

# SENATE BILL No. 881

April 13, 2016, Introduced by Senators NOFS and ZORN and referred to the Committee on Local Government.

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  
6 police. The real property that may be conveyed or transferred under

1 this subsection is described as follows:

2 BARAGA COUNTY-L'ANSE POST

3 A parcel of land located in the Village of L'Anse, Michigan, Part  
4 of the S½ of NE¼ of the NW¼, Section 9, T50N, R33W. Described as  
5 follows: Commencing at the SW corner of said NE¼ of the NW¼, Sec.  
6 9; thence N0°-18'W a distance of 883.1 ft; thence S 44°-18'30"E a  
7 distance of 750.0 ft; thence N 45°-41'-30" E a distance of 200.0  
8 ft; thence S 44°-19'E a distance of 15.0 ft. to the P.O.B. of  
9 described parcel; thence N 45°-41'E a distance of 48.5 ft; thence S  
10 44°-19'E a distance of 17.4 ft; thence S89°-19'E a distance of 18.0  
11 ft; thence S 0°-18'W a distance of 42.0 ft; thence S 45°-41'W a  
12 distance of 31.7 ft; thence N 44°-19'W a distance of 60.0 ft. to  
13 the P.O.B. Described parcel contains 0.07 acres more or less.

14 BAY COUNTY-BAY CITY POST

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

17 CALHOUN COUNTY-PARCEL A

18 The north one-half of Lot Number Two Hundred Twenty-four (#224) and  
19 all of Lots Numbered Two Hundred Twenty-five (#225) and Two Hundred  
20 Twenty-six (#226) of Greenlawn Addition, according to the recorded  
21 plat thereof. Battle Creek Township, Calhoun County, Michigan.

22 CALHOUN COUNTY-PARCEL B

23 Commencing on the West line of the Plat of Greenlawn in Section 14,

1 Town 2 South, Range 8 West, and on North line of U. S. 12 Highway,  
2 thence North along the West line of said Greenlawn 247 feet, thence  
3 Westerly parallel with the North line of Highway U. S. 12, 50 feet,  
4 thence South parallel with West line of Greenlawn 247 feet to the  
5 said North line of U. S. 12 Highway, thence Easterly along same 50  
6 feet to the place of beginning. Battle Creek Township, Calhoun  
7 County, Michigan.

8 Subject to right of way in favor of State Highway Commissioner of  
9 the State of Michigan as appears in Liber 374 at Page 384.

10 GRATIOT COUNTY-ITHACA POST

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

15 LENAWEE COUNTY-PARCEL A-ADRIAN POST

16 A parcel of land in the S.E. 1/4 of Section 26, T6S, R3E, Lenawee  
17 County, Michigan and more specifically described as: Commencing at  
18 the E 1/4 corner of said Section 26; thence S00°54'25"E 1565.14  
19 feet, on the east line of said Section 26; thence WEST 46.29 feet,  
20 to the westerly right-of-way of N. Adrian Highway (M-52) and the  
21 point of beginning of this description; thence WEST 220.68 feet;  
22 thence SOUTH 360.00 feet; thence EAST 183.01 feet, to the westerly  
23 right-of-way of N. Adrian Highway; thence 336.36 feet, along the  
24 westerly right-of-way of N. Adrian Highway on a curve to the left  
25 with a central angle of 13°56'28", a radius of 1382.39 feet and a

1 long chord bearing and distance of N06°29'09"E 335.53 feet; thence  
2 N00°29'05"W 26.62 feet, on the westerly right-of-way of said  
3 highway to the point of beginning. The above described parcel  
4 contains 1.7331 acres, more or less. All bearings are relative and  
5 referenced to State Highway M-52 right-of-way plans.

6 MANISTEE COUNTY-MANISTEE POST

7 Commencing on the Westerly right-of-way line of Highway U.S. 31 at  
8 a point 27 feet South of the Southeast corner of Lot "I" of S. C.  
9 Thompson's Addition to the City of Manistee, Michigan, thence South  
10 82° 33' West 174.2 feet to the Westerly line of Lot "K", thence  
11 North 28° West along the Westerly line of Lot "K" of S. C.  
12 Thompson's Addition 15.7 feet to the Southwest corner of Lot "I"  
13 and the Northwest corner of Lot "K" of S. C. Thompson's Addition,  
14 thence South 78° 30' West 44 feet, thence North 36° West 97.5 feet  
15 to the Northwesterly corner of the description, thence North 82°33'  
16 East 272 feet to an intersection with the Westerly right-of-way  
17 line of Highway U. S. 31, thence south 6° 22' East 100 feet along  
18 said Westerly right-of-way line to the place of beginning: said  
19 parcel being a part of Lots "H" and "K", and all of Lot "I", of S.  
20 C. Thompson's Addition to the City of Manistee, Manistee County,  
21 Michigan.

22 VAN BUREN COUNTY-PARCEL A

23 Beginning at a point on the South Line of Lot 35, Assessor's Plat  
24 of the Merrill Addition to South Haven, City of South Haven,  
25 Michigan, as recorded in Liber 3 of Plats, Page 88, Van Buren

1 County Records that is 41.00 feet West of the Southeast corner of  
2 Lot 35; thence North 22°46'10" East 64.99 feet to the Northerly  
3 line of Lot 35; thence Southwesterly 79.70 feet, more or less, to  
4 the West corner of Lot 35; thence East along the South line of Lot  
5 35 a distance of 77.00 feet, more or less, to the point of  
6 beginning.

