



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

REBECCA A. HUMPHRIES  
DIRECTOR

August 18, 2008

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

**INFORMATION:** Natural Resources Commission

**Transaction:** Sale of Easement for Inland Earthen Dike Rehabilitation  
Pointe Aux Peaux State Wildlife Area – Monroe County  
Land Transaction Case #20070201

**Sale:** Easement for Inland Earthen Dike Rehabilitation

**Description:** Monroe County, Frenchtown Township, T06S, R10E, Section 29,  
see "Attachment A" for complete legal description

**Purchaser:** Frenchtown Charter Township, Resort District Authority (FTRDA),  
Monroe, Michigan

**Sale Price:** \$31,032.84 fee determined from Department of Natural Resources'  
(Department) Timber Consideration and Easement Fee Schedules

**Authority:** Part 19 and Part 21 of Act 451, Public Acts of 1994 as amended

**Notice:** This item will appear on the Department's September 2, 2008 Calendar and  
is eligible for approval on September 9, 2008. The transaction was also  
posted in local newspaper as required by legislation.

**Comments:** The applicant desires a permanent easement for rehabilitation of an existing  
inland earthen dike which is located over a portion of land managed by the  
Department as the Pointe Aux Peaux State Wildlife Area in northeastern  
Monroe County, five miles northeast of the City of Monroe. The dike was  
constructed to protect private land from flooding. The desired easement  
varies in width from 10-feet to 25-feet and covers a total distance of  
5,619.07 feet.

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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The proposed easement sale was reviewed by Department staff and was approved by the Department's Land Exchange Review Committee (LERC) on February 28, 2008. Several conditions were stipulated as part of this approval and FTRDA has accepted the following conditions:

1. The FTRDA agrees to complete a yearly inspection of the dike system and provide the inspection report to the Department.
2. The FTRDA assumes total responsibility for maintenance and liability of the dike system, and any repairs or routine maintenance would be completed with permission granted via a use permit from the Department.
3. The FTRDA understands that the inland edge of the earthen dike (the side protected from floodwaters) will be located along the exact property line of State ownership clearly delineated and marked by survey and agrees to complete an appropriate survey, if none presently exists.
4. The FTRDA will be responsible for timber damages as determined by the Department's timber consideration schedule.
5. The FTRDA will be responsible for developing and enforcing an ordinance preventing Off Road Vehicle use on earthen dikes.
6. The Department's Easement Fee Schedule shall be utilized for determination of the cost of the easement.
7. Permission to use those areas of State land needed for construction that are outside the scope of the easement would be granted via a use permit issued by the Department.

The land upon which this earthen dike is located was acquired by the Department through the tax reversion process in 1968 and 1984. The initial acquisition for the majority of the land contained a total of 599 platted subdivision lots (105 acres) characterized by marginally-drained soils, productive wetland habitat, and lowland hardwood forest cover. Since its dedication as the Point Aux Peaux State Wildlife Area, the area has nearly tripled in size through subsequent acquisitions and exchanges involving adjoining wetland and Lake Erie waterfront tracts.

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.

August 18, 2008

- Recommendations:
- (1) That sale of an easement for the construction and maintenance of an inland earthen dike be approved, subject to the conditions as noted above.
  - (2) That the proceeds from the sale of the easement be deposited in the LEFF, with \$3,864.00 for the Timber Consideration Fee deposited in the Forest Development Fund.



David E. Freed, Chief  
Land and Facilities



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



Douglas A. Reeves, Acting Chief  
Wildlife



Ronald A. Olson, Chief  
Parks and Recreation



Kelley D. Smith, Chief  
Fisheries



Arminda S. Koch  
Resource Management Deputy

I approve the staff recommendations.

Rebecca A. Humphries  
Director

\_\_\_\_\_  
Date Approved

## **“Attachment A”**

### Legal Description

for the

Easement for Earthen Dike Replacement/Repair/Maintenance  
Frenchtown Charter Township Resort District Authority  
Land Transaction Case #20070201

DNR Property from Grandview to Pointe Aux Peaux Roads

Beginning at the NW corner of Lot 627 of Stony Pointe Beach Subdivision, as recorded in Liber 4 of Plats, Pages 42-45 in the E ½ of Section 29, Frenchtown Township, T06S, R10E, Monroe County Michigan;

Thence S 1° 20' 44" E 1,360.82 feet along the east line of Outlot 'E' of said Subdivision;

Thence S 88° 39' 16" W 25.00 feet along the waters edge of Lake Erie;

Thence N 1° 20' 44" W 1,385.49 feet;

Thence N 87° 54' 16" E 1,297.92 feet;

Thence N 1° 31' 21" W 1,808.34 feet;

Thence N 70° 15' 10" W 144.69 feet;

Thence N 71° 22' 10" W 939.63 feet;

Thence N 18° 37' 50" E 16.00 feet;

