



**House
Legislative
Analysis
Section**

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CONVEY PROPERTY IN TUSCOLA & JACKSON COS.

House Bill 5442 as enrolled
Second Analysis (10-4-90)

Sponsor: Rep. Dick Allen
Committee: State Affairs

THE APPARENT PROBLEM:

Some 40 acres of Department of Mental Health (DMH) property on the east side of the Caro Regional Mental Health Center in Tuscola County has been used as a prison camp — unofficially — by the Department of Corrections (DOC) for several years. Legislation is needed to transfer the property officially from DMH to DOC. In addition, state land in Jackson County that is under the jurisdiction of the DOC could be used by Blackman Township to build a fire station, which would serve the nearby Jackson prison complex as well as the township. Public Act 287 of 1989 was enacted to transfer the land to Blackman Township, but, according to the attorney general, did not contain an adequate description of the property. Legislation should again be introduced in order to effect the conveyance.

THE CONTENT OF THE BILL:

The bill would permit the State Administrative Board to transfer certain state-owned land from the Department of Mental Health to the Department of Corrections. The parcel consists of approximately 40.09 acres of land now under the jurisdiction of the Caro Regional Mental Health Center in Indian Fields Township, Tuscola County. Under the bill, DMH would retain an access easement across the parcel for repair and maintenance of a water well and its appurtenances. The transfer would be effective when approved by a resolution of the state administrative board, and all documents would require approval by the attorney general.

The bill would also convey to Blackman Township, for consideration of \$1, five acres of land that is now under the jurisdiction of the Department of Corrections located in Jackson County near the northeast corner of O'Leary and Elm roads. The conveyance authorized by the bill would be by quitclaim deed, approved by the attorney general, with the state reserving all rights to coal, oil, gas, and other minerals found on, within, or under the conveyed lands. The conveyance would also provide that the property be used as the location for a fire barn, and that upon termination of that use, or upon use for any other purpose, title to the property would revert to the state, which would assume no liability for improvements made by the township or any other party. House Bill 5442 would repeal Public Act 287 of 1989, which would have conveyed the property to Blackman Township for fair market value.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the conveyance of the Tuscola County property would have no fiscal impact on the state. According to a survey and tax appraisal completed by the Department of Management and Budget, had the Blackman Township property been conveyed for fair market value, as was intended in Public Act 287 of 1989, the state would have realized approximately \$11,900 from the sale. (10-5-90)

ARGUMENTS:

For:

The bill would transfer property in Tuscola County that the Department of Mental Health considers "excess" to the Department of Corrections, which has already demonstrated a need for the land.

For:

The Jackson prison complex is at present served by a Blackman Township fire station that is farther away from the complex than the property in the proposed conveyance. Since the township is under obligation to serve the prison, and would build a fire station on the property, it makes sense to convey the land to the township.