

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

In the matter of:

The proposed incorporation of the
Village of Ovid and additional land area
as a Home Rule City
Clinton and Shiawassee Counties

Docket No.: 11-I-1

Agency No.: 98172

Agency: Bureau of
Construction Codes

Case Type: State Boundary
Commission

SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT AND CONCLUSIONS OF LAW

SUMMARY OF PROCEEDINGS

- A. On August 17, 2011, a petition was filed with the State Boundary Commission requesting that the Village of Ovid and additional land in Ovid Township (Clinton County) and Middlebury Township (Shiawassee County) be incorporated as a Home Rule City. The Part I map and Part III legal description of the area proposed for incorporation is described in Attachment A.
- B. On February 3, 2012, the State Boundary Commission staff issued its comments to the commission after reviewing the petition for legal sufficiency. Staff stated "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." The legal sufficiency review memorandum is shown as Attachment B.
- C. On February 8, 2012, at an adjudicative meeting, the State Boundary Commission examined the petition for legal sufficiency at a meeting held in Okemos. They voted unanimously to recommend that the Director of the Department of Licensing and Regulatory Affairs determine this petition to be **Legally Insufficient**.
- D. On March 14, 2012, at an adjudicative meeting, the state and local commissioners present voted to adopt the draft Summary of Proceedings, Findings of Fact and Conclusions of Law to be forwarded to the Department Director for review.

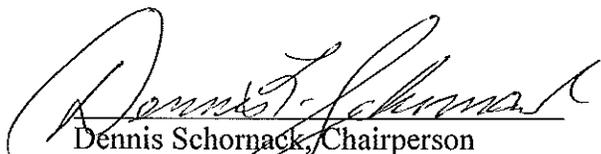
FINDINGS OF FACT

- A. This petition to request the incorporation of the Village of Ovid and parts of Ovid and Middlebury Townships, as a Home Rule City in Clinton and Shiawassee Counties was filed with the State Boundary Commission on August 17, 2011.
- B. 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.
- C. 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.
- D. A portion of the Part III Legal Description does not close mathematically and, therefore, is not accurate as required by Boundary Commission Rule 25. The metes and bounds description describing the area in "Mabbit's Addition to Ovid" does not close mathematically by 3.53'.
- E. The PART I maps do not clearly show the existing governmental boundaries as required by Boundary Commission Rule 25.
- F. The petition sheets included do not mention that more than the current land area under the jurisdiction of the Village of Ovid is being proposed for city incorporation causing the petition sheet to be ambiguous in violation of Rule 25.

CONCLUSIONS OF LAW

- A. The Commission concludes that this city incorporation petition is legally insufficient on the grounds that it fails to conform to R 123.25 as noted in items C-F above in the "Findings of Fact" portion of this document.

