




RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVEN H. HILFINGER  
DIRECTOR

November 1, 2011

TO: State Boundary Commissioners

FROM: Kevin O'Brien, P.S.   
Office of Land Survey and Remonumentation

SUBJECT: Docket # 11-AP-2 Legal Sufficiency Review  
Petition for Annexation of Territory in Clam Lake Township to the City of  
Cadillac (Wexford County)

The Boundary Commission staff (OLSR) believes that the petition to request annexation of territory in Clam Lake Township to the City of Cadillac, Docket 11-AP-2 filed with the State Boundary Commission on June 3, 2011, meets legal sufficiency based upon the following comments.

The petition contains copies of deeds, trust documentation, corporation documents and other documents to verify that the petitioners own record title to at least 75 percent of the area proposed for annexation as required by Boundary Commission Rule 25. OLSR has calculated the percentage of the land owned by the petitioners as 84 percent, which is sufficient to file an annexation petition under section 9(7)(b) of the Home Rule City Act, 1909 PA 279, MCL 117.9(7)(b).

The petition contains a 14" x 18" Part I Map. The Part III Legal Description closes mathematically and is substantially accurate and consistent with the Part I Map as required by Boundary Commission Rules 25 and 27. Based on the documentation provided by the Secretary of State as of June 21, 2011, the territory proposed for annexation in the Part III Description is contiguous with the limits for the City of Cadillac.

On October 20, 2011, a 425 PA 1984 Conditional Transfer Agreement between Clam Lake Township and Haring Township for the same area included in this annexation petition was filed with the Secretary of State. A copy of this agreement is provided in your notebooks. OLSR recommends that the Boundary Commission examine the validity of this agreement following a review of the evidence to be provided at the public hearing for the Conditional Transfer Agreement. The Boundary Commission's jurisdiction and authority to determine the legal validity of a 425 Agreement was affirmed in Township of Casco et al vs. State Boundary Commission.

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

State Boundary Commissioners

Page 2

November 1, 2011

In Township of Casco et al vs. State Boundary Commission, both the Circuit and Appeals Courts confirmed that the Boundary Commission has both the jurisdiction and the authority to determine if an agreement is legal/valid and was entered into as a means of promoting economic development. Copies of both of these decisions are included in your notebooks.

KMO