



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

SHELLY EDGERTON
DIRECTOR

Memorandum

DATE: June 8, 2016

TO: State Boundary Commission and Interested Parties

FROM: Office of Land Survey

SUBJECT: Adjudicative Summary
Docket # 15-AP-3, Lapeer County
Petition for Annexation of land in Lapeer Township to the City of Lapeer

This summary is based on information from the record and is provided to assist you with your review of the docket material in consideration of the statutory criteria under MCL 123.1009. It is not intended to replace the record evidence that was submitted as part of the petition, questionnaires or the information and comments provided at the Public Hearing or in the 30-day Public Comment and 7-day Rebuttal periods. All State Boundary Commission decisions must be based on and supported by the record evidence, and be consistent with the statutory criteria and the standard of reasonableness.

1. On November 5, 2015, this petition requesting the annexation of land from Lapeer Township to the City of Lapeer was filed with the State Boundary Commission by the landowners under Section 9(7)(b) of the Home Rule City Act 1909, PA 279, MCL 117.1 to 117.38. MCL 117.9(7)(a). The petitioners own 100 percent of the land proposed for annexation.
2. On December 9, 2015, the State Boundary Commission unanimously found this petition to be legally sufficient and scheduled a public hearing to be held on February 10, 2016.
3. Lapeer Township and the City of Lapeer each completed the State Boundary Commission's **Criteria Questionnaire for Annexation**. The completed questionnaires were received by the Commission on January 21, 2016 and January 22, 2016, respectively. The petitioners, who are two landowners, each completed the State Boundary Commission's **Petitioner Questionnaire for Annexation**. The questionnaire was received by the Commission on January 8, 2016 and January 13, 2016.

4. On February 10, 2016 the Commission held a public hearing in the City of Lapeer at the City Hall. At the hearing, the Commission heard comment from the involved parties and members of the public on the merits of the proposed annexations. Following the hearing, a 30-day public comment period was opened and expired on March 12, 2016. Following the 30-day public comment period, a 7-day rebuttal period opened April 1, 2016 and expired on April 8, 2016.

5. The table below summarizes the responses by Lapeer Township and the City of Lapeer to the SBC's **Criteria Questionnaire for Annexation**.

Population					
Municipal Population					
Lapeer Township			City of Lapeer		
1990	2000	2010	1990	2000	2010
	5,078	5,056	7,759	9,072	8,841
Population of Area Proposed for Annexation					
Lapeer Township			City of Lapeer		
3			Less than 12		
Population Density					
Municipal Population Density					
Lapeer Township			City of Lapeer		
~ 175 per sq. mile			1,193 per sq. mile		
Land Area					
Municipal Land Area					
Lapeer Township			City of Lapeer		
29 sq. mi.			7.41 sq. mi.		
Land Area Proposed for Annexation					
Lapeer Township			City of Lapeer		
17.32 acres			17.32 acres		

Topography, Natural Boundaries			
Lapeer Township		City of Lapeer	
Not provided		Unknown	
Land Use and Zoning			
Current Land Use and Zoning			
Lapeer Township		City of Lapeer	
Residential Zoning – some parts are allowed to develop into Office use etc. with a special land use		Not currently zoned; however, the current land use and development pattern within the proposed annexation area is consistent with the zoning and development pattern within the city.	
Proposed Land Use and Zoning			
Lapeer Township		City of Lapeer	
The Township has not received a request to rezone the area proposed for annexation			
Past and Probable Future Growth and Development			
Lapeer Township		City of Lapeer	
No proposed development projects have been presented to the Lapeer Township for the areas proposed for annexation			
Assessed Valuation			
Lapeer Township		City of Lapeer	
	2015 values		2015 values
Real Property	\$168,464,300	Real Property	\$217,714,000
Personal Property	\$9,824,100	Personal Property	\$73,298,900
Unit Millage	1.6072 <i>Mills</i>	Unit Millage	9.8000 <i>Mills</i>
County Millage	3.7886 <i>Mills</i>	County Millage	6.3686 <i>Mills</i>
School Millage	21.000 <i>Mills</i>	School Millage	29.9295 <i>Mills</i>

