



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

STEVEN H. HILFINGER  
DIRECTOR

## STATE BOUNDARY COMMISSION

### PROCEDURE FOR ANNEXATION

**NOTE:** Under Executive Order 1996-2, the Director of the Department of Licensing and Regulatory Affairs makes the final decision on whether to approve or deny an annexation petition or a referendum petition. Therefore, in the following procedure, all references to a decision by the State Boundary Commission to approve or deny annexation petitions should be interpreted to mean a recommendation of approval or denial to the Director of the Department of Licensing and Regulatory Affairs.

**NOTE:** The following procedure must be read and followed in conjunction with the State Boundary Commission Act and Administrative Rules and the Home Rule City Act. Petitioners are encouraged to seek professional assistance (i.e. legal counsel, Professional Surveyor, etc.), as deemed appropriate by the petitioner.

**NOTE:** In the following procedure, unless it is otherwise noted, the annotations refer to the *Home Rule City Act* (Public Act 279 of 1909, as amended) or the *State Boundary Commission Act* (Public Act 191 of 1968, as amended) and State Boundary Commission Rules.

*Example 1:* [117.6] refers to Section 6 of the *Home Rule City Act* (Public Act 279 of 1909, as amended).

*Example 2:* [123.1007] refers to Section 7 of the *State Boundary Commission Act* (Public Act 191 of 1968, as amended).

*Example 3:* [R123.25] refers to Rule 25 of the State Boundary Commission Administrative Rules.

*Example 4:* [168.809] refers to Section 809 of the *Michigan Election Law* (Public Act 116 of 1954, as amended)

*Example 5:* [OAG] refers to a numbered Opinion of the Michigan Attorney General.

*Providing for Michigan's Safety in the Built Environment*

BUREAU OF CONSTRUCTION CODES  
P.O. BOX 30254 • LANSING, MICHIGAN 48909  
Telephone (517) 241-6321 • Fax (517) 241-6301  
[www.michigan.gov/lara](http://www.michigan.gov/lara)

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**A. METHODS OF INITIATING ANNEXATIONS TO HOME RULE CITIES THAT WERE PLACED UNDER THE JURISDICTION OF THE BOUNDARY COMMISSION.**

1. By the circulation and signing of petition signed by persons who are qualified electors and freeholders residing in the affected territories [117.6]. The land to be annexed must be contiguous to a city.
  - a. Petitions must be signed by at least 1% of the qualified electors residing in the affected territories. [117.6]
  - b. No less than 100 signatures. [117.6]
  - c. If the affected territory is in one county, no less than 10 of the signatures shall be obtained from each affected city, village, or township. [117.6 and 117.11]
  - d. If the affected territory is in more than one county, 25 signatures shall be obtained from each affected city, village or township. [117.11]
  - e. Should the unincorporated township territory proposed to be annexed contain less than the 10 persons qualified to sign the petition, the **following alternate method** can be used in lieu of the 10 signatures from the township: the petition is signed by persons, firms, corporations, the United States government, the state, or any of its subdivision, who collectively hold equitable or record legal title to more than ½ of the area of the land, exclusive of streets, at the time of the filing; each signature must be followed by a description of the land and the area represented thereby; a sworn statement shall also accompany the petition giving the total land area proposed to be annexed. [117.6]
2. By resolution of the legislative body of the city to which the area is proposed to be annexed. [117.9 (7a)]
3. By petition by the persons, firms, corporations, the United States government or the state or any of its subdivisions, who collectively hold recorded title to 75% or more of the area of the land, exclusive of streets, in the territory proposed for annexation at the time of filing the petition. [117.9 (7b)]
4. By petition by 20% of the registered electors who reside in the area proposed for annexation. [117.9(7c)]

**B. TWO-YEAR RESTRICTION**

An annexation petition shall be rejected by the Commission which includes any part of the territory in any annexation petition filed within the preceding 2 years, except on rejected for legal sufficiency, that was denied by the Commission or defeated in a election ordered by the Commission. [117.9(6)]

**C. PUBLIC ACT 425 RESTRICTION**

While a valid Public Act 425 of 1984 Agreement is in effect, another method of annexation or transfer shall not take place for any portion of an area transferred under the Public Act 425 contract. [124.29]

**D. DETERMINING POPULATION OF AFFECTED TERRITORY**

Population is determined by the most recent decennial U.S. census. [117.6]

