

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994
Subpart 3
EXCHANGE OF STATE LANDS

324.2104 Exchange of lands; authorization; refund of application fee; approval or denial of application; application fee.

Sec. 2104.

(1) Any of the lands under the control of the department, the title to which is in this state, and which may be sold and conveyed may be exchanged for lands of equal area or approximately equal value belonging to the United States or owned by private individuals if it is in the interest of this state to do so.

(2) If the department charged an application fee for a proposed sale of land under this part and the state land proposed for sale is instead sold to another party within 3 years after the date a completed application was received by the department from the prior applicant, the department shall refund the application fee in full to the prior applicant if the prior applicant has informed the department of his or her current address.

(3) Effective 60 days after the department receives an application from a private individual to exchange that individual's land for surplus state land, the application shall be considered to be complete unless the department proceeds as provided under subsection (4).

(4) If, before the expiration of the 60-day period under subsection (3), the department notifies the applicant, in writing, that the application is not complete, specifying the information necessary to make the application complete, or that the fee required under subsection (6) has not been paid, specifying the amount due, the running of the 60-day period under subsection (3) is tolled until the applicant submits to the department the specified information or fee amount due, at which time the application shall be considered to be complete.

(5) Within 210 days after the application is complete, or a later date agreed to by the applicant and the department, the department shall approve or deny the application and notify the applicant in writing. If the department denies the application, the notice shall set forth the specific reasons for the denial.

(6) The department shall charge a fee for an application for the exchange of state land. The fee shall be \$300.00 plus, if the state land is more than 300 acres in size, the actual reasonable cost of processing the application.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995 ;-- Am. 1998, Act 28, Imd. Eff. Mar. 18, 1998 ;-- Am. 2018, Act 238, Eff. Sept. 25, 2018 ;-- Am. 2022, Act 2, Eff. Mar. 29, 2023

Popular Name: Act 451

Popular Name: NREPA

324.2105 Exchange of lands with United States; description; maintenance; conveyance; validity.

Sec. 2105.

If the department determines that it is in the best interests of the state to relinquish or convey to the United States under the laws of the United States any part or portion of the lands described in section 2104 in exchange for other lands of equal area or approximately equal value to be selected by the department from the unappropriated public lands in this state that belong to the United States and that may be relinquished or conveyed to the state by the United States under the laws of the United States, the department shall maintain a description of the lands belonging to the state that are to be relinquished or conveyed to the United States, and, upon making arrangements with the proper authorities of the United States, the department shall execute the proper conveyance to the United States of the lands to be relinquished or conveyed. This conveyance shall be void if the lands of an equal area or approximately equal value are not relinquished or conveyed by the United States to the state in lieu of the lands and in accordance with selections made by the department.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995

Popular Name: Act 451

Popular Name: NREPA

324.2106 Availability of writings; exchange of lands with private individuals; description; maintenance; conveyance by individual; title; certification by attorney general; conveyance by state.

Sec. 2106.

(1) The department shall maintain on its website and make available in writing to persons seeking to purchase land from, sell land to, or exchange land with the department under this part information about relevant requirements and procedures under this part and section 503(11) and (12).

(2) If it is in the interests of this state to exchange any of the lands described in section 2104 for lands of an equal area or of approximately equal value belonging to private individuals, the department shall maintain a description of the lands to be conveyed and a description of the lands belonging to individuals to be deeded to this state.

(3) Before any of the lands are deeded to an individual as provided in this subpart, the person or persons owning any lands to be deeded to this state shall execute a conveyance of those lands to this state. The department shall accept delivery of the deed. The attorney general shall examine the title to the lands deeded to this state and certify to the department whether or not the conveyance is sufficient to vest in this state a good and sufficient title to the land free from any liens or encumbrances. If the attorney general certifies that the deed vests in this state a good and sufficient title to the deeded lands free from any liens or encumbrances, the department shall within 30 days execute a deed to the individual of the lands to be conveyed by this state.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995 ;-- Am. 2018, Act 240, Eff. Sept. 25, 2018

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324.2107 Acquired lands; classification; control; application by private individual for exchange.

Sec. 2107.

If the state acquires lands under this subpart, under former Act No. 193 of the Public Acts of 1911, or pursuant to the laws of the United States providing for an exchange of lands between the United States and the state, the lands acquired by the state shall become a part or portion of that class of lands to which the lands relinquished in lieu of the lands formerly belonged, and shall be subject to the same supervision and control and laws of the state to which the lands relinquished or conveyed by the state would have been subject had they remained the property of the state. However, an application from private individuals for the exchange of their lands for lands proposed to be acquired by the state from the United States under section 2104 shall not be received, filed, or in any manner considered or acted upon until after the state has received conveyance of the lands from the United States, and then applications from private individuals for the exchange of their lands shall be filed, considered, and acted upon only in the order in which they are received.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995

Popular Name: Act 451

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324.2108 Conveyance to United States pursuant to property rights acquisition act.

Sec. 2108.

Any land that is exchanged, relinquished, or otherwise conveyed to the United States under this subpart shall be conveyed pursuant to the property rights acquisition act, Act No. 201 of the Public Acts of 1986, being sections 3.251 to 3.262 of the Michigan Compiled Laws.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995
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