

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 171 (as introduced 2-7-01)
Sponsor: Senator Dave Jaye
Committee: Local, Urban and State Affairs

Date Completed: 2-27-01

CONTENT

The bill would authorize the Department of Natural Resources (DNR), on behalf of the State, to convey for \$1 to the Charter Township of Shelby, property under the DNR's jurisdiction and located in Macomb County, as described in the bill, to be used for public park purposes.

Property Use

The conveyance would have to require the property to be used exclusively for public park purposes, and provide that if any fee, term, or condition for the use of the property were imposed on or waived for members of the public, resident and nonresident members of the public would be subject to the same fees, terms, conditions, and waivers.

The conveyance also would have to provide that upon termination of that use or use for any other purpose, the State could reenter and repossess the property, terminating the grantee's estate in it. In addition, the conveyance would have to provide that if the grantee disputed the State's right of reentry and did not promptly deliver possession of the property to the State, the Attorney General, on behalf of the State, could bring an action to quiet title to, and regain possession of, the property.

Restrictive Covenant

The conveyance would have to require that, within 30 days after the date of the conveyance, a restrictive covenant be filed with the register of deeds for recording. The restrictive covenant would have to specify the land use and/or resource use restrictions that were necessary to protect the public health, safety, or welfare, or the environment, and to assure the effectiveness and integrity of the environmental contamination remedies consistent with Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act, and with the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA). The form and content of the restrictive covenant would be subject to the approval of the Department of Environmental Quality.

Other Provisions

The conveyance would have to be by quitclaim deed approved by the Attorney General and could not reserve mineral rights to the State.

The bill specifies that it pertains solely to the conveyance and restricted use of the property as described in the bill, and would not alter the obligations, rights, or duties, either substantive or procedural, of any party under any judicial or administrative action that took effect before the bill's effective date. Revenue received under the bill would have to be deposited in the State Treasury and credited to the General Fund.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would convey the remaining approximately 200 acres of State-owned land in the former Rochester-Utica Recreation Area to the Township of Shelby in Macomb County. Much of the other land in the recreation area was conveyed to various other neighboring local units of government in previous legislation.

Since the bill would require the land to remain for public park purposes, there would be no direct fiscal impact on the State or the local units as a result of the conveyance. The State could realize some savings from no longer maintaining and overseeing the property, while the township would acquire these responsibilities. If the township no longer made the land available for public recreation, the land would be transferred back to the State.

Fiscal Analyst: M. Hansen