



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

August 17, 2009

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

**INFORMATION:** Natural Resources Commission

**Transaction:** Sale of Easement across State-owned Land  
Baraga Management Unit – Houghton County  
Keweenaw Trail  
Land Transaction Case #20090042

**Sale:** Recreational Trail Crossing Easement

**Description:** Houghton County, Franklin Township, T55N, R33W, Section 32: A one hundred foot (100') wide easement situated in part of Government Lot 2, said easement lies fifty feet (50') each side of the centerline described as: Commencing at the East quarter corner of said Section; thence S 89° 33' 56" W along the East-West quarter line of said Section, 1,318.22 feet to the Northeast corner of Government Lot 2 of said Section 32; thence S 00° 01' 30" W along the East line of said Government Lot, 610.02 feet to the South line of the former Soo Line Railroad right-of-way (now owned by MDOT. Rail & Freight); thence Westerly along said former Soo line Railroad right-of-way, 661.60 feet along a 2,867.91 foot radius curve to the right with an included angle of 13° 13' 03" and a chord bearing S 89° 59' 53" W, 660.13 feet; thence N 07° 15' 12" E, 155.91 feet to the South line of the former Copper Range Railroad right-of-way (now owned by DNR) and the point of beginning; thence continuing N 07° 15' 12" E, 64.48 feet to the North line of said Copper Range Railroad right-of-way, and the South line of the Highway M-26 right-of-way, and also the point of ending. The easement and its sidelines extend to and terminate at the North and South lines of said former Copper Range Railroad right-of-way.

**Purchaser:** Moyle Real Estate & Development, a Michigan Corporation, Houghton, Michigan

**Sale Price:** \$23,100.00

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

August 17, 2009

**Notice:** This item will appear on the Department of Natural Resources' (Department) August 31, 2009 Calendar, and is eligible for approval on September 8, 2009. The transaction was also posted in local newspapers as required by legislation.

**Comments:** The applicant desires an easement from the Department to cross the Keweenaw Trail to provide access to a 72-unit condominium project. The applicant is also seeking an easement from the Michigan Department of Transportation (MDOT) to cross a parallel inactive railroad grade owned by MDOT, before they can sell any of the condominiums.

Two historic crossings currently exist to provide access to the applicant's site. As part of this transaction, the applicant proposes to improve one crossing and to abandon and restore the second crossing for safety reasons.

This transaction was reviewed by Department staff and recommended for approval by the Land Exchange Review Committee on June 25, 2009 with conditions as outlined below.

Proceeds from the sale will be deposited in the Land Exchange Facilitation Fund (LEFF) – Trailway Subfund. The 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.

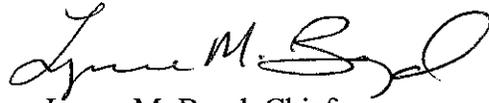
- Recommendations:**
- (1) That the easement described be sold to the applicant for \$23,100.00.
  - (2) That the applicant abandon and restore the second trail crossing that provides access to the same project.
  - (3) That the applicant maintain the existing grade elevation at the new crossing.
  - (4) Any landscaping, including medians, berms, or plantings, are to be set back by the applicant so as not to restrict a clear line of sight along the DNR trail.
  - (5) That the Department and the qualifying recipient of grant funds for the purpose of grooming and maintaining the trail shall be held harmless by the applicant for any damage or erosion of the pavement from snowmobile traffic.

August 17, 2009

(6) That the proceeds from the sale be deposited into the LEFF – Trailway Subfund.



