STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #00-AP-3

The proposed annexation of
territory in **VevayTownship**
into the **City of Mason.**

_____/

SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSIONS

This matter of the proposed annexation, consisting of the following territory in Vevay Township into the City of Mason, is described as follows:

See Attachment A.

SUMMARY OF PROCEEDINGS

A. On **February 28, 2000,** a petition was filed by Hamid B. Servati and the First Church of the Nazerene of Mason, asking for the annexation of a portion of Vevay Township into the City of Mason.

B. On **July 13, 2000,** an adjudicative meeting of the State Boundary Commission was held 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 **September 27, 2000,** a public hearing was held in the Mason area to receive testimony given pursuant to Public Act 191 of 1968, as amended.

D. On **March 8, 2001**, at an adjudicative meeting held in Lansing, State Boundary Commissioners Rutledge and Walker and Ingham County Boundary Commissioner Hoffman voted in favor of a motion to recommend that the Director of the Department of Consumer & Industry Services approve the annexation and staff was directed to prepare draft Findings of Fact and Conclusions of Law. Ingham County Boundary Commissioner West voted to oppose the motion.

Commissioner West opposed the motion for the following reason:

■The petition was premature because there was considerable land in the City that has not been developed and the subject property is prime agricultural land.

E. On **June 7, 2001**, at an adjudicative meeting, State Boundary Commissioners VerBurg, and Walker and Ingham County Boundary Commissioner Hoffman voted to recommend approval of the Draft Summary of Proceedings and Findings of Fact and Conclusions of Law, as amended, and to recommend that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation and adopting the Summary of Proceedings and Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Petitioners testified that he is requesting annexation of the subject property because:

■City sanitary sewer, water, fire and police services are needed for a proposed residential development on approximately 96 acres of the subject property and for expansion of the First Nazerene Church on approximately 44 acres of the subject property.

Testimony from the City included:

■The Mason City Council unanimously passed a resolution stating that the City of Mason is "willing to accept the properties ...and to serve the area with city services."

■ The City maintains that in an Act 425 Agreement between Vevay Township and the City of Mason, signed in May of 1998, the Township agreed that it would not use any of its purchased sewer capacity in Section 10. The Agreement also states that land in Section 10 may be annexed by the City when sewer and water services are offered to properties in those sections.

■ The City Zoning Director reported that less than 7% of the City's area remains vacant undeveloped land available for residential development and approximately half of this area in the city flood plain.

■The City did not initiate this annexation petition. The property owner is asking for annexation of this property and the City said it would accept and service it.

■The City's water and sanitary sewer system capacities are more than adequate to serve the proposed developments on the subject property.

Testimony from the Township included:

■ The Township agrees that the 1998 Act 425 Agreement mandates squaring off certain boundaries, which would include about 25 acres of this petition – and the Township is not opposed to annexation of those 25 acres. The remainder of the area falls under the "may" be annexed language and the Township does not believe it should be annexed at this time because expanding the City's infrastructure to this area would encourage residential development on prime agricultural land when additional residential development is not needed.

Additional information in the record includes:

■The City's population increased from 6,101 to 6,768 between the 1980 and 1990 census.

■There are no residents living on the area proposed for annexation.

■ The City reports 3 standard housing subdivisions planned, 1 under construction and 1 completed in the last 3 years and 1 condominium subdivision planned, 3 under construction and 1 completed in the last 3 years.

■The City millage rate is 13.75; the Township millage rate is 2.4030. The state equalized valuation for the area proposed for annexation in $127,700.

■The City's public water system is currently operating at 82% of capacity and the City's sanitary sewer system is at 73% of capacity.

THE COMMISSION FINDS THAT

1. Land uses, population statistics, the past and probable future urban growth of the community, including commercial and industrial development, indicate that growth and development have been significant.

2. The probable future needs for organized community services in the area petitioned for annexation include water, sanitary sewer, fire protection and police and other urban type services.

3. Comparative data for the City of Mason and Vevay Township show the probable effect of the proposed annexation on the remaining portion of the Township would be minimal and within the parameters previously agreed to by the City and the Township in the 1998 Act 425 Agreement.

4 The topography, natural boundaries and drainage basins of the area proposed for annexation do not preclude development of the subject property.

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

6. The City of Mason has the ability and the capacity to provide public water and sanitary sewer service to the subject area.

7. The City of Mason and Vevay Township signed an Act 425 Agreement for planned growth and development and the area proposed for annexation is detailed in that agreement as an area that both parties agree may be annexed to the City.

CONCLUSIONS OF LAW

1. 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 recommendation of the Commission that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation and adopting the Findings of Fact and Conclusions of Law.

Kenneth VerBurg

Kenneth VerBurg, Chairperson
State Boundary Commission

June 7, 2001
Date

Attachment A

A part of Section 10, T2N, R1W, Vevay Township, Ingham County, Michigan, described as commencing at the Northwest corner of said Section 10; thence N89°56'32''E 1,439.00 feet along the North line of said Section 10 to the point of beginning; thence N89°56'32''E 66.00 feet along the North line of said Section 10; thence S00°39'57''E 812.00 feet; thence N89°56'32''E 668.62 feet; thence S 00°38'41;;E 1068.02 feet; thence S89°58'02''E 2, 510.74 feet; thence S00°34'10''E 773.93 feet to the East-West ¼ line of Section 10; thence N89°56'04''W 677.3 feet along said ¼ line; thence S00°32'50''E 989.83 feet along the East line of the West ½ of the Southeast ¼ of Section 10, thence N67°44'53''W 683.76 feet; thence S28°00'08''W 372.00 feet to the centerline of M-36 (Dansville Road); thence N61°38'34''W 602.97 feet along the centerline of M-36 (Dansville Road); thence N62°24'26''W 1, 890.91 feet along the centerline of M-36 (Dansville Road); thence N00°39'57''W 2,264.03 feet; thence N89°56'32''E 437.00 feet; thence N00°39'57''W 286.50 feet to the point of beginning.

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_____/

FINAL ORDER

IT IS ORDERED THAT the described subject territory in Vevay Township, Ingham County, be annexed to the City of Mason.

IT IS FURTHER ORDERED THAT the attached Summary of Proceedings and Findings of Fact and Conclusions of Law and this Order shall be effective thirty days after 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 to the petitioner and the clerks of the City of Mason, Vevay Township, and Ingham County and to the Secretary of State.

Kathleen M. Wilbur

Kathleen M. Wilbur, Director
Michigan Department of Consumer & Industry Services

6/22/01
Date