

# HOUSE BILL No. 5207

July 16, 2009, Introduced by Rep. Robert Jones and referred to the Committee on Commerce.

A bill to authorize the state administrative board to accept and convey certain real property in Kalamazoo county; to prescribe certain conditions for the acceptance and conveyance; and to provide for disposition of the revenue derived from the conveyance.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. The state administrative board, on behalf of the  
2 state, subject to and contingent upon the conveyance of the  
3 property to western Michigan university as provided in section 2,  
4 may accept from western Michigan university, for consideration of  
5 \$1.00, certain real property that was originally conveyed to  
6 western Michigan university in the June 25, 1978 quitclaim deed to  
7 western Michigan university recorded in Liber 1059 page 1057,  
8 Kalamazoo county records, and is located in Kalamazoo county,  
9 Michigan, and more particularly described as:

1 (a) All that part of the southeast 1/4 of section 25 lying  
2 easterly of the east right of way line of highway U.S. 131  
3 relocated which is described as: commencing at the east 1/4 corner  
4 of section 25; thence north  $00^{\circ} 16' 40''$  east, 915.61 feet; thence  
5 south  $74^{\circ} 09' 21''$  west, 600.56 feet; thence south  $15^{\circ} 50' 39''$  east,  
6 78.00 feet to a point of beginning; thence south  $38^{\circ} 24' 10''$  west,  
7 194.65 feet; thence south  $15^{\circ} 25' 14''$  west, 313.38 feet; thence  
8 south  $74^{\circ} 34' 46''$  east, 25.00 feet; thence south  $15^{\circ} 25' 14''$  west,  
9 500.00 feet; thence north  $74^{\circ} 34' 46''$  west, 25.00 feet; thence  
10 south  $15^{\circ} 25' 14''$  west, 329.65 feet; thence south  $01^{\circ} 46' 06''$  west,  
11 425.63 feet; thence south  $07^{\circ} 39' 46''$  east, 624.84 feet; thence  
12 south  $10^{\circ} 54' 46''$  east, 418.39 feet to the point of curvature of a  
13 curve to the left (radius 2761.79 feet) and being concentric to and  
14 103.00 feet easterly of the center line of the northbound roadway  
15 of highway U.S. 131 relocated; thence southeasterly along the arc  
16 of said curve 670 feet, more or less, to the center line of  
17 Parkview avenue and a point of ending; excepting therefrom the  
18 south 75 feet of the southeast 1/4 of section 25 lying easterly of  
19 the east right of way line of said highway U.S. 131 relocated.

20 (b) Also all of that part of the northeast 1/4 of section 25,  
21 T2S, R12W, described in this subdivision which lies easterly of the  
22 east right of way line of highway U.S. 131 relocated as described  
23 in subdivision (a): beginning at the east 1/4 corner of section 25;  
24 thence north along the east line of section 25, 62.0 feet; thence  
25 south  $89^{\circ} 17' 15''$  west, 987.5 feet parallel to the east-west 1/4  
26 line of section 25; thence south parallel to the east line of  
27 section 25, 62.0 feet; thence north  $89^{\circ} 17' 15''$  east, 987.5 feet

1 along the east-west 1/4 line of section 25 to the point of  
2 beginning.

3       Sec. 2. The description of the parcel in section 1 is  
4 approximate and for purposes of the conveyances is subject to  
5 adjustment as the state administrative board or attorney general  
6 considers necessary by survey or other legal description.

7       Sec. 3. The state administrative board, on behalf of the  
8 state, after receiving the conveyance authorized in section 1, may  
9 convey to western Michigan university, for consideration of \$1.00,  
10 the real property described in section 1.

11       Sec. 4. The conveyance authorized by section 3 shall provide  
12 for all of the following:

13       (a) The property shall be used exclusively for the purpose of  
14 expanding and improving the business technology and research park  
15 located on western Michigan university's parkview campus, and if  
16 any fee, term, or condition for the use of the property is imposed  
17 on members of the public, or if any of those fees, terms, or  
18 conditions are waived for use of this property, resident and  
19 nonresident members of the public shall be subject to the same  
20 fees, terms, conditions, and waivers.

21       (b) In the event of activity inconsistent with subdivision  
22 (a), the state may reenter and repossess the property, terminating  
23 the grantee's estate in the property.

24       (c) If the grantee disputes the state's exercise of its right  
25 of reentry and fails to promptly deliver possession of the property  
26 to the state, the attorney general, on behalf of the state, may  
27 bring an action to quiet title to, and regain possession of, the

1 property.

2 (d) If the state reenters and repossesses the property, the  
3 state shall not be liable to reimburse any party for any  
4 improvements made on the property.

5 Sec. 5. The conveyance of property under section 3 shall  
6 provide that the state reserves all aboriginal antiquities  
7 including mounds, earthworks, forts, burial and village sites,  
8 mines, and other relics, on, within, or under the property, with  
9 power to the state, and all others acting under its authority, to  
10 enter the property for any purpose related to exploring,  
11 excavating, and taking away aboriginal antiquities.

12 Sec. 6. The conveyance authorized by section 3 shall be by  
13 quitclaim deed or other instrument approved by the attorney  
14 general.

15 Enacting section 1. This act does not take effect unless all  
16 of the following bills of the 95th Legislature are enacted into  
17 law:

18 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5205 (request no.  
19 02738'09).

20 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5206 (request no.  
21 02740'09).