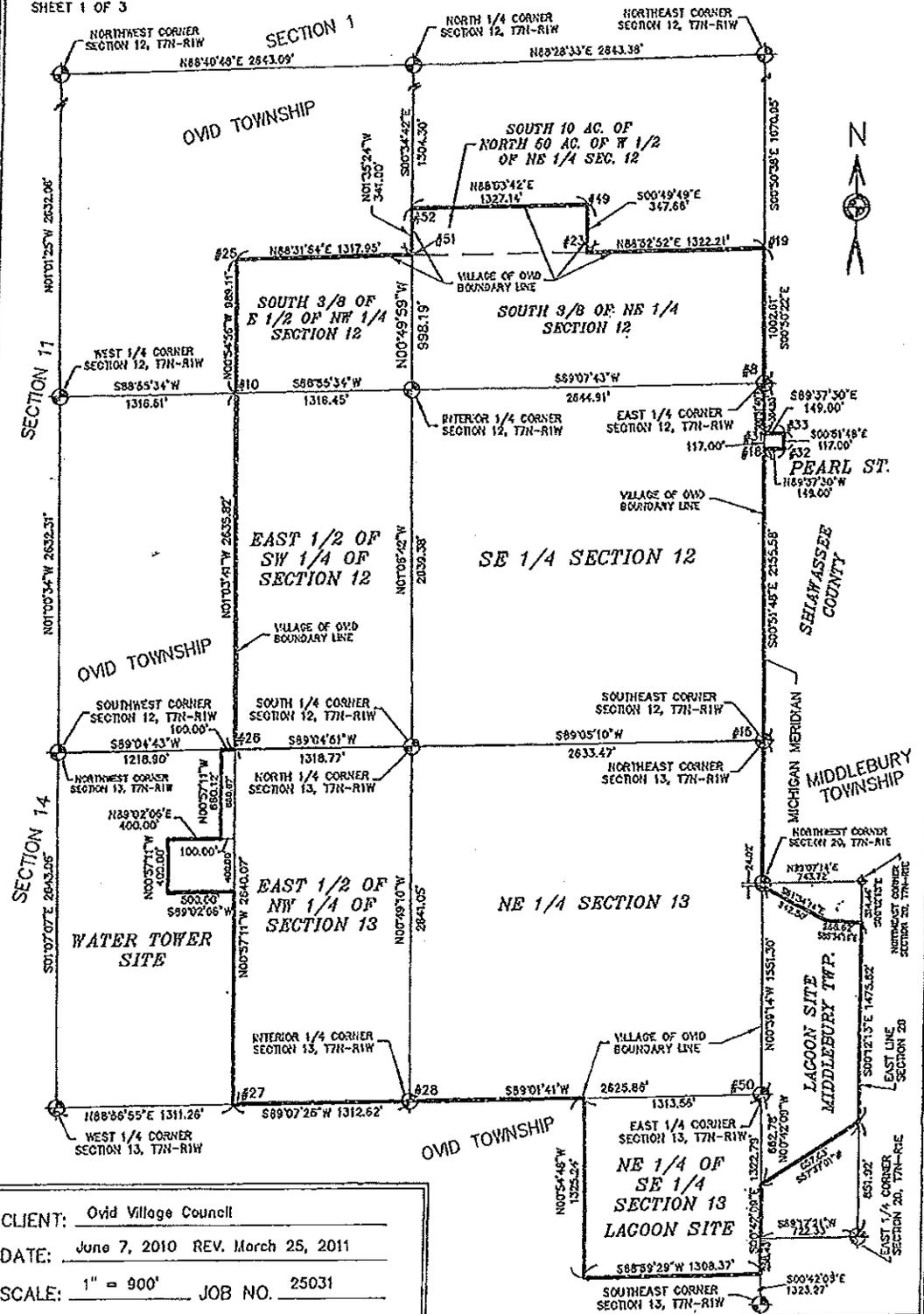
- B. The Commission recommends that the Director of the Department of Licensing and Regulatory Affairs review the Summary of Proceedings, Findings of Fact, and Conclusions of Law before taking action on the Final Order which is the document shown as attachment C.


Dennis Schornack, Chairperson
State Boundary Commission

4/11/12
Date

ATTACHMENT A

CERTIFICATE OF LAND SURVEY

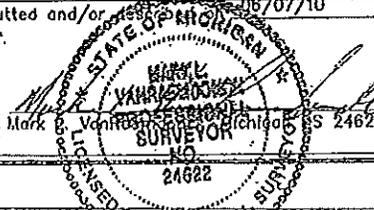


CLIENT: Ovid Village Council
 DATE: June 7, 2010 REV. March 25, 2011
 SCALE: 1" = 900' JOB NO. 25031

I hereby certify that I have surveyed and mapped the land above platted and/or shown on this map on 06/07/10

