



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

March 8, 2010

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

Transaction: Placement of Use Restrictions on Certain State-owned Land
Grayling Management Unit – Crawford County
Land Transaction Case #20070082

Sale: Restrictive covenant over 68.12 acres of land.

Restrictions: “Declaration of Restrictive Covenant” developed by the Department of Natural Resources and Environment (Department), Waste and Hazardous Materials Division (WHMD).

Description: Crawford County, Maple Forest Township, T28N, R03W, Section 4:
A parcel of land described as follows: Commencing at the Center of said Section 4; thence N 88° 42' 20" E, 200.03 feet along the E-W ¼ line of said Section 4 to the Point of Beginning; thence N 00° 30' 24" W, 1,384.74 feet; thence S 89° 06' 26" E, 1,200.36 feet; thence S 00° 30' 24" E, 1,338.93 feet to a point on the E-W ¼ line of said Section 4; thence S 00° 30' 25" E, 1,111.07 feet; thence S 88° 42' 20" W, 1,200.12 feet; thence N 00° 30' 25" W, 1,111.07 feet to a point on the E-W ¼ line of said Section 4 and the Point of Beginning.

Purchaser: City Environmental Services, Inc. of Waters (CESW), Frederic, Michigan

Sale Price: \$93,240.00

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

Notice: This item will appear on the Department’s March 29, 2010 Calendar, and is eligible for approval on April 5, 2010. The transaction was also posted in local newspapers as required by legislation.

Acquired: The parcel was acquired by tax reversion in 1927.

Comments:

In 1990, the Department conveyed 265 acres by public use deed to the Crawford-Otsego Solid Waste Management Authority for sanitary landfill purposes. A portion of this property had previously been used as a landfill by the local community. The Authority later conveyed the 265 acres to CESW, the applicant in this land transaction.

The CESW has requested the Department place a restrictive covenant on a 68.12-acre parcel of State land adjacent to the east boundary of the landfill property. This request is the result of a Department requirement that CESW take actions to come into compliance with the requirements of Part 201 of NREPA, concerning a historical contaminant release to groundwater from the landfill. Monitor wells located along the property boundary have detected elevated levels of vinyl chloride and dissolved iron above the Part 201 groundwater protection criteria. These contaminants are moving onto State-owned property in a southeasterly direction, approximately 130 feet below the surface. In order to address this situation, the Department approved a remedial action plan (RAP) for the contaminants of concern. The RAP is a "Limited Closure" under Part 201, which requires institutional controls (restrictive deeds, ordinances, etc.) to be implemented in the area of contamination. In order for the facility to comply with the Part 201 regulations under the approved RAP, all areas affected by the groundwater contamination must be covered by a comprehensive restrictive covenant. The spread of contamination and the need to impose restrictions have degraded the value of the adjacent State-owned land.

The land will continue to be owned and managed by the Department, and open for public recreation.

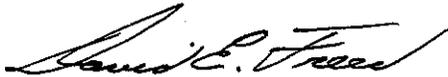
The restrictions will include the following:

- 1) Groundwater Use Prohibited. The Owner shall prohibit the consumptive or other use of the groundwater, unless approved in writing by the WHMD.
- 2) Wells Prohibited. The Owner shall prohibit the construction of wells or other devices to extract groundwater for consumption, irrigation, or any other use, unless approved in writing by the WHMD.
- 3) Other Prohibited Activities. The Owner shall prohibit activities on the property that may damage or interfere with any monitoring well located on the property, if any, or the sampling of such well(s).
- 4) Access. The owner shall grant to the WHMD, the RAP Operator, and their designated representatives, the right to enter the property at reasonable times for the purpose of determining compliance with the RAP, including the right to sample and maintain any monitoring well required by the RAP, if any.

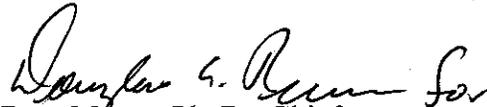
This transaction was reviewed by Department staff and recommended for approval by the Land Exchange Review Committee on April 26, 2007.

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.

Recommendation: That a restrictive covenant over the 68.12-acre parcel be approved, with payment of \$93,240.00 to be deposited into the LEFF.