**E. DETERMINING POPULATION OF AREA PROPOSED OR APPROVED TO BE ANNEXED (100 or less, or over 100) ON THE DATE THE PETITION WAS FILED.**

1. By personal interviews with people residing within the area proposed to be annexed as soon is practicable after filing of the petition [R123.6], or
2. Determination of number of dwelling units that existed in the area proposed to be annexed on the date the petition was filed [R123.6], or
3. Population determined by multiplying number of structures by the average number of residents per household as determined by the most recent decennial U.S. census. [R123.6]

**F. ANNEXATION ELECTIONS**

1. No referendum election can be held on any petition rejected by the Commission for legal sufficiency. [117.9 (3)]
  2. No referendum election can be held on any petition approved by the Commission as filed, or with boundary adjustments, when the area contained 100 persons or less on the filing date. [117.9 (4)]
  3. A referendum election will be held if:
    - a. The petition was approved by the Commission as filed or with boundary adjustments, and the area as approved contained over 100 persons on the filing date, **and** [117.9 (5)]
    - b. A valid petition filed with the Commission within 30 days of its approving order which contains the signatures of a least 25% of the registered electors of any one or two or all of the following: [117.9 (5)]
      - (1) The area proposed to be annexed, or
      - (2) The annexing city, or
      - (3) The remainder of the township from which land is proposed to be removed.
- a. **NOTE:** Only those areas petitioning for election will vote on the proposed annexation. [117.9 (5)]

4. Votes are counted separately in each area that votes. The proposed annexation must be approved by a majority vote in each area or the annexation is rejected. [117.9 (5)]

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## ACTION STEPS

### WHO

### DOES WHAT

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| <b>Petitioner(s)</b>   | <ol style="list-style-type: none"> <li>1. Accurately describe in the petition the boundaries of the area proposed to be annexed. [117.7]</li> <li>2. Represent in the petition the method of annexation being used and state that the necessary conditions have been met.</li> <li>3. Attach a map or drawing to the petition clearly showing the territory to be annexed. [117.6]</li> </ol> |
| <b>Circulator of Petition or Proponent of Resolution</b>   | <ol style="list-style-type: none"> <li>4. Shows map or drawing to each person before obtaining his or her signature on the petition or vote on the Resolution. [117.6]</li> </ol>   |
| <b>Petitioners</b>   | <ol style="list-style-type: none"> <li>5. Attach an affidavit signed by one or more of the petitioners. [117.6 and 117.11]</li> <li>6. Address the petition to the State Boundary Commission. [117.9 (2)]</li> <li>7. File the petition with the Manager of the Commission. [117.9 (2)]</li> </ol>  |
| <p><b>NOTE:</b> At this point, local commission members/vacancies are appointed to the Commission from the respective county where the land resides by the presiding Probate Judge. [123.1005]</p> |   |
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| <p><b>Boundary Commission</b></p>    | <p>8. Sends notice of a petition being filed within 10 days of filing to affected local and county clerks. [R.123.46(1)]</p> <p>9. Reviews the petition for conformance to Acts 191 or 279 and to the rules and regulations of the Commission and: [117.9 (2) &amp; R123.52(a)]</p> <p>a. Rejects the petition or resolution for:</p> <ol style="list-style-type: none"> <li>1) Nonconformance with the Acts and the Commission's rules.</li> <li>2) Containing incorrect statements. <b>AND</b></li> <li>3) Returns the petition to the petitioners, together with their reasons and certificate of rejection, <b>OR</b></li> </ol> <p>b. Approves the petition and schedules a public hearing on the petition, and may expand the area proposed for annexation. [123.1008 &amp; R123.52]</p> <p>10. Sends Questionnaires to the Petitioners, and the Clerks of all Townships and Cities affected by the proposed Annexation. [R123.44]</p> <p>11. Schedules and provides notice of the public hearing to the clerks of the affected municipalities, the county clerk, and the property owners within 300 feet by certified mail at least 30 days before the date. [123.1008(4) &amp; 117.9 (2)]</p> <p>12. Publishes a notice at least 7 days before the date of the public hearing by in a newspaper of general circulation in the area. [123.1008(4) &amp; 117.9 (2)]</p> <p>13. Holds a public hearing on the petition. [123.1008(3)]</p> <ol style="list-style-type: none"> <li>a. Not less than 60 or more than 220 days after the filing.</li> <li>b. At a convenient place in or reasonably near the area proposed to be annexed.</li> </ol> |
| <p><b>Citizens and Officials</b></p> | <p>14. Present evidence and testimony to the Commission. [117.9 (2)]</p>  |
| <p><b>Boundary Commission</b></p>    | <p>15. Mails copies of, or a listing of,</p>  |

