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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

September 17, 2007

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

Transaction: Sale of Dedicated State-owned Land
Traverse City Management Unit – Grand Traverse County
Land Transaction Case #19990072

Sale: 0.15-acre, more or less.

Description: Grand Traverse County, Blair Township, T26N, R11W, part of the NW ¼ of the SW ¼ of Section 13, described as commencing at the W ¼ Corner of Section 13, T26N, R11W, Grand Traverse County, thence S 89° 44' 18" E along the E-W ¼ line of said Section 13 372.86 feet to a Point of Beginning, thence S 00° 15' 42" W 30.00 feet, thence N 89° 44' 18" W parallel with said E-W ¼ line 225 feet more or less to the thread of the Boardman River, thence N 00° 15' 42" E 30.00 feet more or less along the thread of the Boardman River to the E-W ¼ line, thence S 89° 44' 18" E 225 feet more or less to the Point of Beginning.

Purchasers: John W. Wicksall, Traverse City, Michigan

Sale Price: \$18,900.00 (includes trespass penalty and transaction costs)

Authority: Part 21 of Act 451, Public Acts of 1994, as amended

Notice: This item will appear on the Department of Natural Resources' (Department) October 1, 2007 Calendar and is eligible for approval on October 8, 2007. The transaction was also posted in local newspapers as required by legislation.

Comments: The applicant is requesting to purchase the subject parcel to resolve a long standing trespass of a portion of his home, deck, garage, driveway, and water well. The desired parcel is in the Traverse City Management Unit, Grand Traverse County, approximately three miles southeast of Chum's Corners. The applicant's grandfather built a portion of the home on the desired parcel in 1963. The Department identified the trespass in 1983 and

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subsequently began trespass resolution discussions with the applicant's grandfather. Shortly thereafter, a garage and deck were added onto the home, extending the trespass further onto the desired parcel.

The proposed transaction was reviewed by Department staff, and the sale was approved by the Land Exchange Review Committee (LERC) on October 26, 1987. Due to Department backlogs, personnel changes, and lack of communication from the original applicant and successors in title, the case was more or less dormant for a significant period of time. More recently however, Department staff has confirmed that the desired parcel should be sold to the applicant in order to resolve the trespass. They recommend that, in keeping with Department policy and the LERC recommendation, the land should be sold with a double (2X) trespass penalty due to the nature in which the deck and garage were added onto the home after the trespass was identified. In addition, prior to the completion of the sale, the applicant is to mark the new property line with a series of bollards in order to discourage future encroachments onto the adjacent State-owned land.

The Mineral and Land Management Section of the Forest, Mineral and Fire Management Division has reviewed this transaction and determined that the desired parcel is currently being leased for oil and gas production. The State should retain mineral rights relative to this parcel.

The desired parcel was acquired with payment from the Game and Fish Fund in 1946.

The Land Exchange Facilitation Fund (LEFF) Act allows the Department to sell rights in land and deposit the proceeds in a fund, which can then be used to acquire replacement property. Deposit of said proceeds will not cause the fund to exceed \$2,500,000.00, as stipulated by legislation. Proceeds from the sale will be deposited in the LEFF.

- Recommendations:
- (1) That the sale be approved under authority of Part 21, Act 451 of 1994, as amended, with the State reserving aboriginal antiquities and mineral rights.
 - (2) That the proceeds from the sale be deposited into the LEFF.

(3) That prior to the completion of the sale, the applicant is to mark the new property line with a series of bollards, as detailed on the Land Transaction Agreement signed by the applicant.

David E. Freed, Chief
Land and Facilities

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management

Douglas A. Reeves, Acting Chief
Wildlife

Arminda S. Koch
Resource Management Deputy

Dennis R. Fedewa
Chief Deputy

I approve the staff recommendations.

