

Act No. 141
Public Acts of 1997
Approved by the Governor
November 18, 1997
Filed with the Secretary of State
November 19, 1997
EFFECTIVE DATE: November 19, 1997

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Rep. Jelinek

ENROLLED HOUSE BILL No. 5079

AN ACT 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:

Sec. 1. The department of natural resources, on behalf of the state, may convey to the city of New Buffalo, for consideration of \$1.00, certain real property under the jurisdiction of the department of natural resources and located in the township of New Buffalo, Berrien county, Michigan, and further described as follows:

Tract No. 100

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

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

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

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

That part of Section 9, Township 8 South, Range 21 West, City of New Buffalo, Berrien County, Michigan, described as commencing at the intersection of the Northerly line of Water Street and the Westerly line of Whittaker Street in said City of New Buffalo; thence measure N. 30° 45' W. 246.88 feet; thence measure S. 60° W. 47.26 feet to the true Place of Beginning of this description; thence continue S. 60° W. 80 feet; thence S. 30° E. 34.35 feet thence continue S. 60° W. 80 feet; thence S. 30°

E. 34.35 feet thence N. 60° E. 80.00 feet; N. 30° W. 34.35 feet to the Place of Beginning. This exception containing 0.0631 acres more or less.

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

Said premises are conveyed subject to existing easements for public roads, public highways, public utilities, railroads, pipelines and other utilities as now located over and across the above described tract.

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

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

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

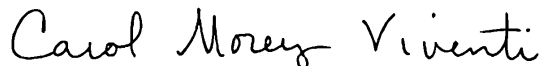
Sec. 3. The conveyance authorized by this act shall be by quitclaim deed approved by the attorney general and shall convey all rights held by the state to coal, oil, gas, and other minerals, excluding sand, gravel, clay, or other nonmetallic minerals found on or under the property conveyed.

Sec. 4. The revenue received under this act shall be deposited in a restricted account held by the department of natural resources.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.