David E. Freed, Chief  
Land and Facilities



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



Russ Mason, Chief  
Wildlife



Ronald A. Olson, Chief  
Parks and Recreation



Kelley D. Smith, Chief  
Fisheries



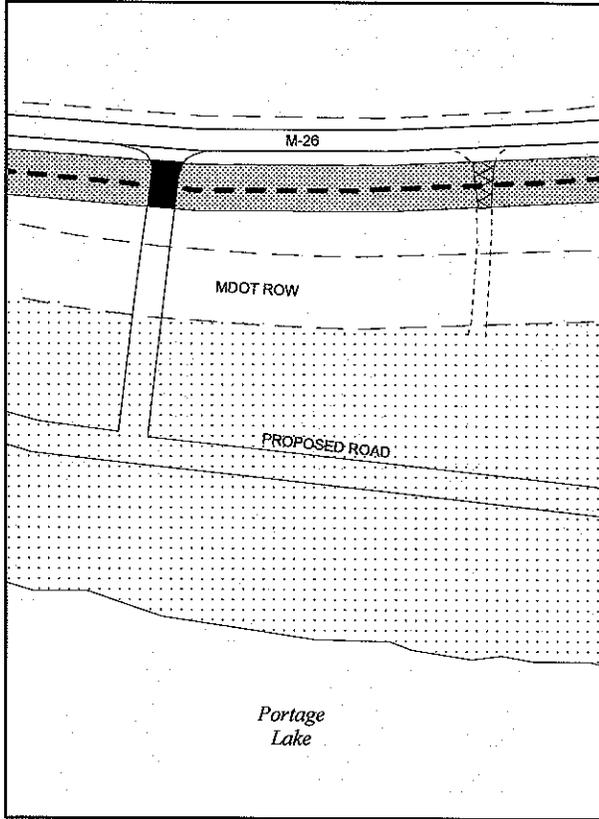
Arminda S. Koch  
Resource Management Deputy

I approve the staff recommendations.

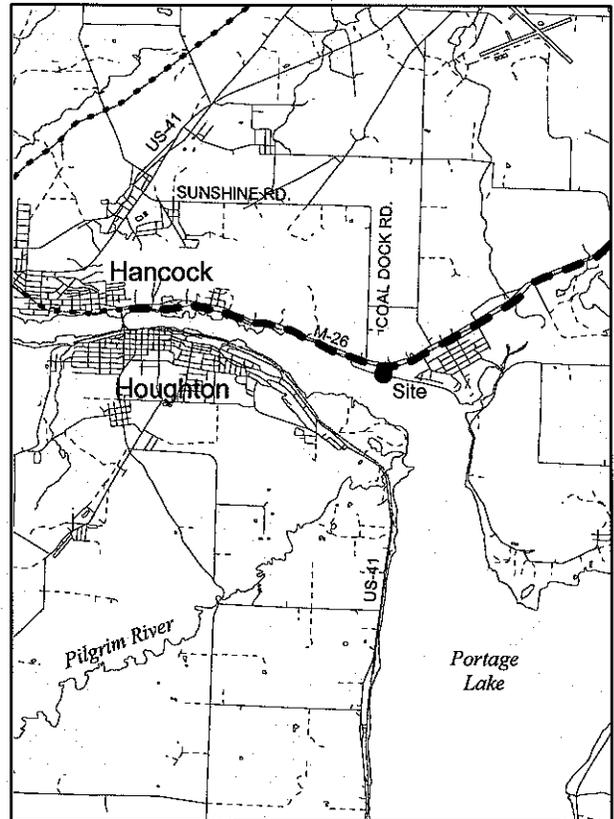
Rebecca A. Humphries  
Director

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Date Approved

**SALE OF EASEMENT  
ACROSS STATE-OWNED LAND  
Baraga Management Unit - Houghton County  
Keweenaw Trail  
Land Transaction Case #20090042**



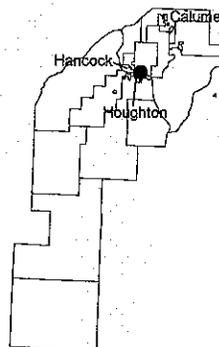
Section 32, T55N, R33W, Franklin Township



Regional Location

- - Right-of-way
- - Keweenaw Trail
- Desired easement across state land (0.15 acre)
- Crossing to be removed
- Applicant's land
- State land
- Private land

- Keweenaw Trail
- Hancock/Calumet Trail



HOUGHTON COUNTY



DNR-FMFM  
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Commission\_Memos\  
OLAF\20090042\_keweenaw trail  
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