

October 21, 2013

State Boundary Commission  
Michigan Dept. of Licensing and Regulatory Affairs  
PO Box 30254  
Lansing, Michigan 48909

RE: Docket #13-AP-2

This letter is being submitted to formally oppose annexation of an 80+ acres of property located on M-55 in Clam Lake Township (Wexford County) by the City of Cadillac.

This issue was placed on the Clam Lake Township voting ballot in 2008 and the majority of the residents determined that this parcel of property should not be re-zoned to accommodate a proposed commercial development nor should it to be annexed by the City of Cadillac.

This parcel of property is currently zoned forest/agricultural and is located in an area that is currently all residential. There are more suitable locations in the area for this type of development, such as one exit north or two exits south of this one. This issue boils down to appropriate land use and it would be a shame to recreate the time honored tradition of more urban sprawl through poor land use planning decisions.

First and foremost this issue is a local zoning issue and should not be interfered with by the State Boundary Commission. Simply put the citizens of Clam Lake and Haring Townships do not want this type of proposed development to occur at this location.

Sincerely,



Bruce A. Conradson  
5905 Elmwood Drive  
Cadillac, Michigan 49601

RECEIVED

OCT 29 2013

OFFICE OF LAND SURVEY &  
REMONUMENTATION

October 21, 2013

State Boundary Commission  
Michigan Dept. of Licensing and Regulatory Affairs  
PO Box 30254  
Lansing, Michigan 48909

RE: Docket #13-AP-2

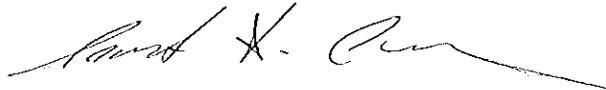
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First and foremost this issue is a local zoning issue and should not be interfered with by the State Boundary Commission. Simply put the citizens of Clam Lake and Haring Townships do not want this type of proposed development to occur at this location.

Sincerely,



Scott A. Conradson  
8932 Lamplighter Ln.  
Cadillac, Michigan 49601

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OCT 29 2013

OFFICE OF LAND SURVEY &  
REMONUMENTATION

## O'Brien, Kevin (LARA)

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**From:** Carol Carlson <greybaby2007@yahoo.com>  
**Sent:** Thursday, October 31, 2013 3:25 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Fw: Docket #13-ap-2

----- Forwarded Message -----

**From:** Carol Carlson <greybaby2007@yahoo.com>  
**To:** "obrienk@michian.gov" <obrienk@michian.gov>  
**Sent:** Thursday, October 31, 2013 3:20 PM  
**Subject:** Docket #13-ap-2

11/1/2013

State Boundary Commission

Kevin O'Brien  
P.O. Box 30254  
Lansing, MI. 48909

Dock#13-ap-2

I would like to express my displeasure that we have to go through this this many times. We have spoken out and because of a stupid law every two years we get to go through expressing ourselves. I feel Terri Dee is getting annoying. The group bought this land for a song, and thinking they could develop it by pushing their way in. They already knew the zoning and if not should of, and since part of the group lives nearby, had too of known the feeling of this with the community. So basically they felt they can bully their way in without any whimper. Guess again!

They said they were going to have it built with taste. Well then why are they having a problem with rules being established with how it is built. They want everything their way or the highway. They are the ones saying they wanted it to look with taste. Once it is sold you know darn well it will be forgotten and they will move on.

They keep pushing jobs, well the north end has many businesses and I doubt they have jobs as many as this small developer keeps promising. When I was in the gas station in front of Wal-Mart, someone ( a clerk) from subway was in buying something and she said "they were dead" with customers, we asked why, she said they felt it was because of the new store audi (Sp). She even had the night work done and it was only 4 P.M. What will business do if another stores ect comes in. You can over populate areas with business and that would be much more worse. Lots of closed building could very much happen because of this development. that it really isn't needed which in this case "it is not needed"

I feel so proud to live in this area we have spoken (many times). AI feel it is awesome that so many people from many years have stayed true to this. When the former owners of this same land wanted to build the same, the same was said. We do not need it or want it. Our town is so buitiful what a shame these developers just don't get it. For being so smart why didn't they check the zoning?

The township of haring has water and sewer in coming soon. Why the hurry when by the time they hook up to the city, haring will have it.

They even said in the paper that they were going ahead and worry about the 425 later, what makes them so cocky that they can ignore something and push along, like they have from the very beginning. Then go back and work on the 425.

When they put in the highway they promised us it will stay zoned and no commercial building will happen, they spent a lot of money making it look nice. I say, we should be able to keep this voting, or decision making locally. For one reason, we already went through this, second we voted on it, and third, we have had more meetings over it.

