

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4861**

A bill to allow the state administrative board to accept and to convey real property in Muskegon County; to prescribe conditions for the conveyances required under this act; to provide for the powers and duties of certain state departments and officers in regard to the properties; and to provide for disposition of revenue.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

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

6 (b) "Public use", subject to subdivision (c), means actual use

1 of the property by members of the public or actual use by Muskegon
2 County for any of the following:

- 3 (i) General government administration.
- 4 (ii) Publicly owned and operated correctional facilities.
- 5 (iii) Law enforcement purposes.
- 6 (iv) Emergency management response purposes.
- 7 (v) Public educational use.
- 8 (vi) Public transportation.
- 9 (vii) Public parks and recreational areas.
- 10 (viii) Public health uses.
- 11 (ix) Wildlife conservation or restoration.

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

14 Sec. 2. (1) The state administrative board, on behalf of this
15 state and subject to and contingent on the requirements of
16 subsections (2) to (5), may accept from Muskegon County, for
17 consideration of \$1.00, real property located in Muskegon County
18 and more particularly described, in Liber 1950, page 147, and Liber
19 1950, page 150, of the records of the Muskegon County register of
20 deeds as:

21 Blocks 223, 224, 225, 231 and Lots 1, 2, 3, 4, East 3/4 of Lot
22 6, Lots 9-12, inclusive, of Block 232 of the Revised Plat of the
23 City of Muskegon, as recorded in Liber 3 of Plats, page 71 of
24 Muskegon County records; and the following parts of vacated
25 streets: Hartford Avenue between Spring Street and Pine Street;
26 Diana Avenue from Pine Street to Spring Street; the North 1/2 of
27 Diana Avenue adjacent to Lots 6 and 7 of Block 224 of the Revised
28 Plat of the City of Muskegon; the South 1/2 of Diana Avenue
29 adjacent to Lots 9-12 and Lot 1 of said Block 224; and Spring

1 Street between Apple Avenue and Delaware Avenue; except the
2 following described premises: All that part of Lot 1, Block 224 of
3 said Revised Plat lying Northwesterly of the following described
4 line: Commence at a point on the South side of Apple Avenue and 30
5 feet East of the Northwest corner of said Lot 1; thence
6 Southwesterly to the Northeast side of Spring Street to a point 25
7 feet Southeasterly of the aforementioned Northwest corner of said
8 Lot 1, Block 224.

9 (2) The state administrative board, on behalf of this state,
10 after receiving the conveyance authorized in subsection (1), may
11 convey the following described parcels to Muskegon County for
12 consideration of \$1.00:

13 (a) Part of Block 223 being Lots 2, 3, and 4 inclusive and
14 parts of Lots 1, 5, and 8, City of Muskegon, Muskegon County South
15 Campus, 1903 Revised Plat of City of Muskegon: more particularly
16 described as: commencing at the southernmost corner of Lot 4 Block
17 223 of said plat, said point being the point of beginning; thence
18 North 31 degrees 39 minutes 31 seconds West, a distance of 265.02
19 feet; thence North 59 degrees 59 minutes 58 seconds East, a
20 distance of 87.90 feet to the south line of Apple Avenue; thence
21 south 88 degrees 6 minutes 34 seconds East, along the south line of
22 Apple Avenue, a distance of 121.36 feet; thence South 31 degrees 18
23 minutes 57 seconds East, a distance of 196.53 feet; thence South 58
24 degrees 41 minutes 3 seconds West, a distance of 187.83 feet to the
25 point of beginning. Said parcel contains 1.06 acres, more or less.

26 (b) All of Block 231 being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
27 11, 12, and 13, inclusive, City of Muskegon, Muskegon County South
28 Campus, 1903 Revised Plat of City of Muskegon: more particularly
29 described as: commencing at the southernmost corner of Lot 4 Block

1 231 of said plat, said point being the point of beginning; thence
2 North 31 degrees 25 minutes 8 seconds West, along the east line of
3 Pine Street, a distance of 265.11 feet; thence North 58 degrees 42
4 minutes 4 seconds East, a distance of 397.03 feet; thence South 31
5 degrees 25 minutes 8 seconds East, a distance of 264.44 feet to the
6 north line of Delaware Avenue; thence South 58 degrees 36 minutes
7 17 seconds West, a distance of 397.03 feet to the east line of Pine
8 Street and the point of beginning. Said parcel contains 2.41 acres,
9 more or less.

10 (3) The conveyance by the state administrative board to
11 Muskegon County described in subsection (2) must provide both of
12 the following:

13 (a) That the property must be used exclusively for public use,
14 and that on termination of that use or use for any other purpose
15 this state may reenter and repossess the property, terminating the
16 grantee's estate in the property.

