STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #03-AP-2

The proposed annexation of territory in Portland Township to the City of Portland, Ionia County.

SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSIONS OF LAW

SUMMARY OF PROCEEDINGS

1. On July 9, 2003, a petition designated as Docket #03-AP-2 was filed with the State Boundary Commission requesting annexation of territory in Portland Township to the City of Portland, as described in Attachment A.

2. On September 25, 2003, at an adjudicative meeting, the State Boundary Commission determined the legal sufficiency of the petition. The petition was declared to be legally sufficient, and the Commission expanded the area to be considered for annexation, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.

3. On October 30, 2003, the Boundary Commission held a public hearing in Portland Township, Michigan, to receive testimony regarding the proposed annexation pursuant to Public Act 191 of 1968, as amended.

4. During the 30-day period following the October 30, 2003 public hearing, the Commission received a request from the attorney for American Gas and Oil Company, a property owner in the expanded area, to conduct a supplemental public hearing because the company did not realize that their property was included in the expanded area and, therefore, did not attend the October 30 public hearing.

5. On January 15, 2004, at an adjudicative meeting, the Boundary Commission received comments from the attorney for the township who reiterated the request of American Gas and Oil to schedule a supplemental public hearing. The date for a supplemental public hearing was established at this time.

6. On February 19, 2004, a supplemental public hearing was held in Okemos, Michigan, to receive testimony, pursuant to Boundary Commission Administrative Rule R 123.69.

7. On April 15, 2004, at an adjudicative meeting, State Boundary Commissioners VerBerg, Walker, Ishbia, Barley, and Reisbig, voted to temporarily postpone for approximately two months the Commission's proceeding on Docket #03-AP-2. This motion was in consideration of the status of a tentative intergovernmental agreement being negotiated between Portland Township and the City of Portland to transfer jurisdiction of property proposed for annexation in Docket #03-AP-2.

8. On June 4, 2004, the State Boundary Commission received a copy of the inter-governmental agency agreement, pursuant to Public Act 7 of 1967, as amended, signed between the City of Portland and Portland Township, and filed with the Secretary of State, Office of the Great Seal, on June 4, 2004. This agreement includes all of the property identified for annexation as filed with the Commission on July 9, 2003, in Docket #03-AP-2, and also the American Gas and Oil property which is part of the territory expanded by the Commission on September 25, 2003, in Docket #03-AP-2.

9. On June 17, 2004, at an adjudicative meeting, State Boundary Commissioners voted unanimously to approve a motion to recommend that the Director of the Department of Labor & Economic Growth deny the annexation of Docket #03-AP-2, and that Boundary Commission staff prepare draft Summary of Proceedings, Findings of Fact, and Conclusions of Law.

10. On June 17, 2004, at an adjudicative meeting, State Boundary Commissioners voted unanimously to recommend approval of the draft Summary of Proceedings, Findings of Fact and Conclusions of Law, and to recommend that the Director of the Department of Labor & Economic Growth sign the attached Order to deny the subject annexation and adopt the Summary of Proceedings, Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The territory proposed for annexation is subject to an intergovernmental agency agreement pursuant to the Urban Cooperation Act, Public Act 7 of 1967, as amended, between the City of Portland and Portland Township. The Agreement was filed with the Secretary of State, Office of the Great Seal, on June 4, 2004. This agreement includes all the

property identified for annexation as filed with the Commission on July 9, 2003 (described in Attachment A, and in Attachment B as Parcel 1), in Docket #03-AP-2, and the American Gas and Oil property (described in Attachment B as Parcel 2), which is part of the territory expanded by the Commission on September 25, 2003, in Docket #03-AP-2.

CONCLUSIONS OF LAW

The record of this docket supports the Commission's recommendation that the Director of the Department of Labor & Economic Growth sign the attached Order to deny the annexation of territory in Docket #03-AP-2, and adopt the Summary of Proceedings, Findings of Fact, and Conclusions of Law.

Kenneth VerBurg

Kenneth VerBurg, Chairman

Dated: June 17, 2004

STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH

BEFORE THE STATE BOUNDARY COMMISSION

In the Matter of:

Boundary Commission
Docket #03-AP-2

The proposed annexation of territory in Portland Township to the City of Portland, Ionia County.

