



RICK SNYDER
GOVERNOR

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

STEVEN H. HILFINGER
DIRECTOR

Memorandum

DATE: February 3, 2012

TO: Boundary Commissioners

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

SUBJECT: **Docket # 11-I-1 Legal Sufficiency Review**
Petition for Incorporation of the Village of Ovid as a Home Rule City (Clinton and Shiawassee County)

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It is the recommendation of Boundary Commission staff that the petition to request incorporation of the Village of Ovid as a Home Rule City, Docket 11-I-1 filed with the State Boundary Commission on August 17, 2011, does not meet legal sufficiency based upon the following.

The petition contains two 8 1/2" x 14" drawings labeled Part I Map; one is a survey drawing of the proposed city boundary, and one is an aerial map. One of the bearings on the survey portion of the Part I Map (labeled S 61°34'14" E) does not match the bearing shown in the Part III description (S 61° 34' 44" E). Therefore the map **and legal description are not consistent as required by Boundary Commission Rule 25.**

A portion of the Part III **Legal Description** does not close mathematically (the metes and bounds description describing the area in "Mabbit's Addition to Ovid" does not close mathematically by 3.53 feet) and, therefore, **is not accurate as required by Boundary Commission Rule 25.**

Based upon the documentation provided by the Secretary of State as of August 26, 2011, the territory proposed for incorporation in the Part III Description contains all the area of the current Village of Ovid as well as areas of Ovid Township (Clinton County) and Middlebury Township (Shiawassee County).

The petition was submitted with an adequate number of signatures in compliance with the State Boundary Commission Act, 1968 PA 191, MCL 123.1007(2), which states, in part, "petitions for incorporation of a city shall be signed by a number of persons who are qualified electors and freeholders residing within the affected territory equal to at least 5 percent of the population of the territory affected by the proposed new incorporation, or 100, whichever number is greater." The population of the area proposed for incorporation is 1,603 based upon the 2010 U.S. Census, and 5 percent of that is 80; therefore 100 signatures are required. The petition contains signature sheets signed by 214 persons, of which 187 have been verified as registered electors and freeholders in the area proposed for incorporation by the Ovid Township Clerk.

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