7 VAN BUREN COUNTY-PARCEL B

8 Lots two (2), three (3), four (4) and five (5), Block one (1),  
9 Ravinia Park Addition to the City of South Haven, Van Buren County,  
10 State of Michigan, according to the recorded plat thereof.

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

15 Premises situated in the Village of Blissfield in the County of  
16 Lenawee, in the State of Michigan, to-wit: part of Lot Number Three  
17 (3) of Feeback's Addition to the Village of Blissfield as per  
18 recorded Plat thereof, described as follows: beginning at the  
19 Southeast corner of said Lot Number Three (3) thence Northerly  
20 along the Easterly line of said Lot Number Three (3) fifty (50)  
21 feet; thence westerly at right angles eighty (80) feet; thence  
22 southerly at right angles fifty (50) feet; thence easterly at right  
23 angles eighty (80) feet to the place of beginning.

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

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

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

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

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

20               (c) Exchanging some or all of the property for other real  
21               property if the other real property is determined by the department  
22               of technology, management, and budget to be of reasonably equal  
23               value to this state.

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

27                       (i) If a unit of local government makes an offer to purchase

1 the property that is accepted by the department of technology,  
2 management, and budget, the unit of local government shall enter  
3 into a purchase agreement within 60 days after making the offer and  
4 complete the conveyance within 180 days after making the offer. The  
5 department of technology, management, and budget may extend the  
6 time to complete the conveyance as needed.

7 (ii) The property must be used exclusively for public use for  
8 30 years after the conveyance, subject to subsection (13). If a  
9 fee, term, or condition is imposed on members of the public for use  
10 of the property, or if such a fee, term, or condition is waived,  
11 all members of the public must be subject to the same fees, terms,  
12 conditions, and waivers. The public use restriction must be  
13 included in the deed.

14 (iii) If the unit of local government intends to convey the  
15 property within 30 years after the conveyance, the unit of local  
16 government must first offer the property for sale, in writing, to  
17 this state, which may purchase the property at the original sale  
18 price. The unit of local government shall provide this state 120  
19 days to consider reacquiring the property. If this state agrees to  
20 reacquire the property, this state is not liable to any person for  
21 improvements to or liens placed on the property. If this state  
22 declines to reacquire the property, the public use restrictions  
23 described in subparagraph (ii) remain in effect.

24 (iv) If the unit of local government retains the property for  
25 30 years after the conveyance, the public use restrictions under  
26 subparagraphs (ii) and (iii) automatically terminate, except as  
27 provided in subsection (13).

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

5           (e) Transferring the property to the land bank fast track  
6 authority created by section 15 of the land bank fast track act,  
7 2003 PA 258, MCL 124.765.

8           (6) The department of technology, management, and budget shall  
9 not convey property under this section unless the conveyance and  
10 the terms of the conveyance have been approved by the state  
11 administrative board.

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

17           (8) The state agency with jurisdiction over real property  
18 conveyed or transferred under this section is responsible for all  
19 expenses of maintaining the property until the time of conveyance  
20 or transfer.

21           (9) A deed or affidavit of jurisdictional transfer authorized  
22 by this section must be approved as to legal form by the department  
23 of attorney general.

24           (10) Real property conveyed or transferred under this section  
25 includes all surplus, salvage, and personal property or equipment  
26 remaining on the property on the date of the conveyance or  
27 transfer.



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

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

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

21           (14) The department of technology, management, and budget  
22 shall deposit the net revenue received from the sale of property  
23 under this section in the state treasury. The state treasurer shall  
24 credit the money deposited to the general fund.

25           (15) If property conveyed under this section is used in a  
26 manner that violates any of the restrictions imposed under  
27 subsection (5)(d), (11), (12), or (13), this state may reenter and

1 take the property, terminating the grantee's or any successor's  
2 estate in the property. An action to regain possession of the  
3 property under this section may be brought and maintained by the  
4 attorney general on behalf of this state.

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

10 (17) The department of technology, management, and budget may  
11 require a grantee of property conveyed under this section to record  
12 the instrument of conveyance or jurisdictional transfer with the  
13 appropriate register of deeds and provide the department of  
14 technology, management, and budget with a recorded copy of the  
15 recorded instrument.

16 (18) As used in this section:

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

21 (b) "Net revenue" means the proceeds from the sale of the  
22 property less reimbursement for any costs to the department of  
23 technology, management, and budget associated with the sale,  
24 including, but not limited to, administrative costs, including  
25 employee wages, salaries, and benefits; costs of reports and  
26 studies and other materials necessary to the preparation of sale;  
27 environmental remediation; legal fees; and any litigation costs

1 related to the conveyance.

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

5 (i) Publicly owned and operated correctional facilities.

6 (ii) Law enforcement purposes.

7 (iii) Emergency management response purposes.

8 (iv) Public educational use.

9 (v) Public transportation.

10 (vi) Public parks and recreational areas.

11 (vii) Public health uses.

12 (viii) Wildlife conservation or restoration.

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

15 (e) "Unit of local government" means a township, village,  
16 city, county, school district, intermediate school district, or  
17 community college district.