LANDMARK SURVEYING

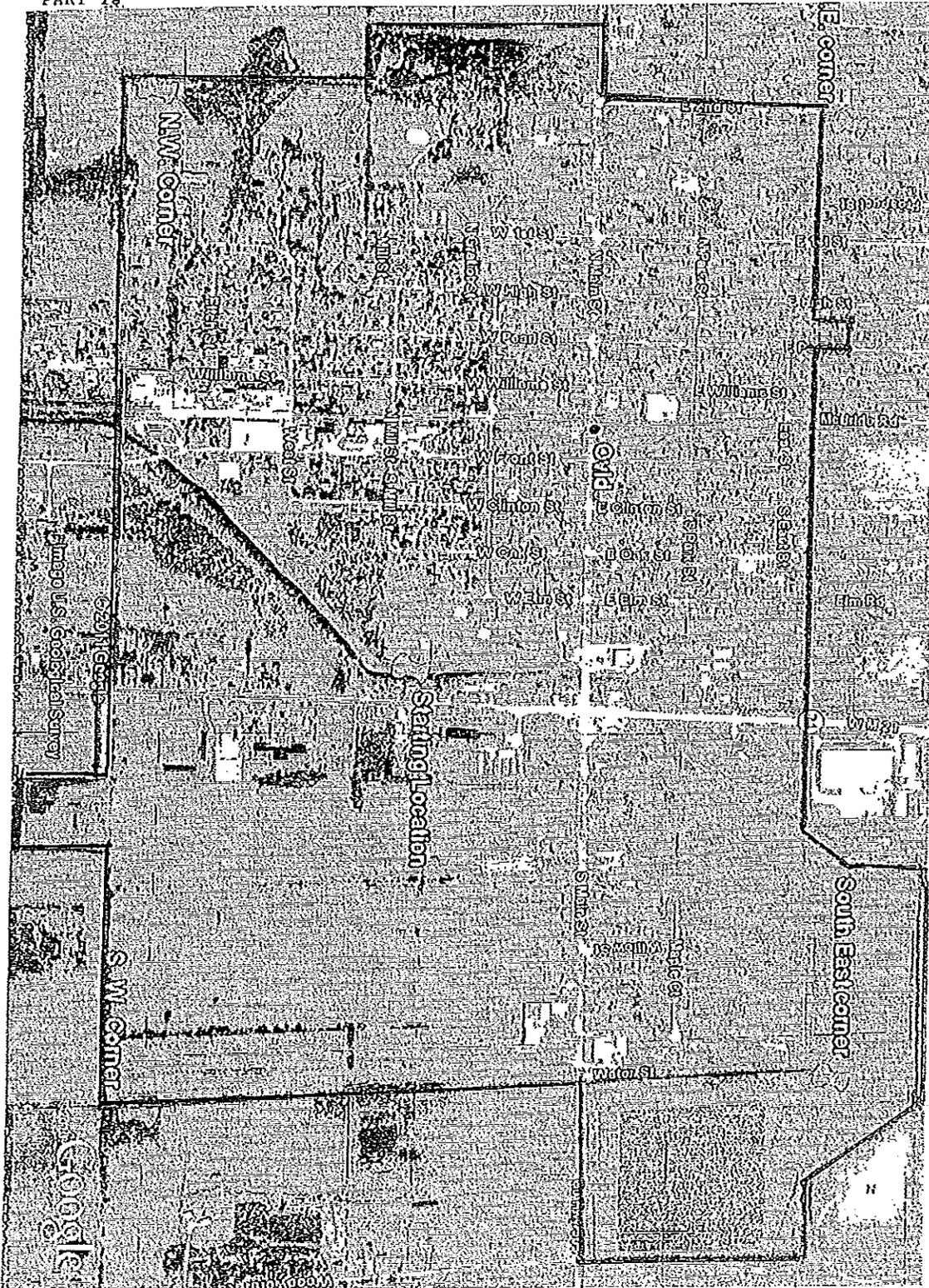
204 N. SHILAWASSEE ST.
 OWOSSO, MI 48867
 (989) 725-8725
 (810) 659-1053
 FAX (989) 725-2452
 landmark@shianet.org



AUG 17 2011 11 11 AM

STATE BOUNDARY COMMISSION

PART 1a



South Dept. of Energy, Labor & Economic Growth
FILED

AUG 17 2011 11 I 1

STATE BOUNDARY COMMISSION

DESCRIPTION

Clinton County, Michigan
 Southeast ¼ of Section 12, T7N-R1W
 East ½ of Southwest ¼ of Section 12, T7N-R1W
 South ⅜ of Northeast ¼ of Section 12, T7N-R1W
 South ⅜ of East ½ of Northwest ¼ of Section 12, T7N-R1W
 Northeast ¼ of Section 13, T7N-R1W
 East ½ of Northwest ¼ of Section 13, T7N-R1W

The South 10 acres of the North 50 acres of the West ½ of the Northeast ¼ of Section 12, T7N-R1W, Clinton County, Michigan.

