STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH

STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket # 06-AP-3

The proposed annexation of territory in Oneida Township to the City of Grand Ledge, Eaton County.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND CONCLUSIONS OF LAW

SUMMARY OF PROCEEDINGS

1. On July 7, 2006, a petition designated as Docket #06-AP-3 was filed with the State Boundary Commission requesting the annexation of certain territory in Oneida Township to the City of Grand Ledge, as described in Attachment A.

2. On August 17, 2006, the State Boundary Commission examined the petition for legal sufficiency at an adjudicative meeting held in Lansing. The Commission unanimously declared this petition to be legally sufficient.

3. On February 2, 2007, the State Boundary Commission held a public hearing in Oneida Township to receive public testimony on this proposed annexation.

4. On August 16, 2007, at an adjudicative meeting, State Boundary Commissioners VerBurg and Priebe, and Local Commissioner Reed voted to recommend that the Director of the Department of Labor & Economic Growth sign an order to approve the annexation as petitioned, and also requested Commission staff to prepare a draft Findings of Fact and Order prior to final action. State Commissioner Jamnick voted "no" on the recommendation for the Director to approve the subject annexation, stating that she sees no reason to remove the property from the Township and is not convinced of the need for this annexation.

5. On November 15, 2007, at an adjudicative meeting, the Boundary Commission voted unanimously to adopt this Summary of Proceedings, Findings of Fact and Conclusions of Law, and requested Commission staff to transmit the Order to the Director of the Department of Labor & Economic Growth for signature.

INFORMATION FROM THE RECORD

1. The petitioned area contains approximately 7.53 acres and is currently vacant. The 2006 assessed value of the property is $153,200.00.

2. The petitioner intends to develop the area primarily with residential condominium units (south of existing single-family homes) and some commercial use south of the condos on the frontage adjacent to West Saginaw Highway.

3. The proposed development is consistent with the existing land use and master plan of the City.

4. Sewer capacity for this parcel is readily available from the City of Grand Ledge, and connection exists within 50 feet of the property though stub-out connections in an adjacent residential development located within the city limits.

5. Prior to the filing of this petition, a formal request, in compliance with the 1980 Agreement, was made by the Township to the City for capacity to a large area located east of petitioner's property, and also to include petitioners property. The City denied this request and claimed that it had insufficient capacity based upon the available capacity of prior reserved obligations to serve. This decision was upheld in Circuit Court. The estimated shared cost for the petitioner if this request were granted would be prohibitive.

6. Water customers outside the city pay double usage rates and connection fees, and some are subject to a water capital investment fee.

FINDINGS OF FACT

1. Population, population density, land area, land uses, assessed valuations, topography, and natural boundaries and drainage basins do not preclude the area described in Attachment A from being annexed to the City of Grand Ledge.

2. Comparative data from the City of Grand Ledge and Oneida Township do not preclude the subject area from being annexed.

3. The probable effect of the subject annexation on the cost and adequacy of governmental services, and the practicability of supplying such services in the area approved for annexation and on the remaining portion of the Township, do not preclude the subject area from being annexed to the City.

4. The petitioner wants access to municipal services that are not available from Oneida Township.

5. Oneida Township is unable to provide public water or sewer service to the petitioned territory.

6. The Township proposed a request to the City for the extension of sewer capacity to the petitioner's property through the public hearing and correspondence subsequently submitted to the Commission during the proceedings on this docket. However, the record does not support that the method employed by the Township for submitting such a request was consistent with the terms of a 1980 sewer and water service agreement.

7. The City of Grand Ledge has the ability and the capacity to provide the public water and sanitary sewer service to the subject territory.

8. The City supports this annexation and will provide services to the property if it is annexed.

9. Annexation will allow the subject property to be developed consistent with surrounding land use patterns and development.

10. Annexation of the area described in Attachment A will not have a deleterious effect upon the subject territory or the broader community.

CONCLUSIONS OF LAW

1. The consideration of the criteria stipulated under Section 9 of 1968 PA 191, and the testimony and information contained within the record of this docket, supports the unanimous decision of the State Boundary Commission to recommend that the Director of the Department of Labor & Economic Growth sign the attached Order to approve the subject annexation.

Kenneth VerBurg

Kenneth VerBurg, Chairman

November 15, 2007

STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH

STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket # 06-AP-3

The proposed annexation of territory in Oneida Township to the City of Grand Ledge, Eaton County.

ORDER

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

IT IS ORDERED THAT the Summary of Proceedings, Findings of Fact and Conclusions of Law, and Order approving the annexation of territory in Oneida Charter Township to the City of Grand Ledge, described in Attachment A, shall be effective on the date signed below by the Director of the Department of Labor & Economic Growth.

IT IS FURTHER ORDERED THAT the State Boundary Commission shall transmit a copy of this Order with the Summary of Proceedings, Findings of Fact and Conclusions of Law to the clerks of Oneida Charter Township, the City of Grand Ledge, the County of Eaton, and to the Secretary of State.

Keith W. Cooley

Keith W. Cooley, Director
Michigan Department of Labor & Economic Growth

11/28/07
Date

Attachment A

OVERALL PARCEL TO BE ANNEXED (COMBINED PARCELS 1 & 2)
Part of the Southeast 1/4 of Section 12, T4N, R4W, Oneida Township, Eaton County, Michigan, being more particularly described as follows: Commencing at the South 1/4 Corner of Section 12; thence N89°53'56"E, 342.30 feet along the South Line of Section 12 to the point of beginning of the following described parcel; thence N00°30'45"E, 1091.37 feet along the City of Grand Ledge Corporate Limits; thence N89°46'55"E, 330.00 feet along the South Line of Candlewood Estates No. 6 as recorded in Liber 13 of Plats, Page 18, Eaton County Records and the South Line of Candlewood Estates No. 7, as recorded in Liber 13 of Plats, Page 86, Eaton County Records; thence S00°30'45"W, 761.83 feet; thence S89°53'56"W, 132.00; thence S00°30'45"W, 330.22 feet (recorded as: 330.00 feet); thence S89°53'56"W, 198.00 feet along the South Line of Section 12 to the point of beginning. Containing 7.27 acres, more or less, and subject to the rights of the public over Highway M-43 (Saginaw Highway). Also subject to any easements or restrictions of use or record.