



**House  
Legislative  
Analysis  
Section**

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## **COLDWATER TWP CONVEYANCE**

**House Bill 5619 (Substitute H-1)  
First Analysis (4-25-96)**

**Sponsor: Rep. Michael Nye  
Committee: Regulatory Affairs**

### ***THE APPARENT PROBLEM:***

In 1991, the Department of Mental Health declared the Coldwater Regional Mental Health Center as surplus property. Public Act 265 of 1993 (See House Legislative Analysis Section's analysis on HB 4159 dated 7-1-93) conveyed three parcels of land from the Department of Mental Health: one parcel to the Branch Intermediate School district, one parcel to Branch County, and a parcel consisting of 17.53 acres directly west of the old center to Coldwater Township. The rest of the property was transferred to the Department of Corrections (DOC). The DOC has subsequently established the Lakeland Correctional Facility on the transferred property and is currently expanding the facility. However, since the facility is bounded by a road to the south, private property to the north, and wetlands to the east, the land west of the facility was needed to complete the expansion. Earlier this year, Coldwater Township deeded over the land conveyed to it under Public Act 265 of 1993 to the DOC for the prison expansion project. At the request of the DOC, legislation has been proposed to allow the DOC to trade a parcel of its property that is unsuitable for its use to Coldwater Township in exchange for the property already deeded over.

### ***THE CONTENT OF THE BILL:***

The bill would allow the State Administrative Board to convey a parcel of land in Coldwater Township, Branch County in exchange for a second parcel of land in the same township. The conveyances would be by quitclaim deed approved by the attorney general. The bill would specify that the property would have to be used for public purposes and would revert back to the state if used for any other purpose. Further, the bill would require the township to provide equal access to the property in regards to fees, terms, and conditions by all members of the public if used for a public park or for other public recreational purposes. However, the township could waive fees for the use of specific areas or facilities for specified groups or classes of persons, but such a waiver would have to apply to all members of such a group regardless of their residence.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no fiscal impact on state or local government. (3-20-96)

### ***ARGUMENTS:***

#### ***For:***

Public Act 265 of 1993 already conveyed a parcel of state-owned land to Coldwater Township. Reportedly, discussion has been underway since then to use the land either for a park or for construction of a fire barn, since the township provides fire fighting services to the Lakeland Correctional Facility. However, as the Department of Corrections needs this land to use as a recreational yard for its prison expansion project, the township has deeded it back to the state. It is only fair that the township receive another parcel in return. According to the Department of Corrections, the land it has proposed to trade to the township borders a commercial district and is close to a residential area, and therefore is unsuitable for prison use. Rather than let that land go unused, it should be given to Coldwater Township in place of the land given to the department.

### ***POSITIONS:***

The Department of Corrections supports the bill. (4-24-96)

The Department of Management and Budget supports the bill as reported from committee. (4-24-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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