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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

July 23, 2007

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

Transaction: Wildlife Land Exchange
Northwestern Management Unit – Newaygo County
Land Transaction Case #20050254

Applicant: Gary Vos, Newaygo, Michigan.

Private Land Offered In Exchange: Newaygo County, Garfield Township, T12N, R13W, Section 35: Part of Gov't Lot 3. (See "Attachment A" for complete legal description.)
29.24 acres more or less.

Appraised Value: \$75,000.00

State Land Desired In Exchange: Newaygo County, Garfield Township, T12N, R13W, Section 34,
A parcel of land 3 acres in size in the Easterly portion of Government Lot 7, being that portion of said Government Lot 7 which would be overflowed by the construction of a dam 25 feet in height across the Muskegon River and located in the SW ¼ of Section 12, T11N, R14W; also Government Lot 8 except a strip of land 450 feet in width running in a NE'ly and SE'ly direction across Government Lot 8 and being more particularly described as a strip of land 450 feet in width lying Southwesterly of and measured at right angles to a line described as follows: To find the place of beginning of said line commence at the South ¼ post of Section 34, run thence N 00° 22' 03" W along the North and South ¼ line of said section 2,647.00 feet to the place of beginning of said line, running thence S 53° 02' 22" E to the shore of the Muskegon River and said line extended on said course to the center thread of said river and the place of ending of said line. 31.14 acres more or less.

Appraised Value: \$75,000.00

Purchase: Newaygo County, Garfield Township, T12N, R13W, Section 35, part of Gov't Lot 3 described as beginning at a point on the N-S ¼ line, said point being S 00° 40' 50" W (also recorded as South) along the N-S ¼ line 200.05 feet from the North ¼ corner of said section, thence continuing S 00° 40' 50" W (also

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • Darnell Earley • John Madigan • J. R. Richardson • Frank Wheatlake

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recorded as South) along the N-S ¼ line to a ½" iron 200.05 feet, thence S 89° 08' 40" W parallel with the North Section line 166.05 feet to the intersection with a line bearing N 00° 40' 50" E as shown on a survey map prepared by Advanced Survey and Map dated December 28, 2006, if extended southerly, thence N 00° 40' 50" E 200.05 feet, thence N 89° 08' 40" E parallel with the North Section line to a ½' iron on the N-S ¼ line 166.05 feet and the point of beginning of this description. 0.76-acre more or less.

The parcel being conveyed is subject to and conveyed with an easement known as Big Buck Lane being described as a 66-foot wide ingress, egress, and utility easement the east line of which is described as: Commencing at the North ¼ corner of Section 35, T12N, R13W, Garfield Township, Newaygo County, thence S 00° 40' 50" W along the N-S ¼ line to a ½" iron 400.10 feet to the point of ending of said East line of easement. Also subject to and conveyed with an easement for ingress and egress for the general public over the same description for Big Buck Lane as noted immediately above.

Appraised Value: \$9,000.00

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

Notice: This item will appear on the Department of Natural Resources' (Department) August 6, 2007 Calendar and is eligible for approval on August 13, 2007.

Comments: This transaction benefits both the applicant and the Department. The desired State land and the offered private land are located approximately three-quarters of a mile apart in the southwestern portion of Newaygo County. The property the Department will convey contains frontage along the Muskegon River but is difficult to access for recreation, forest, and wildlife management purposes. Since the desired land is surrounded by private property and there is no actual road frontage, the only legal access is by boat. The land offered to the Department contains similar frontage along the Muskegon River and will be significantly more accessible by the public.

Both parcels are located within Wildlife Division's Northwestern Management Unit in Newaygo County.

The desired State-owned land contains a total of 31.14 acres that are separated into parcels of 9.60 and 21.54 acres by intervening Consumers Power Company ownership. Together, these tracts contain 3,650 feet of frontage along the Muskegon River. The 9.40-acre parcel located north of Consumers' ownership consists of a narrow strip of upland that slopes steeply to the shoreline of the Muskegon River. The 21.54-acre parcel located south of Consumers' ownership is wider and exhibits level upland that more gently slopes to wetlands along the river. Both tracts exhibit a forest cover of mixed-

hardwoods with associated conifer species. Access to the property is available by boat since private land adjoins the entirety of the western boundary of the tract.