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

22 (4) The state administrative board, on behalf of this state,
23 may convey real property described in this subsection to Muskegon
24 County. The conveyance must be for not less than fair market value
25 plus this state's reasonable and demonstrable costs of implementing
26 this conveyance. The property to be conveyed under this subsection
27 is described as follows:

28 City of Muskegon, Muskegon County South Campus, 1903 Revised
29 Plat of City of Muskegon entire Block 225, and part of Block 223

1 Lots 6 and 7 inclusive and parts of Lots 5 and 8 and part of Block
2 224 Lots 2, 3, 4, 5, and 6 inclusive and parts of Lots 1 and 7 and
3 part of Block 232 Lots 1, 2, 3, 4, 9, 10, 11, and 12 inclusive and
4 Lot 6 except the West 16.5 feet thereof, also those vacated streets
5 being vacated Hartford Avenue between Spring Street and Pine Street
6 also vacated Diana Avenue from Pine Steet to Spring Street, also
7 vacated Diana Avenue adjacent to Lots 6 and 7 of Block 224, also
8 vacated Spring Street between Apple Avenue and Delaware Avenue;
9 more particularly described as: commencing at the southernmost
10 corner of Lot 4 Block 231 of said plat: thence North 31 degrees 25
11 minutes 8 seconds West, along the west line of Block 231, a
12 distance of 265.11 feet to the point of beginning; thence North 31
13 degrees 10 minutes 53 seconds West, along the east line of Pine
14 Street, a distance of 66.0 feet; thence North 31 degrees 19 minutes
15 45 seconds West, along the west line of Block 225 a distance of
16 265.11 feet; thence North 31 degrees 39 minutes 23 seconds West,
17 along the east line of Pine Street, a distance of 66.00 feet;
18 thence North 58 degrees 41 minutes 3 seconds East, a distance of
19 187.83 feet; thence North 31 degrees 18 minutes 57 seconds West, a
20 distance of 196.53 feet to the south line of Apple Avenue; thence
21 South 88 degrees 6 minutes 34 seconds East, along the south line of
22 Apple Avenue, a distance of 327.85 feet; thence South 31 degrees 30
23 minutes 46 seconds East, a distance of 25.00 feet; thence North 39
24 degrees 46 minutes 22 seconds East, a distance of 26.44 feet to the
25 south line of Apple Avenue; thence South 88 degrees 6 minutes 34
26 seconds East, along the south line of Apple Avenue, a distance of
27 406.10 feet; thence South 31 degrees 25 minutes 8 seconds East, a
28 distance of 142.57 feet; thence South 58 degrees 49 minutes 15
29 seconds West, a distance of 33.17 feet; thence South 31 degrees 25

1 minutes 8 seconds East, a distance of 296.77 feet to the north line
2 of Delaware Avenue. Thence South 58 degrees 36 minutes 17 seconds
3 West, along the north line of Delaware Avenue, a distance of 49.63
4 feet; thence North 31 degrees 25 minutes 8 seconds West, a distance
5 of 131.93 feet; thence South 58 degrees 39 minutes 11 seconds West,
6 a distance of 82.99 feet; thence South 31 degrees 32 minutes 18
7 seconds East, a distance of 132.00 feet to the north line of
8 Delaware Avenue; thence South 58 degrees 36 minutes 17 seconds
9 West, along the north line of Delaware Avenue, a distance of 264.51
10 feet; thence North 31 degrees 25 minutes 8 seconds West, a distance
11 of 264.44 feet; thence South 58 degrees 42 minutes 4 seconds West,
12 a distance of 397.03 feet to the east line of Pine Street, and the
13 point of beginning. Said parcel contains 9.48 acres, more or less.

14 If this state fails to convey the property described in this
15 subsection back to Muskegon County at a fair market value sale
16 price, for any reason, within 2 calendar years after this act is
17 enacted into law, this state may unilaterally convey it back to
18 Muskegon County for \$1.00, but without removal of the public
19 purpose use restrictions provided in the conveyances of the
20 property from this state to Muskegon County.

21 (5) The fair market values of the properties described in
22 subsections (2) and (4) must be determined by an independent fee
23 appraisal prepared for the department of technology, management,
24 and budget or by an appraiser who is an employee or contractor of
25 this state.

26 (6) The descriptions of the parcels in subsections (1), (2),
27 and (4) are approximate and for purposes of the conveyances
28 required by this act are subject to adjustment as the state
29 administrative board or attorney general considers necessary by

1 survey or other legal description.

2 Sec. 3. The instruments required by or reasonably necessary to
3 effectuate this act must be quitclaim deeds or other instruments
4 approved by the attorney general. The conveyances required by this
5 act are authorized for 1-way and 1-time execution. For all
6 conveyances authorized by this act, the grantee shall promptly
7 record the corresponding deeds with the Muskegon County register of
8 deeds and provide the grantor with a true and complete photocopy of
9 the recorded versions when available, all at the grantee's sole
10 expense.

11 Sec. 4. Revenue received under this act must be deposited in
12 the state treasury and credited to the general fund.