FINAL ORDER

IT IS ORDERED THAT the annexation of territory petitioned in State Boundary Commission Docket #03-AP-2 (described in Attachment A, and in Attachment B as Parcel 1), and also the American Gas and Oil property (described in Attachment B as Parcel 2) which is part of the territory expanded by the Commission on September 25, 2003 in Docket #03-AP-2, is denied pursuant to the City of Portland and Portland Township intergovernmental agency agreement on territory proposed for annexation in Portland Township to the City of Portland. This Agreement is pursuant to the Urban Cooperation Act, Public Act 7 of 1967, as amended, and filed with the Secretary of State, Office of the Great Seal, on June 4, 2004 (Attachment B).

IT IS FURTHER ORDERED THAT the attached Summary of Proceedings, Findings of Fact and Conclusions of Law, and this Order, shall be effective on the date the Director of the Department of Labor & Economic Growth 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, Findings of Fact and Conclusions of Law to the clerks of the City of Portland, Portland Township, and Ionia County.

David C. Hollister

David C. Hollister, Director
Michigan Department of Labor & Economic Growth

7-8-04
Date

The territory proposed to be annexed to the City of Portland is described as follows:

ATTACHMENT A

LEGAL DESCRIPTION: PART OF SECTION 34, AND 35 OF T6N-R5W, PORTLAND TOWNSHIP, IONIA COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 35; THENCE S 89° 40' 55" W 808.35 FEET ALONG THE SOUTH LINE OF SAID SECTION 35; THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-96 N 49° 28' 50" W 255.46 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE CONTINUING ALONG THE RIGHT OF WAY LINE AN ARC DISTANCE OF 1837.91 FEET, SAID CURVE WITH A RADIUS OF 3014.93 FEET, A DELTA ANGLE OF 34° 55' 39", AND A LONG CHORD AND BEARING OF N 66° 56' 40" W 1809.58 FEET; THENCE CONTINUING ALONG THE I-96 RIGHT OF WAY LINE N 84° 24' 30" W 1541.60 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE FORMER C & O RAILROAD (NOW ABANDONED); THENCE ALONG THE RIGHT OF WAY LINE AND THE PORTLAND CITY LIMITS N 32° 08' 30" W 128.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG THE RIGHT OF WAY AND THE PORTLAND CITY LIMITS NORTHWESTERLY AN ARC DISTANCE OF 845.52 FEET, SAID CURVE WITH A RADIUS OF 4111.04 FEET, A DELTA ANGLE OF 11° 47 '02", AND A LONG CHORD AND BEARING OF N 26° 14' 54" W 844.03 FEET; THENCE N 11° 15' 16" E 1103.53 FEET ALONG SAID EASTERLY LIMITS OF THE CITY OF PORTLAND TO A TRAVERSE POINT ON THE SOUTH BANK OF THE LOOKINGGLASS RIVER; THENCE ALONG THE SOUTH BANK OF THE LOOKINGGLASS RIVER ON SAID TRAVERSE LINE THE FOLLOWING COURSE AND DISTANCES; S 66° 55' 43" E 277.10 FEET, AND S 53° 02' 04" E 309.47 FEET, AND S 63° 53' 05" E 566.71 FEET, AND N 84° 49' 31" E 290.29 FEET, AND N 59° 52' 13" E 224.06 FEET; AND N 73° 25' 25" E 210.73 FEET; AND S 61° 01' 05" E 213.16 FEET, AND S 39° 15' 40" E 169.72 FEET; AND S 27° 07' 24" E 317.82 FEET; AND S 46° 39' 08" E 334.33 FEET; AND N 84° 24' 25" E 244.56 FEET; AND S 63° 41' 14" E 231.41 FEET; AND S 42° 48' 43" E 202.94 FEET; AND S 19° 18'40" E 131.08 FEET; AND S 52° 50' 00" E 257.59 FEET; AND S 79° 26' 42" E 192.30 FEET; AND N 56° 00' 49" E 427.73 FEET; AND S 83° 05' 52" E 426.71 FEET; AND S 69° 56' 54" E 251.57 FEET TO THE END OF SAID TRAVERSE LINE OF THE LOOKINGGLASS RIVER; THENCE S 00° 21' 44" E 1435.13 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 35 TO THE POINT OF BEGINNING. THIS PARCEL INCLUDES THE AREA BETWEEN THE WATERS EDGE OF THE LOOKINGGLASS RIVER AND THE TRAVERSE LINE.