STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #02-AR-1

The proposed annexation of territory in Eaton Township to the City of Charlotte.

SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The territory petitioned for annexation from Eaton Township to the City of Charlotte is described in Attachment A.

A. On January 2, 2002, a petition was filed asking for the annexation of territory in Eaton Township to the City of Charlotte.

B. On April 28, 2002, the State Boundary Commission held an adjudicative meeting to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.

C. On June 5, 2002, the State Boundary Commission held a public hearing in Charlotte, Michigan to receive testimony given pursuant to Public Act 191 of 1968, as amended.

D. On August 8, 2002, at an adjudicative meeting, State Boundary Commissioners VerBurg, and Walker, and Eaton County Commissioner Charles Zwick voted to recommend that the Director of the Department of Consumer & Industry Services approve the annexation and that Boundary Commission staff prepare draft Findings of Fact and Conclusion of Law.

E. On September 12, 2002, at an adjudicative meeting State Boundary Commissioners VerBurg, Walker and Ishbia, and Eaton County Commissioner O'Deen voted to adopt the Summary of Proceedings, Findings of Fact and Conclusions of Law, and to recommend that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation.

FINDINGS OF FACT

1. The City of Charlotte petitioned for the annexation of approximately 19.3 acres of property that consists of a manufactured housing park, a bar and a bowling alley.

2. The City of Charlotte and Eaton Township entered into a Development Cooperation Agreement in 1998. In the Agreement Eaton Township agreed to take a neutral position on this annexation.

3. These properties are currently receiving sewer service from the City of Charlotte.

4. David Jackson, owner of the bowling alley is opposed to the annexation of his property.

6. The City of Charlotte can provide water and police service, in addition to public sewer service, to the area proposed for annexation.

THE COMMISSION FINDS THAT

1. This annexation is consistent with the Development Cooperation Agreement between the City of Charlotte and Eaton Rapids Township.

2. The proposed annexation will not result in a substantial reduction of tax base or revenues of the township.

3. The proposed annexation will not have deleterious effect on the broader community.

4. The proposed annexation will result in an increase of taxes for the affected parcels, but the cost of sewer service will decrease, and the increase is relatively consistent with the services that the parcels and occupants will receive.

5. The City appears to have the fiscal capacity to accommodate the additional demand for services to the proposed area.

CONCLUSIONS OF LAW

The record of this docket, in accordance with the criteria stipulated under Section 9 of the Public Act 191 of 1968, as amended, supports the Commission's recommendation that the Director of the Department of Consumer & Industry Services sign the attached Order approving the subject annexation and adopting the Summary of Proceedings and Findings of Fact and Conclusions of Law.

Kenneth VerBurg, Chairperson
State Boundary Commission

September 12, 2002
Date

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DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

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Boundary Commission Docket # 02-AR-1

FINAL ORDER

IT IS ORDERED THAT the territory described in Attachment A Eaton Township, Eaton County, be annexed to the City of Charlotte.

IT IS FURTHER ORDERED THAT the attached Summary of Proceedings and Findings of Fact and Conclusions of Law and this Order shall be effective on the date the Director of the Department of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT the State Boundary Commission shall transmit a certified copy of this Order and the attached Summary of Proceedings and Findings of Fact and Conclusions of Law to the clerks of the City of Charlotte, Eaton Township, Livingston County and the Secretary of State.

Noelle A. Clark

Noelle A. Clark, Director
Michigan Department of Consumer & Industry Services

10/09/02
Date

Attachment A

A parcel of land in Section 5, T2N, R4W, Eaton Township, Eaton County, Michigan, more particularly described as:

Commencing at the southeast corner of Section 5, T2N R4W, Eaton Township, Eaton County, Michigan;

Thence northerly 870.6 feet along the East line of said Section 5 to the Point of Beginning;

Thence westerly along the City of Charlotte city limits parallel with the South line of said Section 5 to the southeasterly right-of-way of Highway U.S.-27 also old M-78;

Thence northeasterly 1,310.10 feet more or less along said southeasterly right-of-way of Highway U.S.-27, to a point 597.10 feet Northeasterly of the intersection of the said right-of-way line and the south line of said Northeast ¼ of the Southeast ¼;

Thence southeasterly 411.06 feet at a right angle to said southeasterly right-of-way of Highway U.S.-27 to a point located 58.83 feet North of the South East-West 1/8 line of said Section 5;

Thence South perpendicular to said South East-West 1/8 line of Section 5, 58.83 feet to said South East-West 1/8 line of Section 5;

Thence easterly along said South East-West 1/8 line of Section 5 to the East line of said Section 5;

Thence southerly 452.4 feet along said East line of Section 5 to the Point of Beginning.