

Legislative Analysis



EMMET COUNTY CONVEYANCE

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House Bills 5257 and 5258

Sponsor: Rep. Scott Shackleton

Committee: Regulatory Reform

Complete to 2-23-04

A SUMMARY OF HOUSE BILLS 5257 and 5258 AS INTRODUCED 11-5-03

House Bill 5257 would authorize the Department of Natural Resources to convey a parcel of land to the City of Petoskey in Emmet County for \$1. The conveyance would have to provide that the property is to be used exclusively as a linear park, including trolley service, foot and bike paths, and passenger rail service. The conveyance also would provide that if fees, terms or conditions were imposed on the public for use of the property (or if waivers from fees, terms, or conditions were provided), residents and nonresidents would have to be treated alike. Conveyance of the property would be by quitclaim deed approved by the attorney general and would not reserve mineral rights to the state.

Upon termination of the permitted use, the state could re-enter and repossess the property. If the grantee disputed the state's exercise of its right of re-entry and failed to promptly deliver possession of the property to the state, the attorney general could bring an action to quiet title and regain possession of the property.

House Bill 5258 would amend the State Transportation Preservation Act of 1976 to exempt the conveyance described above from the act's restrictions. House Bill 5258 is tie-barred to House Bill 5257.

The property in question is described in the bills as "that portion of state-owned rail property, and the tracks on that property, located in the City of Petoskey from the westerly boundary line of the Emmet Street right-of-way to the north end of the state-owned right-of-way."

FISCAL IMPACT:

The bills would have no fiscal implications to the state or to local units.

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