

**SUBSTITUTE FOR
SENATE BILL NO. 881**

A bill to authorize the department of technology, management, and budget to convey parcels of state-owned property in Baraga, Bay, Calhoun, Gratiot, Lenawee, Manistee, and Van Buren Counties; to prescribe conditions for the conveyances; to provide for powers and duties of state departments, agencies, and officers in regard to the property; and to provide for disposition of revenue derived from the conveyances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The department of technology, management, and
2 budget, on behalf of this state, may convey by quitclaim deed or
3 transfer by affidavit of jurisdictional transfer all or portions of
4 real property owned by this state that, on the effective date of
5 this act, is under the jurisdiction of the department of state

1 police. The real property that may be conveyed or transferred under
2 this subsection is described as follows:

3 BARAGA COUNTY-L'ANSE POST

4 Parcel 1

5 Starting at the Iron Pin marking the S.E. Corner of the N.W. $\frac{1}{4}$ of
6 the N.W. $\frac{1}{4}$ of Section 9, T 50 N, R 33 W, thence N $0^{\circ} 18' W$ 883.1
7 feet to a point on the tangent of U.S. 41, thence S $44^{\circ} 18' 30'' E$
8 750 feet, thence N $44^{\circ} 18' 30'' E$ 75 feet to the point of beginning,
9 thence N $44^{\circ} 18' 30'' E$ 125 feet, thence S $44^{\circ} 18' 30'' E$ 75 feet,
10 thence S $44^{\circ} 18' 30'' W$ 125 feet, thence N $44^{\circ} 18' 30'' W$ 75 feet to
11 the point of beginning, containing approximately 0.22 acres more or
12 less.

13 Parcel 2

14 A parcel of land located in the Village of L'Anse, Michigan, Part
15 of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 9, T50N, R33W. Described as
16 follows: Commencing at the SW corner of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec.
17 9; thence N $0^{\circ}-18'W$ a distance of 883.1 ft; thence S $44^{\circ}-18'30''E$ a
18 distance of 750.0 ft; thence N $45^{\circ}-41'-30'' E$ a distance of 200.0
19 ft; thence S $44^{\circ}-19'E$ a distance of 15.0 ft. to the P.O.B. of
20 described parcel; thence N $45^{\circ}-41'E$ a distance of 48.5 ft; thence S
21 $44^{\circ}-19'E$ a distance of 17.4 ft; thence S $89^{\circ}-19'E$ a distance of 18.0
22 ft; thence S $0^{\circ}-18'W$ a distance of 42.0 ft; thence S $45^{\circ}-41'W$ a
23 distance of 31.7 ft; thence N $44^{\circ}-19'W$ a distance of 60.0 ft. to
24 the P.O.B. Described parcel contains 0.07 acres more or less.

1 BAY COUNTY-BAY CITY POST

2 Lots 1, 2, 3, 4, 23, 24, 25, 26, Block 1, Lennox Park, Bangor
3 Township, Bay County, Michigan.

4 CALHOUN COUNTY-PARCEL A

5 Lot Number Two Hundred Twenty-Seven (#227) of Greenlawn Addition,
6 according to the recorded plat thereof. Battle Creek Township,
7 Calhoun County, Michigan.

8 CALHOUN COUNTY-PARCEL B-BATTLE CREEK POST PARKING LOT

9 Commencing on the West line of the Plat of Greenlawn in Section 14,
10 Town 2 South, Range 8 West, and on North line of U. S. 12 Highway,
11 thence North along the West line of said Greenlawn 247 feet, thence
12 Westerly parallel with the North line of Highway U. S. 12, 50 feet,
13 thence South parallel with West line of Greenlawn 247 feet to the
14 said North line of U. S. 12 Highway, thence Easterly along same 50
15 feet to the place of beginning. Battle Creek Township, Calhoun
16 County, Michigan.
17 Subject to right of way in favor of State Highway Commissioner of
18 the State of Michigan as appears in Liber 374 at Page 384.

19 GRATIOT COUNTY-ITHACA POST

20 The South Ten (10) Acres of the West Twenty-five (25) Acres of the
21 Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of
22 Section Thirty (30), Town Eleven (11) North, Range Two (2) West,
23 Emerson Township, Gratiot County, Michigan.