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|   | <p>materials received at the public hearing and in the 30 days following the public hearing to the designated parties for the petitioner, city and township(s). [R123.68]</p>  |
| <p><b>Designated Parties for the Petitioner, City and Township(s)</b></p> | <p>16. Submit information rebutting the material during a 7-day period designated by the Manager of the Boundary Commission. [R123.68]</p>   |
| <p><b>Boundary Commission</b></p>   | <p>17. Mails copies of, or a listing of, materials received during the 7-day period designated in Step 15 to the designated parties for the petitioner, city and township(s). [R123.68]</p> <p>18. Considers the reasonableness of the proposed annexation, based on criteria established in Sec. 9 of the State Boundary Commission Act. [123.1008(3) &amp; 117.9 (2)]</p> <p>19. Determines whether to recommend to the Director to: [123.1010, 117.9 (2) &amp; R123.71]</p> <ul style="list-style-type: none"> <li>a. Deny the proposed annexation.</li> <li>b. Approve the annexation.</li> <li>c. Approve the annexation with a reduced or expanded area.</li> </ul> <p>20. Adopts a resolution and order to recommend to the Director to: [123.1010, 117.9 (2) &amp; R123.71]</p> <ul style="list-style-type: none"> <li>a. Deny the petition or resolution giving reasons for the denial, or</li> <li>b. Approve the petition or resolution, giving its reasons for the approval, or</li> <li>c. Approve the petition or resolution with a reduced or expanded area, giving its reasons for revisions and approval.</li> </ul> <p>21. If the Director approves, with or without a change in the area, sets the effective date of an approved annexation and includes it in the order referenced in Step 20. Sends a certified copy of its approval order to each affected county, city, village and township clerk, to the Secretary of State and property owners within 300' of the proposed annexation. [117.9 (4), (5) &amp; 12]</p> |

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|  |  | 22. If denied, sends a certified copy of its denial order to each affected county, city, village or township clerk and property owners within 300' of the proposed annexation. [117.9 (3) & (12)]  |
| <p><b>NOTE:</b> When the area approved for annexation contains 100 or fewer persons on the date the annexation petition or resolution was filed, the Commission action is final and becomes effective on the date set forth in the order [117.9 (4)]</p> <p><b>NOTE:</b> When the area to be annexed contains more than 100 persons on the date the annexation petition or resolution was filed, the Commissioner's order becomes final 30 days after its adoption UNLESS: [117.9 [5]]</p> |  |  |
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| <b>25% of the Registered Electors</b>  |  | 23. File a petition with the Commission asking for an election on the annexation question in: [117.9 (5)] <ul style="list-style-type: none"> <li>a. The area to be annexed, or</li> <li>b. The annexing city, or</li> <li>c. The balance of the township.</li> </ul>   |
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| <p><b>NOTE:</b> Any one, any two, or all of these areas may petition for an election within 30 days of the Commissioner's order approving the annexation. [117.9(5)]</p>   |  |  |
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| <b>Boundary Commission</b>   |  | <p>24. Verifies the validity of the referendum petition. (117.9 [5])</p> <p>25. Orders an election in each area filing a valid referendum petition. (117.9 [5])</p> <p>26. Sets the effective date of the annexation if all areas voting approve the proposed annexation. (117.9 [5])</p> <p><b>NOTE:</b> If any areas voting disapprove of the proposed annexation the annexation shall not take effect. [117.9(5)]</p> |
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## APPENDIX