The offered 30-acre private parcel contains approximately 2,900 feet of frontage along the Muskegon River. The tract is vacant and exhibits level upland along the northeasterly boundary of the property where it slopes steeply to the southwest resulting in a broad, fairly level plain along the shoreline on the easterly side of the Muskegon River. Forest cover consists of lowland hardwoods with several field-like openings near the eastern boundary of the river and a conifer component in the central portion of the tract. Access is available via easement over a developed roadway from Felch Avenue, a county-maintained roadway near the northeasterly corner of the property.

The Applicant's land is appraised at \$9,000.00 more than the State land. A portion of the property is being purchased for \$9,000.00, with the balance of the land being acquired by exchange.

As part of the exchange, the applicant has agreed to donate a perpetual conservation easement (on the property he will acquire from the State) to The Land Conservancy of West Michigan that prohibits further subdivision of the land and any commercial or industrial activities. In addition, the conservation easement will: allow development of only one single-family residence and associated appurtenances within a two-acre reserved building envelope, regulate the cutting of natural vegetation, restrict off-road vehicles to operating on designated roadways and, prevent alteration of wetlands or natural watercourses or any activity that may interfere with or impair conservation values.

The desired State-owned land was acquired by purchase with Waterways Funds in 1972.

This transaction was reviewed by Department staff and was recommended for approval by the Land Exchange Review Committee on October 27, 2005.

Mineral rights on the desired State-owned land are reserved by Consumers Power Company. As part of this proposal, Consumers Power Company will provide a release of the right to use the surface of the land for mineral extraction in order to allow placement of the conservation easement. It is expected that the applicant will convey minerals, to the extent owned, on the offered private parcel.

- Recommendations:
- (1) That the exchange be approved under authority of Part 21, Act 451 of 1994, as amended, with the State reserving aboriginal antiquities.
 - (2) That the available mineral rights be exchanged as part of the transaction if they are determined by the title review to be a part of the offered estate.

(3) That the efforts and partnership of the Land Conservancy of West Michigan toward the implementation, monitoring, and enforcement of the conservation easement be recognized with appreciation.

(4) That payment of the \$9,000.00 for the parcel being purchased be made from funds appropriated for the Michigan Natural Resources Trust Fund, Wildlife Area Consolidation Lump Sum, as appropriated in Act 153, Public Acts of 2006.

(5) That the gift of the release of the right to use the surface of the desired State land for mineral extraction, by Consumers Power Company, be accepted with appreciation.

David E. Freed, Chief
Land and Facilities

William E. Moritz, Chief
Wildlife

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

Ronald A. Olson, Chief
Parks and Recreation

Kelley D. Smith, Chief
Fisheries

Arminda S. Koch
Resource Management Deputy

Dennis R. Fedewa
Chief Deputy

I approve the staff recommendations.

Rebecca A. Humphries
Director

Date Approved

“Attachment A”
Legal Descriptions
For the
Private Land Offered
Land Transaction Case #20050254
Applicant: Gary Vos, Newaygo, Michigan