Mabbit's Addition to Ovid, 41' East of Southwest corner of Lot 4, North 117', West 74 feet, South 117 feet, East to beginning, Block 5 (315 E. Pearl - Fred Stehlic)
 Mabbit's Addition to Ovid, Commencing 25 feet West of Southeast corner of Lot 4, West 75 feet, North 117 feet, East 75 feet, and South to beginning (321 E. Pearl - Edna Stedman) Shiawassee County, Michigan, More Particularly Described as beginning at a point on the Village of Ovid boundary line that is S00°15'48"E on the East line of Section 12, T7N-R1W, and said boundary line a distance of 364.83 feet from the East ¼ corner of said Section 12; thence S89°37'30"E 149.00 feet; thence S00°51'48"E 117.00 feet to the North line of Pearl Street; thence N89°37'30"W on said North line a distance of 149.00 feet to the East line of said Section 12 and the Village of Ovid boundary line; thence N00°51'48"E 117.00 feet to the point of beginning.

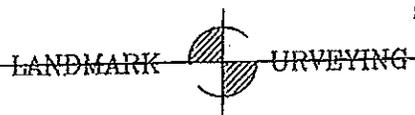
Part of the North ½ of the Northwest ¼ of the Northwest ¼ of Section 13, T7N-R1W, Ovid Township, Clinton County, Michigan, described as beginning at a point on the North line of said Section 13, which is N89°04'43"E 1218.84 feet (recorded in Liber 567, Page 646 as N88°51'18"E 1218.84 feet) from the Northwest corner of said Section 13; thence continuing along said North line N89°04'43"E (recorded in Liber 567, Page 646 as N88°51'18"E) 100.00 feet to the Ovid Village Limits, said point being the Northeast corner of said Northwest ¼ of the Northwest ¼; thence S00°57'11"E (recorded in Liber 567, Page 646 as S01°10'38"E) along the Ovid Village Limits and the East line of said Northwest ¼ of the Northwest ¼ 660.07 feet to the Southeast corner of the North ½ of the Northwest ¼ of the Northwest ¼ of said Section 13; thence S89°02'56"W (recorded in Liber 567, Page 646 as S88°49'29"W) along the South line of said North ½ of the Northwest ¼ of the Northwest ¼ 100.00 feet; thence N00°57'11"W (recorded in Liber 567, Page 646 as N01°10'38"W) 660.12 feet to the point of beginning.

Part of the South ¾ of the West ½ of the Northwest ¼ of Section 13, T7N-R1W, Ovid Township, Clinton County, Michigan, described as beginning on the Ovid Village Limits at the Northeast corner of said South ¾ of the West ½ of the Northwest ¼, said point of beginning being N89°04'43"E 1318.90 feet (recorded in Liber 567, Page 645 as N88°51'18"E 1318.84 feet) to the Northeast corner of the West ½ of said Northwest ¼ and S00°57'11"E (recorded in Liber 567, Page 645 as S01°10'38"E) along the East line of said West ½ 660.07 feet from the Northwest corner of said Section 13; thence continuing along said East line and on the Ovid Village Limits 400.00 feet; thence S89°02'56"W (recorded in Liber 567, Page 645 as S88°49'29"W) parallel with the North line of the South ¾ of the West ½ of the Northwest ¼ of said Section 13) 500.00 feet; thence N00°57'11"W (recorded in Liber 567, Page 645 as N01°10'38"W) 400.00 feet to the North line of said South ¾; thence along said North line N89°02'56"E (recorded in Liber 567, Page 645 as N88°49'29"E) 500.00 feet to the point of beginning.

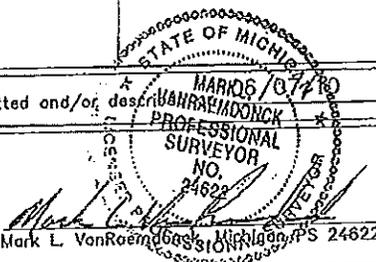
CLIENT: Ovid Village Council
 DATE: June 7, 2010 Rev. 03/25/11
 SCALE: n/a JOB NO. 25031

Boundary Map of Village of Ovid

I hereby certify that I have surveyed and mapped the land above plotted and/or described



204 N. SHIawassee ST.
 OWosso, MI 48867
 (989) 726-8726
 (810) 659-1053
 FAX (989) 726-2452
 landmark@shlanet.org



Mark L. VonRoening, Michigan, PS 24622

PART III
SHEET 3 OF 3
CERTIFICATE OF LAND SURVEY
DESCRIPTION (continued):

The Northeast ¼ of the Southeast ¼ of Section 13, T7N-R1W, Ovid Township.