LENAWEE COUNTY-PARCEL A-ADRIAN POST

1
2 A parcel of land in the S.E. 1/4 of Section 26, T6S, R3E, Lenawee
3 County, Michigan and more specifically described as: Commencing at
4 the E 1/4 corner of said Section 26; thence S00°54'25"E 1565.14
5 feet on the east line of said Section 26; thence West 46.29 feet,
6 to the westerly right-of-way of N. Adrian Highway (M-52) and the
7 point of beginning of this description; thence WEST 220.68 feet;
8 thence SOUTH 360.00 feet; thence EAST 183.01 feet, to the westerly
9 right-of-way of N. Adrian Highway; thence 336.36 feet, along the
10 westerly right-of-way of N. Adrian Highway on a curve to the left
11 with a central angle of 13°56'28", a radius of 1382.39 feet and a
12 long chord bearing and distance of N06°29'09"E 335.53 feet; thence
13 N00°29'05"W 26.62 feet, on the westerly right-of-way of said
14 highway to the point of beginning. The above described parcel
15 contains 1.7331 acres, more or less.

16 Excepted from the preceding parcel is the following land:

17 A parcel of land in the SE 1/4 of section 26, T6S, R3E, City of
18 Adrian, Lenawee County, Michigan, more particularly described as
19 commencing at the E 1/4 corner of said section 26; thence
20 S00°54'25"E, along the east line of said section 26, a distance of
21 1564.41 feet; thence S89°42'25"W 266.76 feet; thence S00°02'42"W
22 254.76 feet; thence N89°21'41"E 35.55 feet, to the point of
23 beginning of this description; thence continuing N89°21'41"E 80.00
24 feet; thence S00°38'19"E 51.00 feet; thence S89°21'41"W 80.00 feet;
25 thence N00°38'19"W 51.00 feet, to the point of beginning.

1 And the parcel is subject to the following access easement:
2 Commencing at the E 1/4 corner of section 26, T6S, R3E, City of
3 Adrian, Lenawee County, Michigan; thence S00°54'25"E 1564.41 feet,
4 on the east line of said section 26; thence S89°42'25"W 46.04 feet,
5 to the westerly right of way line of Michigan highway M-52; thence
6 S00°29'05"E 26.62 feet, on said right of way; thence 227.88 feet,
7 on the arc of a curve to the right with a central angle of
8 09°26'41", a radius of 1382.39 feet, and a long chord bearing and
9 distance of S04°14'15"W 227.62 feet, on said right of way to the
10 point of beginning of this easement description; thence S89°21'41"W
11 88.79 feet; thence S00°38'19"E 51.00 feet; thence N89°21'41"E 79.17
12 feet, to said westerly M-52 right of way; thence 51.90 feet, on the
13 arc of a curve to the left with a central angle of 02°09'04", a
14 radius of 1382.39 feet and a long chord bearing and distance of
15 N10°02'08"E 51.90 feet, on said right of way to the point of
16 beginning.

17 MANISTEE COUNTY-MANISTEE POST

18 Commencing on the Westerly right-of-way line of Highway U.S. 31 at
19 a point 27 feet South of the Southeast corner of Lot "I" of S. C.
20 Thompson's Addition to the City of Manistee, Michigan, thence South
21 82° 33' West 174.2 feet to the Westerly line of Lot "K", thence
22 North 28° West along the Westerly line of Lot "K" of S. C.
23 Thompson's Addition 15.7 feet to the Southwest corner of Lot "I"
24 and the Northwest corner of Lot "K" of S. C. Thompson's Addition,
25 thence South 78° 30' West 44 feet, thence North 36° West 97.5 feet
26 to the Northwesterly corner of the description, thence North 82°33'

1 East 272 feet to an intersection with the Westerly right-of-way
2 line of Highway U. S. 31, thence south 6° 22' East 100 feet along
3 said Westerly right-of-way line to the place of beginning: said
4 parcel being a part of Lots "H" and "K", and all of Lot "I", of S.
5 C. Thompson's Addition to the City of Manistee, Manistee County,
6 Michigan.