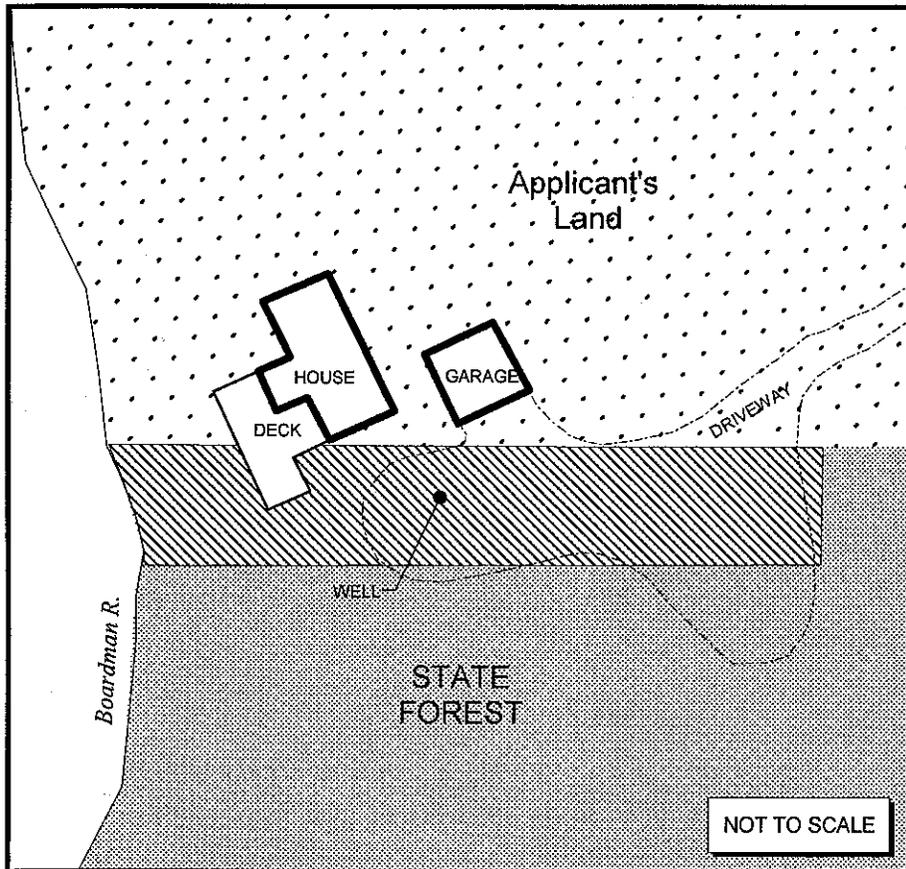
Rebecca A. Humphries
Director

Date Approved

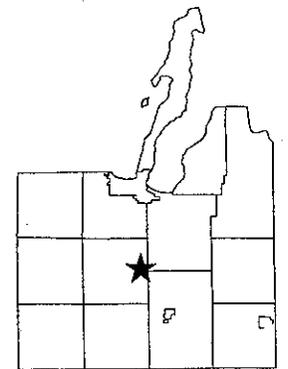
SALE OF DEDICATED STATE-OWNED LAND

Traverse City Management Unit - Grand Traverse County

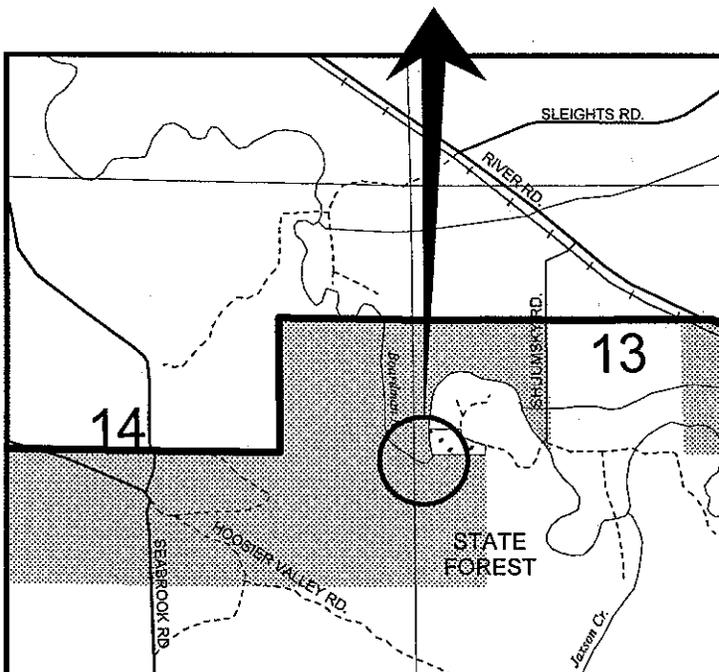
Land Transaction Case #19990072



Section 13, T26N, R11W, Blair Township



GRAND TRAVERSE COUNTY



- State Forest Boundary
- State Land to be Sold (0.15 acre - \$18,900.00)
- Applicant's Land
- State Land
- Private Land

SOURCE

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
FOREST, MINERAL AND FIRE MANAGEMENT

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