Part of the North ½ of Section 20, T7N-R1E, Middlebury Township, Shiawassee County, Michigan, described as beginning on the Southerly bank of the Maple River at a point on the East line of said Section 20 that is S00°12'13"E 314.44 feet (recorded in Liber 392, Page 129 as S00°18'45"W 314.19 feet) from the Northeast corner of said Section 20; thence S00°12'13"E (recorded in Liber 392, Page 129 as S00°18'45"W) along the East Section line 1475.62 feet (recorded in Liber 392, Page 129 as 1472.45 feet) to the center of the Woodworth Intercounty Drain; thence S57°37'01"W (recorded in Liber 392, Page 129 as S58°19'10"W) along the centerline of said drain 857.63 feet (recorded in Liber 392, Page 129 as 864.51 feet) to the West line of said Section 20 and the Village of Ovid Limits; thence N00°42'09"W on said West line and Ovid Village Limits a distance of 662.78 feet to the East ¼ corner of Section 13, T7N-R1W; thence N00°39'14"W on the West line of said Section 20 and the Ovid Village Limits a distance of 1551.30 feet (The last two calls were recorded in Liber 392, page 129 as North 2214.09 feet) to the Southerly bank of the Maple River; thence S61°34'44"E (recorded in Liber 392, Page 129 as S60°55'30"E) along said River bank 542.50 feet; thence continuing along said River bank S85°34'14"E 268.62 feet (recorded in Liber 392, Page 129 as S84°55'00"E 270.65 feet) to the point of beginning.

TABLE

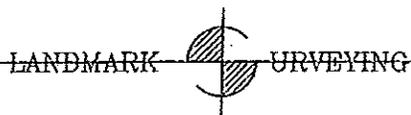
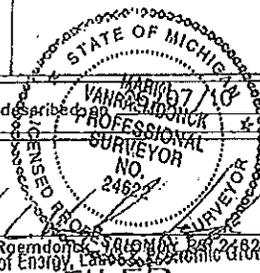
POINT NUMBER	LONGITUDE	LATITUDE	STATE PLANE NORTHING	COORDINATES EASTING
#8	84°22'00.44884"W	43°00'31.88678"N	549870.298	13123326.234
#10	84°22'53.76646"W	43°00'31.25134"N	549806.323	13119365.760
#15	84°21'59.92227"W	43°00'05.83960"N	547233.421	13123365.366
#18	84°22'00.35253"W	43°00'27.12821"N	549388.566	13123333.388
#19	84°22'00.64343"W	43°00'41.78870"N	550872.716	13123311.779
#23	84°22'18.43608"W	43°00'41.53633"N	550847.209	13121989.940
#25	84°22'53.96847"W	43°00'41.01965"N	550795.218	13119350.185
#26	84°22'53.10140"W	43°00'05.22139"N	547171.182	13119413.966
#27	84°22'52.51259"W	42°59'39.14862"N	544531.711	13119457.259
#28	84°22'34.85267"W	42°59'39.34579"N	544551.483	13120769.607
#31	84°22'00.37589"W	43°00'28.28371"N	549505.553	13123331.651
#32	84°21'58.34745"W	43°00'27.12840"N	549387.591	13123482.385
#33	84°21'58.37801"W	43°00'28.28390"W	549504.578	13123480.647
#49	84°22'18.50309"W	43°00'44.96988"N	551194.804	13121984.984
#50	84°21'59.53404"W	42°59'39.76163"N	544595.406	13123394.860
#51	84°22'36.24443"W	43°00'41.33264"N	550828.685	13120667.590
#52	84°22'36.24443"W	43°00'44.69942"N	551169.522	13120658.205

SCALE FACTOR = 0.99990911

CLIENT: Ovid Village Council
DATE: June 7, 2010 Rev. 3/25/11
SCALE: n/a JOB NO. 25031

Boundary Map of
Village of Ovid

I hereby certify that I have surveyed and mapped the land above plotted and/or described



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landmark@shlanet.org

Mark L. VanRoermond, Surveyor
State of Michigan
Dept. of Energy, Labor & Economic Growth

ATTACHMENT B



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)

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 and, therefore, is not accurate as required by Boundary Commission Rule 25. The metes and bounds description describing the area in "Mabbit's Addition to Ovid" does not close mathematically by 3.53'.

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.

KMO

Providing for Michigan's Safety in the Built Environment