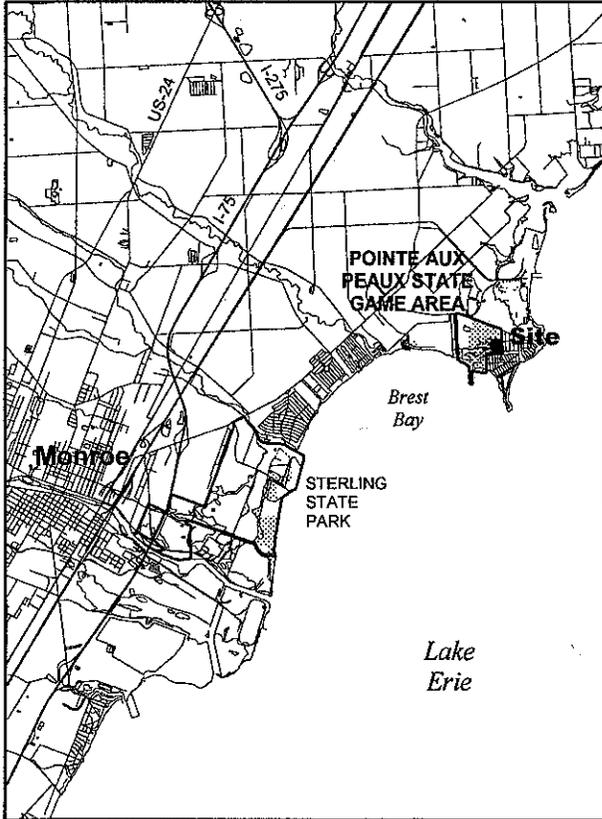
Thence S 71° 22' 10" E 939.79 feet;

Thence S 70° 15' 10" E 149.35 feet;

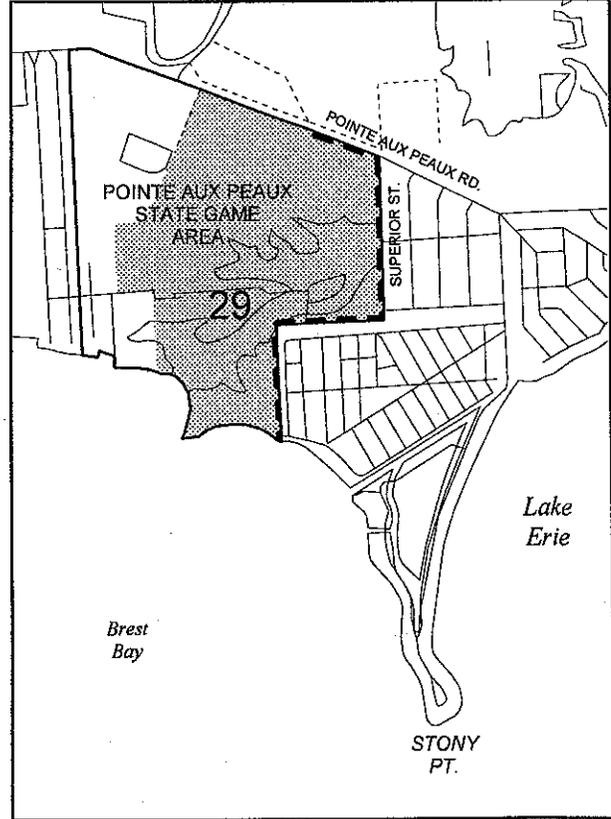
Thence S 1° 31' 21" E 1846.52 feet along the west line of Outlot 'A' of Dewey's Summer Homes Subdivision, as recorded in Liber 5 of Plats, Page 5 in the NE ¼ of Section 29, Frenchtown Township, T06S, R10E, Monroe County, Michigan;

Thence S 87° 54' 16" W 1,283.00 feet along the north line of Lots 597-627 of Stony Pointe Beach Subdivision, as recorded in Liber 4 of Plats, Pages 42-45 in the E ½ of Section 29, Frenchtown Township, T06S, R10E, Monroe County, Michigan to the Point of Beginning. Containing 98,742 square feet of land, more or less. Being part of the E ½ of Section 29, T06S, R10E, Frenchtown Township and part of Outlot 'E' of Stony Pointe Beach Subdivision, as recorded in Liber 4 of Plats, Pages 42-45 in the E ½ of Section 29, Frenchtown Township, T06S, R10E, Monroe County, Michigan. Subject to easements and restrictions of record, if any.

**SALE OF EASEMENT  
FOR INLAND EARTHEN DIKE REHABILITATION  
Pointe Aux Peaux State Wildlife Area - Monroe County  
Land Transaction Case #20070201**

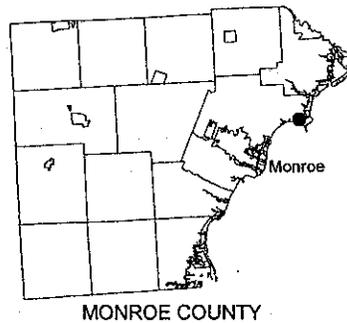


Regional Location



Section 29, T06S, R10E, Frenchtown Township

- Game Area Boundary
- - Easement Desired From DNR (5,619.07 ft. - \$31,032.84)
- ▨ State Land
- Private Land



DNR-FMFM  
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