

HOUSE BILL NO. 5079

A bill to authorize the department of natural resources to convey certain state owned property in Berrien 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, may convey to the city of New Buffalo, for considera-
3 tion of \$1.00, certain real property under the jurisdiction of
4 the department of natural resources and located in the township
5 of New Buffalo, Berrien county, Michigan, and further described
6 as follows:

7 Tract No. 100

8 That part of Section 9, Township 8 South, Range 21 West
9 in City of New Buffalo, in Berrien County, Michigan,
10 which is described as follows:

1 Beginning at the intersection of the Northerly line of
2 Water Street and the Westerly line of Whittaker Avenue in
3 said City of New Buffalo; thence 59° 15' West along the
4 Northerly right of way line of Water Street for 305.50
5 feet; thence North 30° 45' West to the Southerly bank of
6 the New Buffalo Marina Channel as now established; thence
7 Northeasterly along said Southerly bank and extension of
8 said bank to the thread of the Galien River; thence
9 Southerly and Easterly along said thread of the Galien
10 River to its intersection with the Westerly line of
11 Wittaker Avenue; and thence South 30° 45' 00" East along
12 said Westerly line of Whittaker Avenue to the Point of
13 Beginning; and containing 4.05 acres more or less.

14 Subject to easements and use restrictions of records and further
15 subject to:

16 a channel improvement easement reserving to the United
17 States a perpetual and assignable right and easement to
18 construct, operate, and maintain channel improvement
19 works for the purposes authorized by the Act of Congress
20 approved October 23, 1962 (P.L. 87-874) including the
21 right to clear, cut, fell, remove, and dispose of any and
22 all timber, trees, underbrush, buildings, improvements
23 and/ or other obstructions therefrom; to excavate,
24 dredge, cut away, and remove any or all of said land and
25 to place thereon dredge or spoil material; and for such
26 other purposes as may be required in connection with said
27 work of improvement; on, over, and is that part of New

1 Buffalo Township, Berrien County, Michigan described as
2 follows:

3 That part of Section 9, Township 8 South, Range 21 West,
4 City of New Buffalo, Berrien County, Michigan, described
5 as commencing at the intersection of the Northerly line
6 of Water Street and the Westerly line of Whittaker Street
7 in said City of New Buffalo; thence measure N. 30° 45'
8 W. 246.88 feet; thence measure S. 60° W. 47.26 feet to
9 the true Place of Beginning of this description; thence
10 continue S. 60° W. 80 feet; thence S. 30° E. 34.35 feet
11 thence continue S. 60° W. 80 feet; thence S. 30° E. 34.35
12 feet thence N. 60° E. 80.00 feet; N. 30° W. 34.35 feet to
13 the Place of Beginning. This exception containing 0.0631
14 acres more or less.

15 Also, part of said Section 9, described as commencing at
16 said intersection of the northerly line of Water Street
17 and the Westerly line of Whittaker Street in said City of
18 New Buffalo; thence measure N. 30° 45' W. 246.88 feet;
19 thence measure S. 60° W. 127.26 feet; thence measure
20 N. 30° W. 371.26 feet to the true Place of Beginning of
21 this description; thence continue N. 30° W. 62.61 feet;
22 thence N. 50° 20' E. 10.34 feet; thence S. 21° 65.14 feet
23 to the place of Beginning. This exception containing
24 0.0073 acres more of less.

25 Said premises are conveyed subject to existing easements for
26 public roads, public highways, public utilities, railroads,

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H.B. 5079 as amended October 14, 1997

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1 pipelines and other utilities as now located over and across the
2 above described tract.

3 Sec. 2. The conveyance authorized by this act shall provide
4 for both of the following:

5 (a) That the property shall be used exclusively for public
6 harbor purposes and shall be open to all residents of the state
7 on the same terms, fees, and conditions; and that upon termina-
8 tion of that use or use for any other purpose, the state may
9 reenter and repossess the property, terminating the grantee's
10 estate in the property.

11 (b) That if the grantee disputes the state's exercise of its
12 right of reentry and fails to promptly deliver possession of the
13 property to the state, the attorney general, on behalf of the
14 state, may bring an action to quiet title to, and regain posses-
15 sion of, the property.

16 Sec. 3. The conveyance authorized by this act shall be by
17 quitclaim deed approved by the attorney general and shall [convey
18 all rights held by] the state all rights to coal, oil, gas, and
19 other minerals,
20 excluding sand, gravel, clay, or other nonmetallic minerals found
21 on or under the property conveyed.

22 Sec. 4. The revenue received under this act shall be depos-
23 ited in a restricted account held by the department of natural
resources.