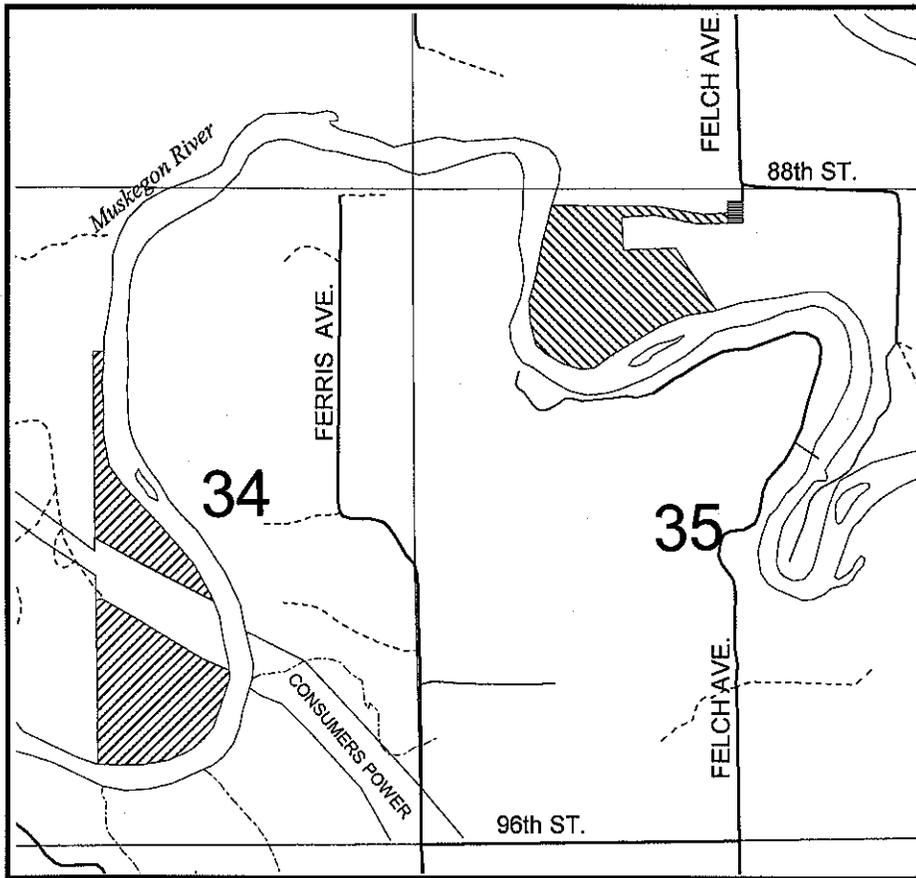
Newaygo County, Garfield Township, T12N, R13W, Section 35: Part of Gov't Lot 3 described as commencing at a point on the N-S $\frac{1}{4}$ line, said point being S 00° 40' 50" W (also recorded as South) along the N-S $\frac{1}{4}$ line 200.05 feet from the North $\frac{1}{4}$ corner of said section, thence continuing S 00° 40' 50" W (also recorded as South) along the N-S $\frac{1}{4}$ line to a $\frac{1}{2}$ " iron 200.05 feet, thence S 89° 08' 40" W parallel with the North Section line to a $\frac{1}{2}$ " iron 400.00 feet, thence N 65° 22' 20" W to a $\frac{1}{2}$ " iron 464.85 feet, thence S 86° 53' 30" W a distance of 245.50 feet, thence S 07° 01' 50" E (also recorded as S 06° 15" E a distance of 300 feet) to a $\frac{1}{2}$ " iron 299.85 feet, thence S 72° 50' 50" E (also recorded as S 72° E a distance of 550 feet) to a $\frac{1}{2}$ " iron 550.45 feet, thence S 48° 44' 30" E (also recorded as S 48° E) to a $\frac{1}{2}$ " iron 244.95 feet, thence S 16° 31' 40" E to a $\frac{1}{2}$ " iron meander corner on the right bank of the Muskegon River 110.00 feet, thence Northwest along the right bank of the Muskegon River to a point which is S 89° 08' 40" W along the North Section Line to the GLO meander corner on the right bank of the Muskegon River to a $\frac{1}{2}$ " iron 1,385.35 feet (also recorded as 21.99 chains and as a sycamore tree) and S 10° 10' 30" E along a meander traverse of the right bank of the Muskegon River to $\frac{1}{2}$ " iron 191.30 feet from the North $\frac{1}{4}$ corner of the said Section, thence N 89° 08' 40" E to a $\frac{1}{2}$ " iron 300.00 feet, thence N 86° 53' 30" E to a $\frac{1}{2}$ " iron 228.30 feet, thence S 65° 22' 20" E to a $\frac{1}{2}$ " iron 465.25 feet, thence N 89° 08' 40" E to a $\frac{1}{2}$ " iron 229.95 feet, , thence N 00° 40' 50" E 180.05 feet, thence N 89° 08' 40" E parallel with the North Section line to a $\frac{1}{2}$ " iron on the N-S $\frac{1}{4}$ line 166.05 feet to the point of beginning, EXCEPT, a parcel described as beginning at a point on the N-S $\frac{1}{4}$ line, said point being S 00° 40' 50" W (also recorded as South) along the N-S $\frac{1}{4}$ line 200.05 feet from the North $\frac{1}{4}$ corner of said section, thence continuing S 00° 40' 50" W (also recorded as South) along the N-S $\frac{1}{4}$ line to a $\frac{1}{2}$ " iron 200.05 feet, thence S 89° 08' 40" W parallel with the North Section line 166.05 feet to the intersection with a line bearing N 00° 40' 50" E as shown on a survey map prepared by Advanced Survey & Map dated 12/28/06, if extended southerly, thence N 00° 40' 50" E 200.05 feet, thence N 89° 08' 40" E parallel with the North Section line to a $\frac{1}{2}$ " iron on the N-S $\frac{1}{4}$ line 166.05 feet and the point of beginning of this description.