7 VAN BUREN COUNTY-SOUTH HAVEN POST PARKING LOT

8 Lots 2 and 3 of Block 1, Ravinia Park Addition to the City of South
9 Haven and also that part of Lot 35 of the Merrill Addition to the
10 City of South Haven that is described as beginning at a point on
11 the South Line of Lot 35, Assessor's Plat of the Merrill Addition
12 to South Haven that is 41 feet West of the Southeast corner of Lot
13 35; thence North 22°46'10" East 64.99 feet to the Northerly line of
14 Lot 35; thence Southwesterly 79.70 feet, more or less, to the West
15 corner of Lot 35; thence East along the South line of Lot 35 a
16 distance of 77.00 feet to the point of beginning.

17 (2) The department of technology, management, and budget, on
18 behalf of this state, shall convey the following described property
19 by quitclaim deed to the village of Blissfield for the
20 consideration of \$1.00:

21 Premises situated in the Village of Blissfield in the County of
22 Lenawee, in the State of Michigan, to-wit: part of Lot Number Three
23 (3) of Feedback's Addition to the Village of Blissfield as per
24 recorded Plat thereof, described as follows: beginning at the

1 Southeast corner of said Lot Number Three (3) thence Northerly
2 along the Easterly line of said Lot Number Three (3) fifty (50)
3 feet; thence westerly at right angles eighty (80) feet; thence
4 southerly at right angles fifty (50) feet; thence easterly at right
5 angles eighty (80) feet to the place of beginning.

6 (3) The descriptions of the property in subsections (1) and
7 (2) are approximate and, for purposes of a conveyance under this
8 act, may be adjusted as the department of technology, management,
9 and budget or the department of attorney general considers
10 necessary because of a survey or another legal description.

11 (4) The department of technology, management, and budget may
12 transfer property described in subsection (1) with or without
13 consideration through jurisdictional transfer to another state
14 agency. If property is transferred under this subsection, the
15 transfer must be made by an affidavit of jurisdictional transfer in
16 recordable form rather than by quitclaim deed.

17 (5) The department of technology, management, and budget may
18 take the necessary steps to convey real property described in
19 subsection (1) using any of the following means:

20 (a) Any publicly disclosed competitive method of sale,
21 selected to realize the fair market value to this state, as
22 determined by the department of technology, management, and budget.

23 (b) Offering the property for sale for fair market value to 1
24 or more units of local government in which the property is located.

25 (c) Exchanging some or all of the property for other real
26 property if the other real property is determined by the department

1 of technology, management, and budget to be of reasonably equal
2 value to this state.

3 (d) Offering the property for sale for less than fair market
4 value to the units of local government in which the property is
5 located, subject to the following conditions:

6 (i) If a unit of local government makes an offer to purchase
7 the property that is accepted by the department of technology,
8 management, and budget, the unit of local government shall enter
9 into a purchase agreement within 60 days after making the offer and
10 complete the conveyance within 180 days after making the offer. The
11 department of technology, management, and budget may extend the
12 time to complete the conveyance as needed.

13 (ii) The property must be used exclusively for public use for
14 30 years after the conveyance, subject to subsection (13). If a
15 fee, term, or condition is imposed on members of the public for use
16 of the property, or if such a fee, term, or condition is waived,
17 all members of the public must be subject to the same fees, terms,
18 conditions, and waivers. The public use restriction must be
19 included in the deed.

20 (iii) If the unit of local government intends to convey the
21 property within 30 years after the conveyance, the unit of local
22 government must first offer the property for sale, in writing, to
23 this state, which may purchase the property at the original sale
24 price. The unit of local government shall provide this state 120
25 days to consider reacquiring the property. If this state agrees to
26 reacquire the property, this state is not liable to any person for
27 improvements to or liens placed on the property. If this state

1 declines to reacquire the property, the public use restrictions
2 described in subparagraph (ii) remain in effect.

3 (iv) If the unit of local government retains the property for
4 30 years after the conveyance, the public use restrictions under
5 subparagraphs (ii) and (iii) automatically terminate, except as
6 provided in subsection (13).

7 (v) The department of technology, management, and budget may
8 require the unit of local government to reimburse this state at
9 closing for costs demonstrably incurred by this state that were
10 necessary to prepare the property for conveyance.

11 (e) Transferring the property to the land bank fast track
12 authority created by section 15 of the land bank fast track act,
13 2003 PA 258, MCL 124.765.

