

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #08-AP-4

**The proposed annexation of certain territory
in the Charter Township of Lyon to the
City of South Lyon, Oakland County**

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

SUMMARY OF PROCEEDINGS

- A. On September 8, 2008, a petition was filed with the State Boundary Commission requesting that certain territory (as described in *Attachment A*) in the Charter Township of Lyon be annexed to the City of South Lyon.
- B. On November 13, 2008, at an adjudicative meeting, the State Boundary Commission examined the petition for legal sufficiency at a meeting held in Okemos. The Commission voted unanimously to declare this petition legally insufficient, pursuant to 1968 PA 191.
- C. On November 12, 2009, at an adjudicative meeting, the state and local commissioners present voted unanimously to adopt the draft Summary of Proceedings, Findings of Fact and Conclusions of Law on the rejection of legal sufficiency and that the Findings be signed by the Chairman.

FINDINGS OF FACT

1. The three legal size maps (a site sketch and two aerial photographs) submitted with the petition were considered by staff to be PART I maps. However, these maps:
- a. were not labeled as "PART I;"
 - b. did not identify section corners, bearings and distances, local governmental boundaries, or the territory proposed for annexation; and,
 - c. did not contain descriptive geographic features
- as required by Boundary Commission Rule 25 (1) and (2) [R 123.25] and the instruction sheet of the petition form, in order for staff to clearly identify and determine the territory proposed for annexation.

2. Due to the omission of bearings and distances on the PART I map, staff was not able to make a direct comparison to the PART III legal description. Also, the PART III legal description does not close mathematically.
3. Part II of the petition was incomplete as it does not identify the county in which the territory proposed for annexation is located.
4. Part IIa identified the petitioner as "The Estate of Alonzo Noricks." Parts IV and Va of the petition were signed by a Hollie Carroll, personal representative, with the same address as the petitioner: 21675 Pontiac Trail, South Lyon, Michigan. However, documents submitted with the petition from "Signature Associates Oncor International" identified a Holly Lynn Carroll, with an address of 22331 Swan Street, Apt. 327, South Lyon, Michigan. The petition did not contain a resolution, minutes, or any other official designation that authorized Hollie/Holly Carroll to act on behalf of the petitioner, as required by Boundary Commission Rule 25 (4) [R 123.25].
5. The petition did not contain warranty deeds or other ownership records to enable staff to verify that the petitioner owned record legal title to at least 75% of the area proposed for annexation, as required by Boundary Commission Rule 25 (2) [R 123.25].
6. The territory proposed for annexation is not contiguous with the City of South Lyon limits based upon the documentation provided by the Secretary of State as of October 27, 2008.

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 grounds that it fails to conform to the Boundary Commission Act, the Boundary Commission Administrative Rules, and other statutory requirements that govern the determination of legal sufficiency.
2. Pursuant to Section 8 of 1968 PA 191, the Commission shall transmit a copy of this Summary of Proceedings, Findings of Fact and Conclusions of Law to the petitioner(s), and to the clerks of the City of South Lyon, the Charter Township of Lyon, and the County of Oakland.

Kenneth VerBurg, Chairperson
State Boundary Commission

Date

ATTACHMENT A

The territory proposed to be annexed to the City of South Lyon

is described as follows:

T1N, R7E, SEC 31 PART OF NE 1/4 BEG AT PT DIST S 2179.92 FT FROM NE SEC
COR, TH S 226.86 FT, TH N 89-34-03 W 318 FT, TH S 230 FT, TH N 89-34-0 21.93 N 00-E
456.86 FT, TH S 89-34-03 E 2639.46 FT TO BEG 25.94 A

DRAFT