

# HOUSE BILL No. 5257

November 5, 2003, Introduced by Reps. Shackleton, Newell, Casperson, Pastor, Elkins and Farhat and referred to the Committee on Regulatory Reform.

A bill to authorize the department of natural resources to convey certain state owned property in Emmet 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, shall convey to the city of Petoskey, for  
3 consideration of \$1.00, certain property under the jurisdiction  
4 of the department of natural resources and located in the city of  
5 Petoskey, Emmet county, Michigan, and further described as  
6 follows:

7           That portion of state owned rail property, and the  
8           tracks on that property, located in the city of  
9           Petoskey from the westerly boundary line of the  
10          Emmet street right of way to the north end of the

1 state owned right of way.

2 Sec. 2. The description of the parcel in section 1 is  
3 approximate and for purposes of the conveyance is subject to  
4 adjustments as the department of natural resources or the  
5 attorney general considers necessary by survey or legal  
6 description.

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

9 (a) The property shall be used exclusively for the purpose of  
10 a linear park, which shall include trolley service, foot and bike  
11 paths, and passenger rail service, and if any fee, term, or  
12 condition for the use of the property is imposed on members of  
13 the public, or if any of those fees, terms, or conditions are  
14 waived for use of this property, resident and nonresident members  
15 of the public shall be subject to the same fees, terms,  
16 conditions, and waivers.

17 (b) Upon termination of the use described in subdivision (a)  
18 or use for any other purpose, the state may reenter and repossess  
19 the property, terminating the grantee's estate in the property.

20 (c) If the grantee disputes the state's exercise of its right  
21 of reentry and fails to promptly deliver possession of the  
22 property to the state, the attorney general, on behalf of the  
23 state, may bring an action to quiet title to, and regain  
24 possession of, the property.

25 Sec. 4. The conveyance authorized by this act shall be by  
26 quitclaim deed approved by the attorney general and shall not  
27 reserve mineral rights to the state.

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