

# HOUSE BILL No. 4209

February 10, 2009, Introduced by Rep. Lisa Brown and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2131 and 2132 (MCL 324.2131 and 324.2132), section 2131 as amended by 2006 PA 308 and section 2132 as amended by 1998 PA 117.

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

1           Sec. 2131. (1) Except as otherwise provided in subsection (2)  
2 or (3), the department may designate as surplus land any state  
3 owned land that is under the control of the department and that has  
4 been dedicated for public use and may, on behalf of the state, sell  
5 that land if the department determines all of the following:

6           (a) That the sale will not diminish the quality or utility of  
7 other state owned land.

1 (b) That the sale is not otherwise restricted by law.

2 (c) That the sale is in the best interests of the state.

3 (d) That 1 or both of the following conditions are met:

4 (i) The land has been dedicated for public use for not less  
5 than 5 years immediately preceding its sale and is not needed to  
6 meet a department objective.

7 (ii) The land is occupied for a private use through inadvertent  
8 trespass.

9 (2) The department shall not authorize the sale of surplus  
10 land as provided in subsection (1) if the proceeds from the sale of  
11 the land will cause the fund to exceed \$2,500,000.00.

12 (3) ~~Except as provided in section 74102b, the~~ **THE** department  
13 shall not designate as surplus land any land within a state park or  
14 state recreation area **THAT IS SUBJECT TO SECTION 74102B. LAND**  
15 **WITHIN A STATE PARK OR RECREATION AREA THAT IS NOT SUBJECT TO**  
16 **SECTION 74102B MAY BE SOLD AS SURPLUS LAND ONLY AFTER THAT LAND HAS**  
17 **FIRST BEEN OFFERED FOR SALE TO THE MUNICIPALITY IN WHICH THE LAND**  
18 **IS LOCATED AND, IF THE MUNICIPALITY IS NOT INTERESTED IN PURCHASING**  
19 **THE LAND, TO THE COUNTY IN WHICH THE LAND IS LOCATED. LAND SOLD**  
20 **UNDER THIS SUBSECTION TO A MUNICIPALITY OR COUNTY SHALL CONTAIN A**  
21 **DEED RESTRICTION THAT THE LAND SHALL BE USED ONLY AS PARKLAND FOR A**  
22 **MINIMUM OF 20 YEARS. THE SALES PRICE OF PROPERTY SOLD TO A**  
23 **MUNICIPALITY OR COUNTY UNDER THIS SUBSECTION SHALL BE ESTABLISHED**  
24 **BASED UPON THE FAIR MARKET VALUE OF LAND UTILIZED AS PARKLAND.**

25 Sec. 2132. (1) The department may sell surplus land at a price  
26 of not less than its fair market value as determined by an  
27 appraisal.

1           (2) ~~The~~**SUBJECT TO SECTION 2131 (3), THE** sale of surplus land  
2 shall be conducted by the department through 1 of the following  
3 methods:

4           (a) A sealed or oral bid public auction sale.

5           (b) A negotiated sale.

6           (3) The sale of surplus land through a sealed or oral bid  
7 public auction sale shall be to the highest bidder. A bid shall not  
8 be accepted for less than the fair market value of the surplus land  
9 as determined by an appraisal.

10          (4) A notice of the sale of surplus land shall be given as  
11 provided in section 2133.

12          (5) The proceeds from the sale of surplus land shall be  
13 deposited into the fund.

14          (6) Surplus land that is sold under this subpart shall be  
15 conveyed by quitclaim deed approved by the attorney general.