

**SENATE BILL NO. 523**

April 20, 1999, Introduced by Senators MC MANUS, NORTH, KOIVISTO, BYRUM, GAST, GOUGEON and A. SMITH and referred to the Committee on Local, Urban and State Affairs.

A bill to authorize the department of natural resources to convey certain state owned property in Otsego county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. The department of natural resources, on behalf of  
2 the state, may convey to the county of Otsego, for consideration  
3 of \$1.00, 2 parcels of property now under the jurisdiction of the  
4 department of natural resources and located in the city of  
5 Gaylord, T30N, R3W, Section 4, and further described as follows:  
6 Parcel #1: commencing at the intersection of the South Line of  
7 Third Street (now called Fourth Street) and the West line of  
8 Michigan Central Railroad right of way, thence West along the  
9 South line of Third Street (now called Fourth Street) thirty (30)  
10 rods more or less to the East line of "B" Street, thence South

1 along the East line of "B" Street to South 1/8 line of Sec. 4, T  
 2 30N, R3W, which was the South line of said village (now City) of  
 3 Gaylord, thence East along the former South line of said Village  
 4 (now City) to the West line of the Michigan Central Railroad  
 5 right of way, thence North along the West line of said Railroad  
 6 right of way to the point of beginning excepting therefrom a  
 7 parcel in the Northeast corner of the above described lands  
 8 beginning at the intersection of the South line of Third Street  
 9 (now called Fourth Street) and the West line of the Michigan  
 10 Central Railroad right of way, thence West along the South line  
 11 of Third Street (now called Fourth Street) twelve (12) rods,  
 12 thence in a southerly direction parallel with the West line of  
 13 said Railroad right of way fifteen (15) rods, thence East paral-  
 14 lel with the South line of Third Street (now called Fourth  
 15 Street) Twelve (12) rods to the West line of said Railroad right  
 16 of way, thence Northerly along the West line of said Railroad  
 17 right of way, fifteen (15) rods to the point of beginning, also  
 18 reserving a right of way for road purposes of a strip of land two  
 19 (2) rods wide running North and South adjacent to the West side  
 20 of the above described exception, also excepting therefrom a  
 21 parcel of land commencing at intersection of South One-eighth  
 22 line and West line of Penn-Central Railroad (formerly MCRR) right  
 23 of way, thence North Eighty-one Degrees (81°) Eighteen Minutes  
 24 (18') Thirty Seconds (30") West Four Hundred Sixty and Thirty-two  
 25 Hundredths (460.32) feet to East line of S. Illinois Avenue  
 26 (formerly "B" Street), North Zero Degrees (00°) Seven Minutes  
 27 (07') Fifty Seconds (50") East along said East line Forty-six

1 (46) feet, South Eighty-three Degrees (83°) Forty-nine Minutes  
2 (49') Ten Seconds (10") East Four Hundred Sixty-one and  
3 Thirty-one Hundredths (461.31) feet to a point on West line of  
4 said Penn-Central Railroad right of way that is Sixty-six (66)  
5 feet North Three Degrees (03°) Thirteen Minutes (13') Zero  
6 Seconds (00") East of the point of beginning, South Three Degrees  
7 (03°) Thirteen Minutes (13') Zero Seconds (00") West Sixty-six  
8 (66) feet to said point of beginning.

9 Parcel #2: commencing at a point on the West line of "D" street  
10 twenty rods South of the South line of Third Street (now called  
11 Fourth Street) in the city of Gaylord, running thence Westerly  
12 parallel with the South line of Third Street (now called Fourth  
13 Street) to the East line of the Michigan Central Railroad right  
14 of way thence Southerly along the East line of the Michigan  
15 Central Railroad right of way to a point in line with the North  
16 line of Fourth street thence easterly parallel to the South line  
17 of Third street (now called Fourth Street) to the West line of  
18 "D" street, thence northerly along the West line of "D" street to  
19 the place of beginning.

20 Sec. 2. The conveyance under this act shall provide that  
21 the department reserves an easement for the remediation of  
22 groundwater contamination including but not limited to the treat-  
23 ment buildings, monitoring wells, flow lines, utility  
24 rights-of-way, and ingress and egress to the same which are sup-  
25 porting the remediation effort. The boundaries of the easement  
26 shall be delineated in a survey conducted by the department. The  
27 easement shall remain in effect until completion of the

1 groundwater remediation as determined by the department. Any  
2 uses that interfere with or damage the operation and maintenance  
3 of the remediation effort and equipment are prohibited. The  
4 county of Otsego, by acceptance of this conveyance, agrees not to  
5 disrupt the area defined in the easement by excavation, wells, or  
6 other subsurface disturbance without written permission of the  
7 department.

8       Sec. 3. The conveyance authorized by this act shall provide  
9 for both of the following:

10       (a) That the property shall be used exclusively for a public  
11 purpose, including, but not limited to, constructing and operat-  
12 ing a jail, courthouse, or law enforcement facility, and that  
13 upon termination of that use or use for any other purpose, the  
14 state may reenter and repossess the property, terminating the  
15 grantee's estate in the property.

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

21       Sec. 4. The conveyance authorized by this act shall be by  
22 quitclaim deed approved by the attorney general and shall not  
23 reserve mineral rights to the state. However, the conveyance  
24 shall provide that if the grantee develops the mineral rights,  
25 the state shall receive not less than 1/2 of the net royalties  
26 derived from that development.

1       Sec. 5. The revenue received under this act shall be  
2 deposited in the state treasury and credited to the general  
3 fund.