

Act No. 309
Public Acts of 2023
Approved by the Governor
December 13, 2023
Filed with the Secretary of State
December 14, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Snyder, VanWoerkom, Meerman and VanderWall

ENROLLED HOUSE BILL No. 4861

AN ACT 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:

Sec. 1. As used in this act:

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

(b) "Public use", subject to subdivision (c), means actual use of the property by members of the public or actual use by Muskegon County for any of the following:

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

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

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

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

Revised Plat of the City of Muskegon; the South 1/2 of Diana Avenue adjacent to Lots 9-12 and Lot 1 of said Block 224; and Spring Street between Apple Avenue and Delaware Avenue; except the following described premises: All that part of Lot 1, Block 224 of said Revised Plat lying Northwesterly of the following described line: Commence at a point on the South side of Apple Avenue and 30 feet East of the Northwest corner of said Lot 1; thence Southwesterly to the Northeast side of Spring Street to a point 25 feet Southeasterly of the aforementioned Northwest corner of said Lot 1, Block 224.

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

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

(b) All of Block 231 being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, inclusive, City of Muskegon, Muskegon County South Campus, 1903 Revised Plat of City of Muskegon: more particularly described as: commencing at the southernmost corner of Lot 4 Block 231 of said plat, said point being the point of beginning; thence North 31 degrees 25 minutes 8 seconds West, along the east line of Pine Street, a distance of 265.11 feet; thence North 58 degrees 42 minutes 4 seconds East, a distance of 397.03 feet; thence South 31 degrees 25 minutes 8 seconds East, a distance of 264.44 feet to the north line of Delaware Avenue; thence South 58 degrees 36 minutes 17 seconds West, a distance of 397.03 feet to the east line of Pine Street and the point of beginning. Said parcel contains 2.41 acres, more or less.

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

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

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

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

City of Muskegon, Muskegon County South Campus, 1903 Revised Plat of City of Muskegon entire Block 225, and part of Block 223 Lots 6 and 7 inclusive and parts of Lots 5 and 8 and part of Block 224 Lots 2, 3, 4, 5, and 6 inclusive and parts of Lots 1 and 7 and part of Block 232 Lots 1, 2, 3, 4, 9, 10, 11, and 12 inclusive and Lot 6 except the West 16.5 feet thereof, also those vacated streets being vacated Hartford Avenue between Spring Street and Pine Street also vacated Diana Avenue from Pine Street to Spring Street, also vacated Diana Avenue adjacent to Lots 6 and 7 of Block 224, also vacated Spring Street between Apple Avenue and Delaware Avenue; more particularly described as: commencing at the southernmost corner of Lot 4 Block 231 of said plat: thence North 31 degrees 25 minutes 8 seconds West, along the west line of Block 231, a distance of 265.11 feet to the point of beginning; thence North 31 degrees 10 minutes 53 seconds West, along the east line of Pine Street, a distance of 66.0 feet; thence North 31 degrees 19 minutes 45 seconds West, along the west line of Block 225 a distance of 265.11 feet; thence North 31 degrees 39 minutes 23 seconds West, along the east line of Pine Street, a distance of 66.00 feet; thence North 58 degrees 41 minutes 3 seconds East, a distance of 187.83 feet; thence North 31 degrees 18 minutes 57 seconds West, a distance of 196.53 feet to the south line of Apple Avenue; thence South 88 degrees 6 minutes 34 seconds East, along the south line of Apple Avenue, a distance of 327.85 feet; thence South 31 degrees 30 minutes 46 seconds East, a distance of 25.00 feet; thence North 39 degrees 46 minutes 22 seconds East, a distance of 26.44 feet to the south line of Apple Avenue; thence South 88 degrees 6 minutes 34 seconds East, along the south line of Apple Avenue, a distance of 406.10 feet; thence South 31 degrees 25 minutes 8 seconds East, a distance of 142.57 feet; thence South 58 degrees 49 minutes 15 seconds West, a distance of 33.17 feet; thence South 31 degrees 25 minutes 8 seconds East, a distance of 296.77 feet to the north line of Delaware Avenue. Thence South 58 degrees 36 minutes 17 seconds West, along the north line of Delaware Avenue, a distance of 49.63 feet; thence North 31 degrees 25 minutes 8 seconds West, a distance of

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

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

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

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor