

STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

STATE BOUNDARY COMMISSION

In the matter of:

**State Boundary Commission
Docket #12-AP-2**

**The proposed annexation of land in
the Charter Township of Eureka to the
City of Greenville
Montcalm County.**

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

SUMMARY OF PROCEEDINGS

1. On October 18, 2012, Mersen USA filed a petition with the State Boundary Commission requesting lands within the Charter Township of Eureka be annexed into the City of Greenville. Mersen indicated they were seeking the annexation as part of a proposed expansion of their manufacturing facility. Mersen's current facility is located within the limits of the City of Greenville; however, the proposed expansion would extend onto lands Mersen owns in the Charter Township of Eureka. Mersen is requesting the annexation to avoid the overlapping of municipal services, permitting and taxation in two jurisdictions. The legal description of the area proposed for annexation is described in "Attachment A".
2. At an adjudicative meeting in Okemos, on December 12, 2012, the State Boundary Commission examined the petition for legal sufficiency. A motion was made by Commissioner Stewart and seconded by Commissioner Blanding to determine the petition be found legally sufficient. The Commission voted unanimously to declare the petition legally sufficient. Following its finding the Commission scheduled a public hearing be held in Greenville on February 14, 2013.
3. As scheduled, on February 14, 2013, the Commission held its public hearing on this petition in Greenville. The 30-day open comment period expired on March 18, 2013 and the 7-Day rebuttal period expired on April 3, 2013.

4. At an adjudicative meeting in Okemos, on June 12, 2013, the State Boundary Commission voted 4-0 to recommend that the Director of the Department of Licensing and Regulatory Affairs approve the petition requesting the annexation of land in the Charter Township of Eureka to the City of Greenville.
5. At an adjudicative meeting in Okemos, on August 13, 2013, the State Boundary Commission voted unanimously to approve the draft Summary of Proceedings, Findings of Fact and Conclusions of Law recommending that the Director of the Department of Licensing and Regulatory Affairs sign an order to approve the proposed annexation of land in the Charter Township of Eureka to the City of Greenville.

FINDINGS OF FACT

1. If the annexation were to be approved by the Director of the Department of Licensing and Regulatory Affairs as recommended by the State Boundary Commission, all of the land currently owned by Mersen USA in the area would be within the City of Greenville.
2. Charter Townships have immunity from annexation of their lands under certain criteria outlined in Section 34 of the Charter Township Act [1947 PA 359, MCL 42.34]. Eureka Township does not qualify for this exemption in the following ways: (source: Eureka Township questionnaire)

<u>Statutory Requirement for Exemption</u>	<u>Eureka Township</u>
Minimum population of 150 persons/sq. mile	141 persons/square mile
Provide solid waste disposal services	Not provided
Provides water or sewer services	Not provided

CONCLUSIONS OF LAW

The State Boundary Commission has considered the criteria stipulated under Section 9 of 1968 PA 191, and the testimony and information contained within the record of this docket, and has come to the conclusion that this information supports its unanimous decision to recommend that the proposed annexation of land in the Charter Township of Eureka to the City of Greenville be approved by the Director of the Department of Licensing and Regulatory Affairs.

Pursuant to Executive Reorganization Order 1996-2, this approval is contingent on the concurrence of the Director of the Department of Licensing and Regulatory Affairs.

Dennis Schornack, Chairman
State Boundary Commission

Date

EXHIBIT A

PART III LEGAL DESCRIPTION

Part of the West one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 11, Town 9 North, Range 8 West, Eureka Township, Montcalm County, Michigan, **ALSO** Lots 1, 2 and 3 of Rollies Acres, according to the recorded plat thereof (as recorded in Liber 9 of Plats on Page 41, Montcalm County Records), all being described as: **COMMENCING** at the North one-quarter corner of said Section 11; thence North $89^{\circ}47'30''$ West 1331.78 feet along the North line of said section to the West line of the Northeast one-quarter of the Northwest one-quarter of said section; thence South $01^{\circ}54'07''$ West 1229.88 feet along said West line, also being the East line of the City of Greenville, Montcalm County, Michigan, to the **PLACE OF BEGINNING**; thence South $89^{\circ}48'51''$ East 333.40 feet to the East line of the West one-quarter of said Northeast one-quarter of the Northwest one-quarter of said section; thence South $01^{\circ}52'50''$ West 97.99 feet along said East line to the South line of the Northeast one-quarter of the Northwest one-quarter of said section; thence South $89^{\circ}48'50''$ East 800.32 feet along said South line of the Northeast one-quarter of the Northwest one-quarter to the Northerly extension of the West line of Rollies Acres (according to the recorded plat thereof In Liber 9 of Plats, Page 41, Montcalm County Records); thence South $01^{\circ}48'58''$ West 1.25 feet along said extended West line to the Northwest corner of said Rollies Acres and the Northwest corner of Lot 1 of said Rollies Acres; thence South $89^{\circ}41'06''$ East 166.99 feet along the North line of said Rollies Acres and the North line of said Lot 1 to the West right-of-way line of Backus Road (a public right-of-way); thence South $01^{\circ}48'58''$ West 300.00 feet along said Backus Road right-of-way to the South line of Lot 3 of said Rollies Acres; thence North $89^{\circ}41'06''$ West 166.99 feet along said South line of Lot 3 to the Southwest corner of said Lot 3 and the West line of said Rollies Acres; thence North $01^{\circ}48'58''$ East 1.25 feet along said West line of said Rollies Acres and the West line of said Lot 3 to the South line of the North 300.00 feet of the Southeast one-quarter of the Northwest one-quarter of said section; thence North $89^{\circ}48'50''$ West 1134.21 feet along said South line of the North 300.00 feet of the Southeast one-quarter of the Northwest one-quarter of said section, also being the North line of the City of Greenville and the Easterly extension thereof; thence North $01^{\circ}54'07''$ East 398.00 feet along the West line of the Southeast one-quarter of the Northwest one-quarter of said section and the West line of said Northeast one-quarter of the Northwest one-quarter of said section, also being the East line of the City of Greenville to the place of beginning.