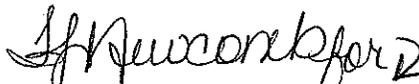
David E. Freed, Chief
Land and Facilities



Russ Mason, Ph. D., Chief
Wildlife Division



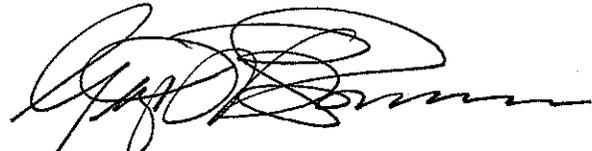
Lynne M. Boyd, Chief
Forest Management Division



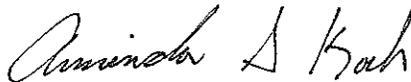
Kelley D. Smith, Ph. D., Chief
Fisheries Division



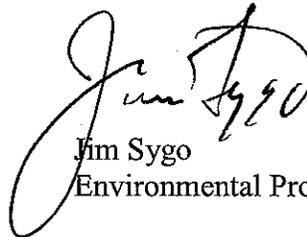
Ronald A. Olson, Chief
Recreation Division



George W. Bruchmann, Chief
Waste and Hazardous Materials Division



Arminda S. Koch
Resource Management Deputy Director



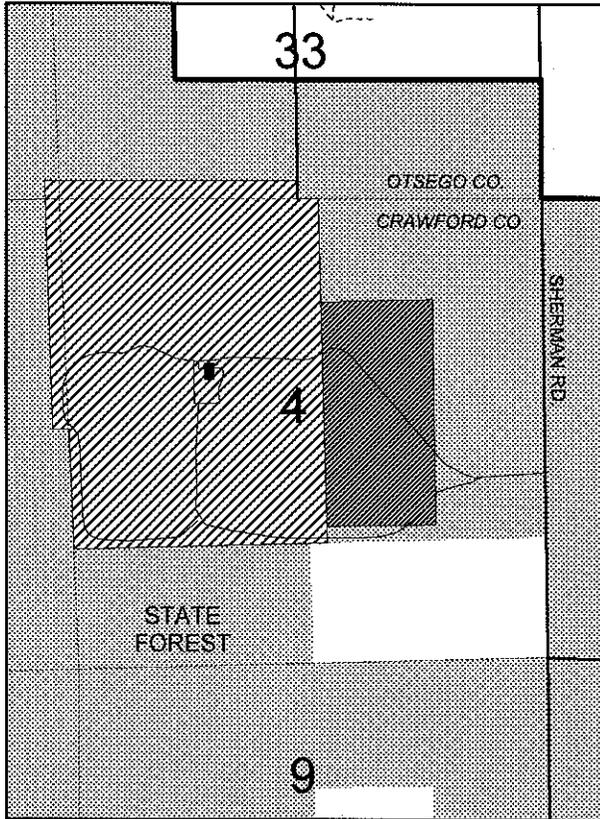
Jim Sygo
Environmental Protection Deputy Director

I approve the staff recommendation.

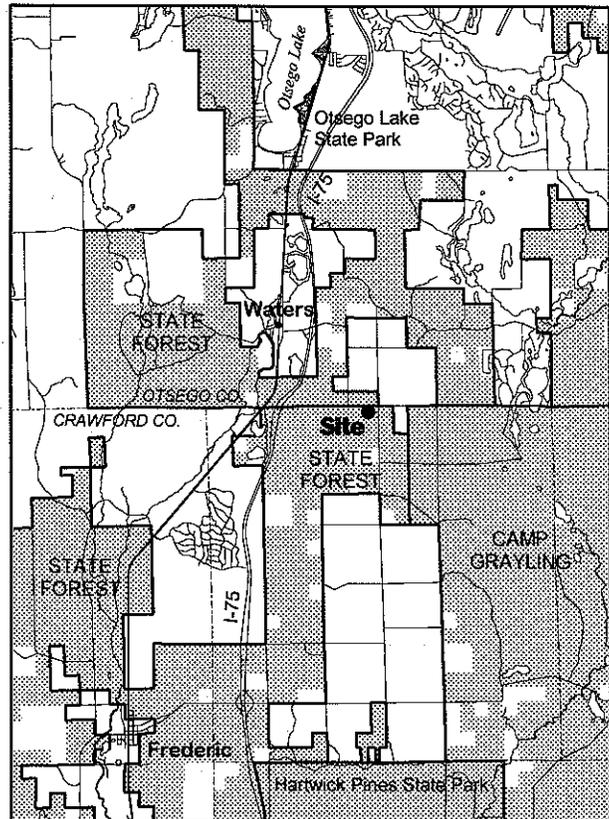
Rebecca A. Humphries
Director

Date Approved

**PLACEMENT OF USE RESTRICTIONS
ON CERTAIN STATE-OWNED LAND
Grayling Management Unit - Crawford County
Land Transaction Case #20070082**

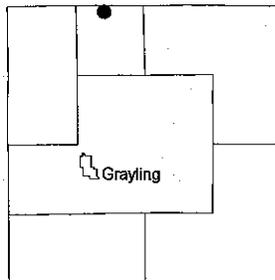


Section 4, T28N, R03W
Maple Forest Township



Regional Location

- State Forest boundary
- Restrictive covenant to be sold (68.12 acres - \$93,240.00)
- Applicant's land (landfill)
- State land
- Private land



CRAWFORD COUNTY



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