

STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH

STATE BOUNDARY COMMISSION

In the matter of:

**Boundary Commission
Docket # 08-AP-3**

**The proposed annexation of territory
in Grant Township to the City of Clare,
Clare County.**

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

SUMMARY OF PROCEEDINGS

1. On July 25, 2008, a petition designated as Docket #08-AP-3 was filed with the State Boundary Commission requesting the annexation of certain territory in Grant Township to the City of Clare, as described in Attachment A.
2. On September 18, 2008, the State Boundary Commission examined the petition for legal sufficiency at an adjudicative meeting held in Okemos. The Commission voted unanimously to declare this petition as legally insufficient.
3. On November 13, 2008, the State Boundary Commission adopted this Summary of Proceedings, Findings of Fact and Conclusions of Law on the rejection of legal sufficiency at an adjudicative meeting held in Okemos.

FINDINGS OF FACT

1. The petition contained two sheets labeled as the PART I map. The sheet titled "Annexation Drawing" from the PART I map appears to exclude the bottomlands of a pond from the subject property. The sheet titled "Drawing of Description" from the PART I map includes a portion of the bottomlands of a pond; however, for consistency with Michigan riparian law the property lines for submerged land should be extended at right angles with the thread of the pond from the point where the property line meets the shore.

2. The PART III legal description includes the vacated south one-half of Maple Grove Road of the Supervisor's Plat of Maple Grove Subdivision creating a township island. The PART I map depicts only the portion of the vacated south one-half of Maple Grove Road which abuts lot 7 in the Supervisor's Plat of Maple Grove Subdivision.
3. The PART I map and the PART III legal description are not accurate and are not consistent with each other.

CONCLUSIONS OF LAW

1. The Findings of Fact in this docket support the unanimous decision of the Commission to reject this petition for legal sufficiency on the ground that it fails to conform to the Boundary Commission Act, the Boundary Commission Administrative Rules, and any other statutory requirements that govern legal sufficiency criteria.
2. Pursuant to Section 8 of Public Act 191 of 1968, as amended, the Commission shall transmit a copy of this Summary of Proceedings, Findings of Fact and Conclusions of Law to the petitioner, and to the clerks of the City of Clare, the Township of Grant, and the County of Clare.

Kenneth VerBurg, Chairman

November 13, 2008

ATTACHMENT A

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

Lot 1 and Part of Lots 2, 7, 8 and the South One-half of Vacated Maple Grove Road of the SUPERVISOR'S PLAT OF MAPLE GROVE SUBDIVISION, Being part of the SE 1/4 of the SE 1/4 of Section 22, T17N, R4W (Grant Twp.) Clare County Michigan., as recorded in Liber 2 of Plats on Page 47, Clare County, Michigan Public Records AND Part of the Northeast One-quarter of the Northeast One-quarter of Section 27, Part of the Northwest One-quarter of the Northwest One-quarter of Section 26, The Southwest One-quarter of the Southeast One-quarter and The Southwest One-quarter of Section 23, T17N, R4W, Grant Township, Clare County, State of Michigan described as: Beginning N 00° 36' 54" E, along the West Section line of said Section 23, 536.37 feet from the Southwest Corner of said Section 23; thence N 89° 23' 06" W, at a Right Angle to said West Section line, 100.00 feet to the right-of-way line of U.S. 127 North Bound; thence along said Northeasterly right-of-way line of U.S. 127 North bound on the following three courses: S 50° 38' 35" W, 125.22 feet; thence N 76° 09' 42" W, 174.79 feet; thence N 59° 04' 57" W, 205.71 feet to the North line of the South One-half of Vacated Maple Grove Road as platted in said SUPERVISOR'S PLAT OF MAPLE GROVE SUBDIVISION, as recorded in Liber 2 of Plats on Page 47, Clare County, Michigan Public Records; thence N 88° 30' 00" W, along said North line, 117.56 feet to the West line of the Northerly extension of said Lot 2; thence South, along said, West line of Lot 2, 458.47 feet to the Southwesterly right-of-way line of U.S. 127; thence S 42° 57' 00" E, along said Southwesterly right-of-way line of U.S. 127, 139.97 feet to the South line of said Lot 2; thence N 88° 30' 00" W, along said South line of Lot 2, 95.40 feet to the Southwest corner of said Lot 2; thence South, along said Southerly extension of West line of Lot 2, 126.94 feet to the Southwesterly right-of-way line of U.S. 127 South Bound and Service Road; thence along said Southwesterly right-of-way line on the following two courses: S 68° 47' 11" E, 73.08 feet; thence S 24° 36' 20" E, 810.0 feet to the Limits of the City of Clare; thence along said Limits of the City of Clare and said Southwesterly right-of-way line of U.S. 127 on the following two courses: S 71° 12' E, 182.61 feet; thence S 89° 55' 05" E, 80.38 feet to the West Section line of said Section 26; thence S 00° 14' 45" E, along said West Section line of Section 26 and the Limits of the City of Clare, 158.56 feet; thence along the Southerly right-of-way of U.S 127 and the Limits of the City of Clare on the following three courses: N 50° 41' 58" E, 256.15 feet; thence S 78° 41' 00" E, 614.20 feet; thence S 62° 25' 20" E, 578.54 feet to the West One-eighth line of said Section 26; thence N 00° 02' 14" W, along said West One-eighth line of Section 26, 335.36 feet to the Northeasterly right-of-way line of the off ramp for U.S. 127 North Bound; thence along said right-of-way the following six courses: N 62° 25' 20" W, 173.70 feet; thence N 59° 10' 20" W, 191.39 feet; thence N 52° 25' 57" W, 300 feet; thence N 38° 57' 11" W, 300 feet; thence N 24° 05' 56" W, 169.32 feet; thence N 34° 18' 15" E, 248.0 feet to the South Section line of said Section 23; thence N 89° 27' 03" E, along said South Section line of Section 23, 1990.11 feet to the South One-quarter Corner of said Section 23; thence continuing along said South Section line of Section 23, N 89° 51' 12" E, 1320.08 feet to the East One-eighth line of said Section 23; thence N 00° 41' 26" E, along said East One-eighth line of Section 23, 1317.23 feet to the South One-eighth line of said Section 23; thence S 89° 47' 47" W, along said South One-eighth line of Section 23, 1320.09 feet to the North-South One-quarter line of said Section 23; thence N 00° 41' 28" E, along said North-South One-quarter line of Section 23, 1315.92 feet to the Interior One-quarter Corner of said Section 23; thence S 89° 44' 22" W, along the East-West One-quarter line of said Section 23, 1157.45 feet to the Intermediate Traverse Line of an existing pond; thence along said Intermediate Traverse Line of an existing pond on the following six courses: S 38° 04' 02" W, 95.19 feet; thence S 73° 04' 19" W, 210.51 feet; thence S 14° 03' 31" W, 170.00 feet; thence S 89° 57' 13" W, 553.63 feet; thence N 45° 39' 02" W, 134.45 feet; thence N 56° 19' 20" E, 369.11 feet to the East-West One-quarter line of said Section 23; thence S 89° 44' 22" W, along said East-West One-quarter line of Section 23, 835.48 feet to the West One-quarter Corner of said Section 23; thence S 00° 36' 54" W, along the West Section line of said Section 23, 2108.68 feet back to the place of beginning. This property extends to the water's edge of the existing pond along the described Intermediate Traverse Line. Containing 231.02 acres, more or less, and being subject to restrictions, reservations, easements, rights-of-way, zoning, governmental regulations, and matters visible, if any, upon or affecting said lands.