14 (6) The department of technology, management, and budget shall
15 not convey property under this section unless the conveyance and
16 the terms of the conveyance have been approved by the state
17 administrative board.

18 (7) If real property is to be sold for fair market value under
19 this section, the fair market value must be determined by an
20 independent fee appraisal prepared for the department of
21 technology, management, and budget, or by an appraiser who is an
22 employee or contractor of this state.

23 (8) The state agency with jurisdiction over real property
24 conveyed or transferred under this section is responsible for all
25 expenses of maintaining the property until the time of conveyance
26 or transfer.

27 (9) A deed or affidavit of jurisdictional transfer authorized

1 by this section must be approved as to legal form by the department
2 of attorney general.

3 (10) Real property conveyed or transferred under this section
4 includes all surplus, salvage, and personal property or equipment
5 remaining on the property on the date of the conveyance or
6 transfer.

7 (11) This state shall not reserve oil, gas, or mineral rights
8 to property conveyed under this section. However, the conveyance
9 authorized under this act must provide that, if the grantee or any
10 successor develops any oil, gas, or minerals found on, within, or
11 under the conveyed property, the grantee or any successor must pay
12 this state 1/2 of the gross revenue generated from the development
13 of the oil, gas, or minerals. A payment under this subsection must
14 be deposited in the general fund.

15 (12) A conveyance under this section must reserve to this
16 state all aboriginal antiquities, including mounds, earthworks,
17 forts, burial and village sites, mines, or other relics lying on,
18 within, or under the property, with power to this state and all
19 others acting under its authority to enter the property for any
20 purpose related to exploring, excavating, and taking away the
21 aboriginal antiquities.

22 (13) If property conveyed under this section was used by this
23 state as a historical monument, memorial, burial ground, park, or
24 protected wildlife habitat area, the grantee or any successor shall
25 maintain and protect the property for that purpose in perpetuity in
26 accordance with applicable law.

27 (14) The department of technology, management, and budget

1 shall deposit the net revenue received from the sale of property
2 under this section in the state treasury. The state treasurer shall
3 credit the money deposited to the general fund.

4 (15) If property conveyed under this section is used in a
5 manner that violates any of the restrictions imposed under
6 subsection (5) (d), (11), (12), or (13), this state may reenter and
7 take the property, terminating the grantee's or any successor's
8 estate in the property. An action to regain possession of the
9 property under this section may be brought and maintained by the
10 attorney general on behalf of this state.

11 (16) If this state reenters and repossesses property under
12 subsection (15), this state is not liable to reimburse any person
13 for any improvements made on the property or to compensate any
14 person for any part of an unfulfilled contract or license issued to
15 provide goods or services on or for the property.

16 (17) The department of technology, management, and budget may
17 require a grantee of property conveyed under this section to record
18 the instrument of conveyance or jurisdictional transfer with the
19 appropriate register of deeds and provide the department of
20 technology, management, and budget with a recorded copy of the
21 recorded instrument.

22 (18) As used in this section:

23 (a) "Fair market value" means the highest estimated price that
24 the property will bring if offered for sale on the open market,
25 allowing a reasonable time to find a purchaser who would buy with
26 knowledge of the property's possible uses.

27 (b) "Net revenue" means the proceeds from the sale of the

1 property less reimbursement for any costs to the department of
2 technology, management, and budget associated with the sale,
3 including, but not limited to, administrative costs, including
4 employee wages, salaries, and benefits; costs of reports and
5 studies and other materials necessary to the preparation of sale;
6 environmental remediation; legal fees; and any litigation costs
7 related to the conveyance.

8 (c) "Public use" means, subject to subdivision (d), actual use
9 of the property by members of the public or actual use by the unit
10 of local government for any of the following:

11 (i) Publicly owned and operated correctional facilities.

12 (ii) Law enforcement purposes.

13 (iii) Emergency management response purposes.

14 (iv) Public educational use.

15 (v) Public transportation.

16 (vi) Public parks and recreational areas.

17 (vii) Public health uses.

18 (viii) Wildlife conservation or restoration.

19 (d) "Public use" does not include use by a for-profit
20 enterprise or any use that is closed to the public.

21 (e) "Unit of local government" means a township, village,
22 city, county, school district, intermediate school district, or
23 community college district.