



**House  
Legislative  
Analysis  
Section**

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**ADDISON TWP CONVEYANCE**

**House Bill 6016 (Substitute H-1)  
First Analysis (9-17-96)**

**Sponsor: Rep. Penny Crissman  
Committee: Regulatory Affairs**

***THE APPARENT PROBLEM:***

In December of 1995, the Department of State Police purchased 3.77 acres in Addison Township, Oakland County, with the intention of constructing a radio tower as part of the Michigan State Police 800 MHZ Radio Tower Project. However, the property, located on the west side of Townsend Road and north of Romeo Road, is in a residential area and zoned for suburban farm use. Since the radio tower did not meet with local zoning ordinances, Addison Township sued the department and Motorola Communications and Electronics, Inc. (the contractor for the radio project) in June of 1996 and received an injunction against building the tower on the site. The matter is currently pending review before the Michigan Court of Appeals.

According to a representative of the Department of Management and Budget, the state and township have progressed in finding an alternative site that would be mutually acceptable. However, since the department does not have the authority to sell surplus land, legislation has been proposed to permit the sale of the property and to reimburse the radio tower project. The funds could then be used to purchase an alternate site in Addison Township for the radio tower.

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

The bill would permit the state to sell to the highest bidder at no less than fair market value a parcel of land containing approximately 3.77 acres in Addison Township, Oakland County, currently under the jurisdiction of the Department of State Police. The fair market value would be determined by an appraisal based on the property's highest and best use as prepared by the state tax commission or an independent fee appraiser. The bill's description of the land would be considered approximate and subject to adjustment by survey or other legal description. The conveyance would be by quitclaim deed approved by the attorney general. Mineral rights would be retained by the state. (Note: An amendment adopted in committee, intended to include the mineral rights with the sale of the property, was incomplete, and so the version reported by the committee would have the effect of retaining the mineral rights for the state.)

Revenue received by the sale of the land would be deposited in a restricted fund within the state treasury. The money could then be appropriated only to the Department of Management and Budget for the purpose of reimbursing the Michigan State Police 800 MHZ radio tower project.

***FISCAL IMPLICATIONS:***

The Department of Management and Budget reports that the land was purchased in December, 1995, for \$57,000; closing and processing costs brought the total cost to the state to \$67,308.62. According to the House Fiscal Agency, the bill most likely would be revenue neutral as the land was purchased too recently to have appreciated significantly. (9-16-96)

***ARGUMENTS:***

***For:***

Though Addison Township has brought a suit against the state and the contractor of the radio project in order to block the construction of the tower, the township and the state have continued to work together to resolve the zoning problem and to be sensitive to the concerns of township residents. Reportedly, a mutually acceptable site within the township has been identified and is in the process of being verified as to suitability. The bill would simply allow the state to sell the current property and reimburse the radio tower project. Then, a site that would be better suited for construction of the radio tower could be purchased. In addition, resolving the dispute quickly would enable this phase of the radio tower project to be completed in a timely manner and would save the state further litigation costs.

***Against:***

A potential buyer of the land in question may be hesitant to purchase without the ability to have clear title, as the possibility would exist for the state to drill or excavate on the land at a later time. A committee amendment that had been intended to give the mineral rights to the buyer of the land apparently was incomplete and so the bill

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would still give the mineral rights to the state. Since the land is zoned for suburban farm use, the mineral rights should pass to the buyer.

***POSITIONS:***

The Department of Management and Budget supports the bill, but would like the mineral rights to go to the buyer. (9-13-96)

Addison Township would support the bill if it were corrected to let the mineral rights pass to the buyer. (9-13-96)

Analyst: S. Stutzky

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■ 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.