The east and north title lines shall extend to the thread of the Muskegon River. Said parcel is being conveyed with an easement known as Big Buck Lane being described as a 66-foot wide ingress, egress, and utility easement the east line of which is described as: Commencing at the North $\frac{1}{4}$ corner of Section 35, T12N, R13W, Garfield Township, Newaygo County, thence S 00° 40' 50" W along the N-S $\frac{1}{4}$ line to a $\frac{1}{2}$ " iron 400.10 feet to the point of ending of said East line of easement. The parcel is also subject to and conveyed with an easement for ingress and egress for the general public over the same description for Big Buck Lane as noted immediately above.

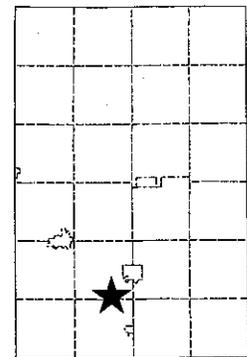
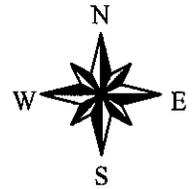
WILDLIFE LAND EXCHANGE

Northwestern Management Unit - Newaygo County

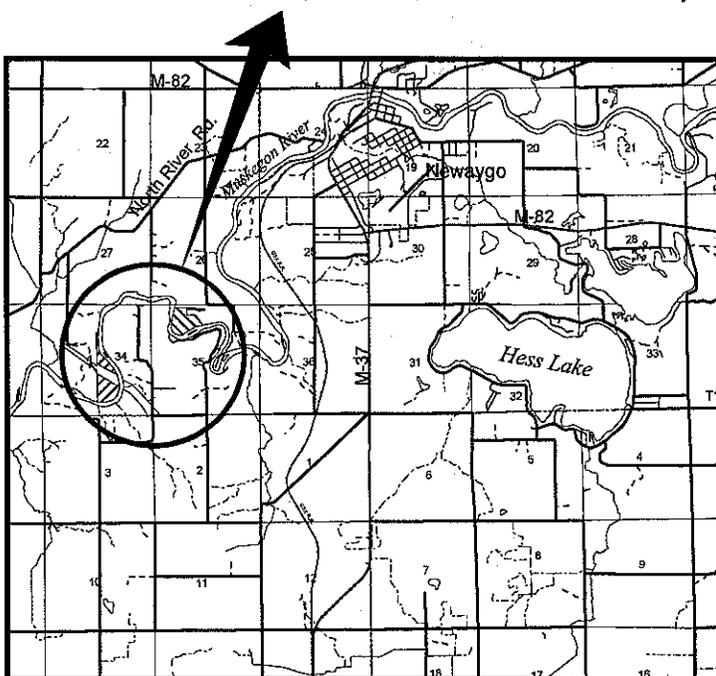
Land Transaction Case #20050254



Sections 34 and 35, T12N, R13W, Garfield Township



NEWAYGO COUNTY



- State Land Desired in Exchange
(31 acres - \$75,000.00)
- Land Offered to DNR in Exchange
(29.24 acres - \$75,000.00)
- Land to be Purchased
(0.76 acre - \$9,000.00)
- Private Land

SOURCE

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
FOREST, MINERAL AND FIRE MANAGEMENT

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