Public Services	
Water Service	
Lapeer Township	City of Lapeer
<p>Lapeer Township does not provide water service and private wells are the main water source; however, City of Lapeer water service is available for residential and special land use office buildings along the West side of M-24 per our 108 Interlocal Agreement with the City of Lapeer at 1.5 times the rate as city residents.</p>	<p style="text-align: center;">City of Lapeer 3,400 customers</p> <p>The City of Lapeer has a 30 year contract with Great Lakes Water Authority to purchase water from them. Great Lakes Water Authority owns the plants. The City does not provide water service to the area proposed for annexation; water and sewer mains are located on the east side of M-24, across the street from the proposed annexed property and public utilities are also located on Baldwin road a short distance north of the proposed annexed property. Water and sewer mains are sized adequate to serve the area and available for use.</p> <p>The City offers water service to customers outside its unit at an increased rate; however, the City also says that water is not provided outside the city at the proposed annexation location for commercial or industrial businesses and that customers outside its unit must annex into the city to receive water.</p>
Sanitary Sewer Service	
Lapeer Township	City of Lapeer
<p>Lapeer Township does not provide sanitary sewer service</p>	<p style="text-align: center;">City of Lapeer 3,400 customers</p> <p>Sewer mains are located across the street from the proposed annexation property. There are also public sewers located approximately 500 feet north of the proposed annexation property on the same side of the street in which the proposed annexed property is on. Sewer</p>

	<p>mains are adequately sized for new development and are available for use</p> <p>The City offers sanitary sewer service to customers outside its unit at an increased rate; however, the City also says that sanitary sewer is not provided outside the city at the proposed annexation location for commercial or industrial businesses and that customers outside its unit must annex into the city to receive sewer</p>
Fire Protection	
Lapeer Township	City of Lapeer
City of Lapeer under Contract; mutual aid agreement exist for cross jurisdictional support	City of Lapeer
Police Protection	
Lapeer Township	City of Lapeer
County Sheriff and Lapeer Township; mutual aid agreement exist for cross jurisdictional support	City of Lapeer City of Lapeer will be the only provider to the areas proposed for annexation if the annexations are approved
Garbage Collection	
Lapeer Township	City of Lapeer
Lapeer Township does not provide garbage collection service	City of Lapeer does not provide garbage collection service
Street Lights	
Lapeer Township	City of Lapeer
Lapeer Township	City of Lapeer
Library Service	
Lapeer Township	City of Lapeer
Area wide - Lapeer District Library	County Wide
School Districts	
Lapeer Township	City of Lapeer

Lapeer Community School District	Lapeer Community School District
Additional Public Services	
Lapeer Township	City of Lapeer
General effect upon community of proposed action	
Lapeer Township	City of Lapeer
Loss of tax revenue and more general complaints from residents (traffic, noise, etc.); Decrease in residential home property values	Minimal financial impact on the township if annexation is approved If the annexation is approved the area will see increased property value and increased property taxes

Comments on the record			
Lapeer Township	City of Lapeer	Petitioner	Public
"Opposed to annexation"	"Unknown"	"In favor of Annexation"	"Opposed to annexation"

Staff Comments:

- Section 3 of the Interlocal Agreement indicates "The CITY agrees to make municipal sewer and water services available to the areas shown on the Exhibit B map." However, Section 4 states that "In the case of properties located in the TOWNSHIP adjacent to the west side of M-24, the sewer and water taps may also be used for offices. None of the sewer and water tap-ins may be used for commercial, industrial, apartments or attached condominium units."
- Section 12 of the Interlocal Agreement states that "The boundaries of the CITY shall not be extended into any lands adjacent to lands described in this Agreement in the absence of explicit TOWNSHIP approval." And "To accomplish the intent of this Agreement provision, the CITY shall not file, support or encourage annexation petitions with the State Boundary Commission. Both the CITY and the TOWNSHIP commit to openly oppose any such annexation petitions which may come up for public hearing at the State Boundary Commission."

Note: This data is by no means intended to replace the data that was submitted at the Public Hearing (audio recordings have been mailed to committee members), in the 30-

day Public Comment period and the 7-day Rebuttal period, which have been posted on the Boundary Commission's website. It should be used as a summary only in conjunction with the above mentioned material. All State Boundary Commission decisions must be based on the "reasonableness" standard rooted in the 18-point criteria listed in Section 9 of the State Boundary Commission Act [1909 PA 278, MCL 78.1-78.28] and in the Michigan Supreme Court case Midland Township versus the State Boundary Commission [401 Mich 641 (1977)].

In addition, the "Staff Comments" are made as a guide to call attention to specific items. It is by no means to be considered as "legal advice" or "legal guidance" and should be given variable weight when formulating a decision. Please contact the OLSR with any questions.