### SPECIAL ANNEXATION SITUATIONS THAT DO NOT COME BEFORE THE BOUNDARY COMMISSION

#### WHO

#### DOES WHAT

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| <b>A. A park or vacant property owned by a city, located in a township, and adjacent to the city with no one residing thereon may be annexed as follows: (Sec. 6, Act 279; 117.9 [8])</b>  |   |
| <b>City Council</b>  | <ol style="list-style-type: none"> <li>1. Adopts a resolution annexing the property. (117.9 [8])</li> <li>2. Attaches to the resolution every affidavit or certificate adopted as part of the resolution. (117.13)</li> <li>3. Files the resolution and attachments with the Secretary of State and the County Clerk. (117.13)</li> </ol> |
| <b>B. If the territory is adjacent to the city and is owned by the city or consists of fractional parts of platted subdivisions lots located in an adjoining city, village or township, annexation may be accomplished as follows: (117.9 [8])</b> |   |
| <b>City Council</b>  | <ol style="list-style-type: none"> <li>1. Affirms the annexation by adopting a resolution approved by a majority vote. (117.9 [8])</li> </ol>   |
| <b>Legislative Body of Adjoining City, Village or Township</b>   | <ol style="list-style-type: none"> <li>2. Adopts a resolution approving the proposed City, Village or Township annexation. (117.9 [8])</li> <li>3. Attaches to the resolution every affidavit or certificate adopted as part of the resolution. (117.13)</li> </ol>   |
| <b>Annexing City</b>   | <ol style="list-style-type: none"> <li>4. Files the resolution and attachments with the Secretary of State and the County Clerk. (117.13)</li> </ol>  |
| <b>C. Where there are no qualified electors residing in the territory proposed to be annexed other than the person or persons petitioning, an alternate means of annexation is available, as follows: (117.9 [8])</b>                              |   |
| <b>Persons, Firms, Corporations, United States Governments, the State or any of its Subdivisions</b>   | <ol style="list-style-type: none"> <li>1. Sign a petition asking for the proposed annexation. (117.9 [8])</li> <li>2. Files the petition with the City Council and the Township Board. (117.9 [8])</li> </ol>   |

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| <b>NOTE:</b> These signers must collectively hold equitable or record legal title to more than ½ of the area of the land in the territory proposed to be annexed. |  |  |
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| <b>City Council</b>   |  | 3. Affirms the annexation by adopting a resolution approved by a majority vote. (117.9 [8])  |
| <b>Township Treasurer</b>   |  | 4. Notifies the owners of all real property in the territory proposed to be annexed as shown on the assessment rolls of the township. (117.9 [8]) <ul style="list-style-type: none"> <li>a. At least 10 days prior to approval by the township board.</li> <li>b. At the last known address on file with the treasurer. <ul style="list-style-type: none"> <li>1) Personally, or</li> <li>2) By registered mail with return receipt demand.</li> </ul> </li> </ul> |
| <b>Township Board</b>   |  | 5. Adopts a resolution approving the proposed annexation.  |
| <b>Annexing City</b>  |  | 6. Attaches to the initiatory petition every resolution, affidavit or certificate adopted as part of the resolution. (117.13)<br>7. Files the initiatory petition and attachments with the Secretary of State and the County Clerk. (117.13)   |
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| <b>D. When the State holds record legal title to an entire area of land that is adjacent to a city, this land may be annexed as follows: (117.9 [1])</b>          |  |  |
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| <b>Appropriate State Agency</b>   |  | 1. Signs a petition asking for the proposed annexation. (117.9 [1])<br>2. Files the petition with the governing bodies of the city to which the land is to be annexed and the township in which the territory is situated. (117.9 [1])   |
| <b>City Council</b>   |  | 3. Affirms the annexation by adopting a resolution approved by a majority vote. (117.9 [1])  |
| <b>Township Board</b>   |  | 4. Adopts a resolution approving the proposed annexation. (117.9 [1])  |

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| <b>Annexing City</b>   | 5. Files the initiatory petition and attachment with the Secretary of State and the County Clerk. (117.13)   |
| <b>E. Whenever the process of incorporation, consolidation or annexation leaves a portion of a township without qualified electors and the constitutional and statutory officers to perform their lawful function, this township remnant can be annexed as follows: (117.9a)</b> |  |
| <b>Owner or Owners of Record or Equitable Title of ALL Real Property of Such Portion of a Township</b>   | <ol style="list-style-type: none"> <li>1. Sign a petition asking for the proposed annexation. (117.9a)</li> <li>2. Files the petition with the clerk of the annexing city and the County Clerk of the county in which the territory is situated. (117.9a)</li> </ol> |
| <b>Members-Elect of the Annexing City Council</b>  | 3. Affirm the annexation by majority vote. (117.9a)  |
| <b>County Board of Commissioners</b>   | 4. Approves by a majority vote of all its members. (117.9a)  |
| <b>Annexing City</b>   | 5. Files the initiatory petition and attachments with the Secretary of State and the County Clerk. (117.13)  |