a distance of 5,249.20 feet to the Northeast corner of The Plat of Woodcroft No. 1 as recorded in Liber 8, Pages 34-36 of Genesee County Records; thence North 58 degrees 29 minutes 55 seconds East a distance of 1,103.54 feet along the centerline of Miller Road as established by the Michigan Department of Transportation (recorded as North 58 degrees 51 minutes 00 seconds East, 1,103.54 feet); thence continuing along said centerline on a curve to the left 426.00 feet, said curve having a central angle of 38 degrees 18 minutes 00 seconds, a radius of 637.27 feet, a chord of 418.11 feet bearing North 39 degrees 20 minutes 55 seconds East (recorded as radius of 637.27 feet, chord 418.10 feet bearing North 39 degrees 42 minutes 00 seconds East); thence North 20 degrees 11 minutes 55 seconds East continuing along said centerline a distance of 244.83 feet (recorded as North 20 degrees 33 minutes 00 seconds East 244.83 feet); thence continuing on said centerline on a curve to the right 345.46 feet, said curve having a central angle of 31 degrees 03 minutes 35 seconds, a radius of 637.27 feet, a chord of 341.25 feet bearing North 35 degrees 43 minutes 40 seconds East (recorded as radius of 637.27 feet, chord 341.23 feet bearing North 36 degrees 04 minutes 45 seconds East); thence North 51 degrees 15 minutes 25 seconds East continuing along said centerline a distance of 162.30 feet (recorded as North 51 degrees 36 minutes 30 seconds East 158.66 feet) to a point on the centerline of Court Street as established by the Michigan Department of Transportation; thence South 89 degrees 53 minutes 35 seconds East along the centerline of said Court Street a distance of 831.03 feet (recorded as South 89 degrees 32 minutes 30 seconds East 837.65 feet); thence North 58 degrees 28 minutes 55 seconds East along the centerline of said Court Street a distance of 52.18 feet (recorded as North 58 degrees 50 minutes 00 seconds East); thence South 31 degrees 51 minutes 45 seconds East a distance of 50.00 feet to the Southerly right of way line of Court Street and the point of beginning of this description; thence North 58 degrees 28 minutes 55 seconds East along the Southerly line of Court Street (recorded as North 58 degrees 50 minutes 00 seconds East) a distance of 248.00 feet; thence South 31 degrees 31 minutes 05 seconds East perpendicular to the Southerly right of way line of Court Street a distance of 343.24 feet; thence South 21 degrees 37 minutes 55 seconds West a distance of 186.15 feet; thence North 44

degrees 41 minutes 55 seconds West a distance of 154.71 feet (recorded as North 44 degrees 00 minutes 10 seconds West 154.71 feet); thence South 60 degrees 59 minutes 50 seconds West a distance of 28.99 feet (recorded as South 61 degrees 41 minutes 37 seconds West 28.99 feet); thence North 59 degrees 50 minutes 20 seconds West a distance of 70.27 feet (recorded as North 59 degrees 08 minutes 34 seconds West 70.27 feet); thence North 31 degrees 51 minutes 45 seconds West a distance of 241.12 feet (recorded as North 31 degrees 10 minutes 00 seconds West) to the point of beginning; said parcel containing 2.086 acres.

Subject to all easements and restrictions of use or record.

(2) The description of the parcel in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The fair market value of the property described in subsection (1) shall be the price determined by an appraisal as prepared by the state tax commission or an independent fee appraiser or the price as established by competitive solicitation.

(4) A conveyance authorized by this section for less than fair market value shall provide for both of the following:

(a) That the property shall be used exclusively for a public purpose, and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

Sec. 5. In addition to the purposes permitted in 1998 PA 363, the conveyance of property previously under the jurisdictions of the department of natural resources located in Higgins Township, in Roscommon county, Michigan, and further described as follows:

T 24. R 2W, Section 7: S.E. 1/4 N.W. 1/4
may also be used for wildlife education purposes.

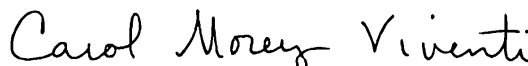
Sec. 6. (1) The net revenue received under sections 1 to 4 shall be deposited in the state treasury and credited to the general fund.

(2) For the purposes of this act, "net revenue" means the proceeds from the sale of the property described in sections 1 to 4 less reimbursement for any costs to the state associated with the sale of that property.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.