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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

May 12, 2008

**TO:** Rebecca A. Humphries, Director

**INFORMATION:** Natural Resources Commission

**Transaction:** Sale of Surplus State-owned Land and Gift of Land  
Upper Herring Lake Boating Access Site (BAS) -- Benzie County  
Land Transaction Case #20070058

**Applicant:** Abby B. Beale Trust, Frankfort, Michigan

**Desired Surplus State Land:** Benzie County, Blaine Township, T25N, R16W; Part of the NE ¼ of Section 13 commencing at the N ¼ corner of said Section 13; thence S 00° 44' 22" W, 1,317.58 feet, along the N & S ¼ line to the N 1/8 line of said Section 13; thence S 89° 27' 09" E, 946.13 feet, along said N 1/8 line to the centerline of Herron Road and the Point of Beginning; thence continuing S 89° 27' 09" E, 375.16 feet, to the E 1/8 line of said Section 13; thence S 00° 38' 29" W, 123.57 feet, along said E 1/8 line to a point in said centerline of Herron Road; thence N 79° 14' 08" W 72.10 feet, along said centerline; thence continuing along said centerline 325.14 feet along a 950.00 foot radius curve to the right with a chord of N 69° 25' 50" W, 323.56 feet, central angle = 19° 36' 35", to the Point of Beginning. Containing 0.65-acre. Subject to the right-of-way of Herron Road over the southerly 33 feet thereof.

**Appraised Value:** \$1,080.00

**Sale Price:** \$1,188.00 (includes transaction costs)

**Private Land Offered as a Gift:** Benzie County, Blaine Township, T25N, R16W; Part of the NE ¼ of Section 13 commencing at the N ¼ corner of said Section 13; thence S 00° 44' 22" W, 1,317.58 feet, along the N & S ¼ line to the N 1/8 line of said Section 13; thence S 89° 27' 09" E, 769.92 feet, along said N 1/8 line to the Point of Beginning; thence N 00° 44' 19" E 112.78 feet, along the W line of Parcel G to a point in the centerline of Herron Road; thence S 56° 21' 03" E, 154.62 feet, along said centerline; thence continuing along said centerline 54.30 feet along a 950.00 foot radius curve to the left with a chord of S 57° 59' 18" E, 54.29 feet, central angle = 03° 16' 30", to said N 1/8 line; thence N 89° 27' 09" W, 176.21 feet, along said 1/8 line to the Point of Beginning. Containing 0.23-acre. Subject to the right-of-way of Herron Road over the northerly 33 feet thereof.

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

**Notice:** This item will appear on the Department of Natural Resources' (Department) May 27, 2008 Calendar and is eligible for approval on June 3, 2008. The transaction was also posted in local newspapers as required by legislation.

**Comments:** The parcels are located on opposite sides of Herron Road near the north shore of Upper Herring Lake. The desired 0.65-acre parcel of State-owned land is located on the north side of Herron Road adjacent to the applicant's land and separated from the main body of the Upper Herring Lake BAS which is on the south side of Herron Road. A triangular-shaped parcel of sloping land with a significant portion encumbered by road right-of-way, the parcel does not meet zoning or setback requirements to be a buildable site. The parcel adds no value to the Department's access site on the other side of the road.

The offered 0.23-acre gift parcel of private land is also triangular-shaped and abuts the BAS parcel south of Herron Road. Acceptance of the gift parcel will add the offered 0.23-acre parcel to the Department's land holdings, thereby increasing road frontage, and potentially access, at the BAS.

The desired State-owned land was acquired by tax reversion in November, 1939.

These actions were reviewed by Department staff and recommended for approval by the Land Exchange Review Committee on April 26, 2007.

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.

The State will convey mineral interests as part of the transaction. The State will receive those mineral interests held by seller in the gift portion of the transaction.

- 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 conveying mineral rights.
  - (2) That the proceeds from the sale be deposited into the LEFF.

(3) That the gift of land be accepted with appreciation.

David E. Freed, Chief  
Land and Facilities

Ronald A. Olson, Chief  
Parks and Recreation

Kelley D. Smith, Chief  
Fisheries

Arminda S. Koch  
Resource Management Deputy

Dennis R. Fedewa  
Chief Deputy

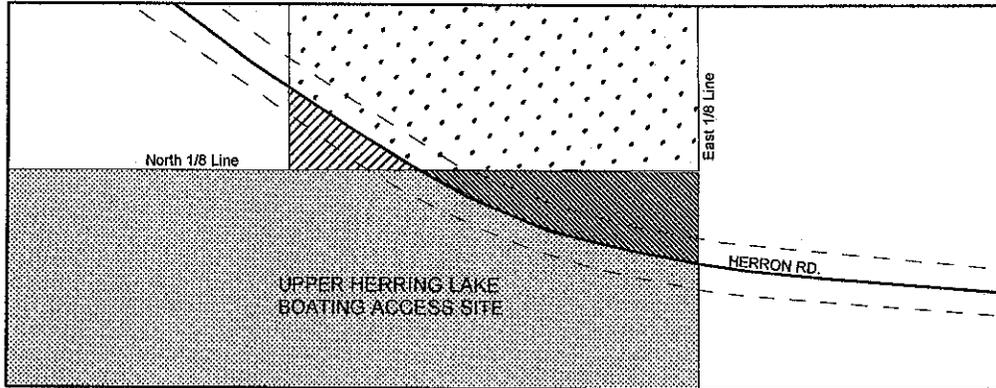
I approve the staff recommendations.

Rebecca A. Humphries  
Director

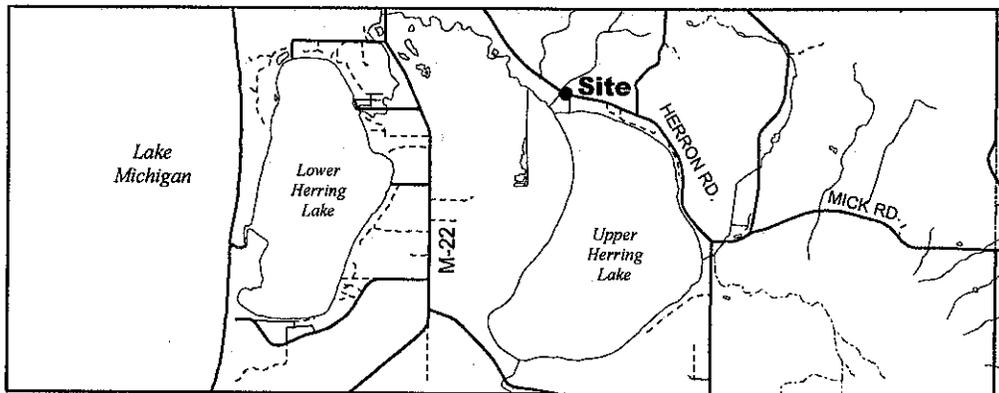
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Date Approved

# SALE OF SURPLUS STATE-OWNED LAND AND GIFT OF LAND

## Upper Herring Lake Boating Access Site - Benzie County Land Transaction Case #20070058



Section 13, T25N, R16W, Blaine Township



Regional Location

- Road Centerline
- - Right-of-Way
- Private Land Offered to DNR as Gift (0.23 acre)
- State Land Desired from DNR as Purchase (0.65 acre)
- Applicant's Land
- State Land
- Private Land

