

# The Discovery Center's Pros and Cons of Various Ownership and Use Agreement Scenarios

**Traverse City Light & Power**  
Current Owner

**Con**  
It could be argued that a park is created by implied dedication, following recreational use by public

**City of Traverse City**

**Transfer Ownership**

**Pros**  
Eliminates all general liability for ongoing operations.  
Has legal authority to sell the property for as little as one dollar or any negotiated amount.  
Best achieves the Discovery Center's goals of a public community waterfront.  
Will preserve deep-water port access for community.  
No ongoing management responsibilities.  
Concerns about the future operations can be included in deed restrictions.

**Cons**  
TCLP loses control of use of property (except as by deed restrictions).

**Use Agreement**

**Pros**  
Can achieve the Discovery Center's goals of public community waterfront.  
Concerns about the ongoing operations can be included in contract.  
TCLP retains control of use of property.

**Cons**  
Will leave residual general liability with TCLP (injuries, accidents, etc.).  
Will preserve deep-water port access for community.  
The ongoing management responsibilities will be a drain on TCLP staff time.

**Use Agreement**

**Pros**  
Can achieve the Discovery Center's goals of public community waterfront.  
Concerns about the ongoing operations can be included in contract.  
City retains control of use of property.

**Cons**  
Will leave residual general liability with City (injuries, accidents, etc.).  
Will preserve deep-water port access for community.  
The ongoing management responsibilities will be a drain on City staff time.

**Transfer Ownership**

**Pros**  
Eliminates all general liability for ongoing operations.  
No ongoing management responsibilities.  
Eliminates all general liability for ongoing operations.

**Cons**  
Must be a competitive sale to highest bidder.  
Cannot achieve the Discovery Center's goals of a public community waterfront  
Private-sector owner would convert to use inconsistent with public sentiment.  
Unlikely to be able preserve deep-water port for future.  
City loses control of use of property (except as by deed restrictions).