I at this time am not totally opposed to building (see what knats do when they keep swirling around your head, you back down) I will not back down, BUT, if it is being reviewed by the township and terridee spots being greedy and abides by the rules than okay . IF there is building and time does move on from promises than I believe there should be rules this time. This is special; they are not building in the normal spot for this type of construction. They want us to bend for their benefit. I say that haring or clam should have special rules for this building.

I have seen how the city has worked with haring and I am afraid what will happen, city cannot be trusted to follow through. My mom lives up the road from the area that the city was to help with, you should go look at the sewer what a joke.

Thank you,  
Carol Carlson  
6121 South Crosby Road  
Cadillac, MI. 49601

231-995-7535

## O'Brien, Kevin (LARA)

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**From:** Carol Carlson <ccarlson@williamstc.com>  
**Sent:** Friday, November 01, 2013 2:22 PM  
**To:** O'Brien, Kevin (LARA); supervisor@clamlaketownship.org  
**Subject:** Dock#13-ap-2

Michael and Dale

Hello, here is an additional information from yesterdays email. When Mike and I talked yesterday, he mentioned I didn't want to go into the city, why would I. We are being forced into something for a developer who should of known better to buy something and think we would think he was the best thing ever. The township will lose revenue in taxes ext. Our properties would go up in taxes being in the city . The developer bought something he thought would turn for a quick buck. He it sounds like doesn't want to hook up to the haring township because it sounds like it could be more costly. So what, So it's okay for us be inconvenienced with all these meetings, We will pay m ore over time with cities taxes, the township will lose taxes. IF they want to hook up to haring fine, if they will agree to guidelines for building fine. If he doesn't we should not be forced for his greediness and we should have the say. Leave the voting of it to us paying taxpayers who live here.

Carol Carlson  
6121 South Crosby road  
Cadillac mi 49601

Sunday, November 3, 2013

RECEIVED

From: James H Devereaux  
330 Bramblewood  
Cadillac, MI 49601

NOV 07 2013  
OFFICE OF LAND SURVEY &  
REMONUMENTATION

To: State Boundary Commission  
Office of Land Survey and Remonumentation  
PO Box 30254  
Lansing, MI 48909

Reference: Docket #13-AP-2

Dear State Boundary Commission:

As a local property owner in an adjoining subdivision very close to this proposed annexation for the purpose of urban sprawl I vehemently object to this annexation and new development.

A working 425 already exists to satisfy the requests of TerriDee. The city of Cadillac's annexation will grab land from the townships. The natural boundary of US 131 separates the city from the townships. Residential property owners will be adversely affected by lowering property values, pollution and noise which expansion of urban sprawl will bring. Township residents which include myself do not want threats of further annexation by the city of Cadillac due to proximity.



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James H Devereaux  
330 Bramblewood

RECEIVED

Docket no. 13-AP-2 Nov. 4 2013

NOV 07 2013

OFFICE OF LAND SURVEY & REMONSTRATION

To the Michigan State Boundary Commission.  
I would like to voice my opinion on the Teri See property in Clam Lake in Waford County in Cadillac Mich.

I'm totally against it even being built there. When Teri See + Jim Van derlaan bought the property they knew the values had turned it down several times. They purchased it with the idea to make money on it + be persistent in bringing it back over + over again no matter what the owners of the surrounding properties wanted.

I think Haring township and Clam Lake should be able to act on behalf of their citizens in what comes in their area and that is what their officials have tried to do, for their citizens.

If this company of people had owned it for many years, + lived here it would be a little different. they didn't, and now after being turned down from their project + paying taxes on it they feel their rights are being violated. How about all of us residents and all the surrounding property owners, they don't want to be annexed in to the City of Cadillac or have a shopping center in their midst. Please consider this above Teri See's rights.

Docket no. 13-AP-2

Eleanor Carlson  
5095 N. Crosby Rd.  
Cadillac, Mich. 49601

## O'Brien, Kevin (LARA)

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**From:** Kathryn Lueder <mklueder@gmail.com>  
**Sent:** Tuesday, November 12, 2013 2:22 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket #13-ap-2  
**Attachments:** Docket #13-ap-2 TeriDee Property Cadillac.rtf

### Docket #13-ap-2 State Boundary Commission November 12, 2013

I am grateful the board spent the time to drive around our unique northern community, efficiently zoned with a Master Plan written with input from local citizens. I am against the annexation to the city, but **please continue to read....**

As you traveled I hope you noticed the busy north end of the Cadillac area commercial/retail development, the south entrance's beautiful office complexes, the west side industries, and the southwest recreational/tourist interests. Then when you visited the east entrance to the city, I trust you saw the integrity of our bedroom community from all sides of 131/55. *MDOT took special care to lesson any impact of US 131 by recessing the highway in that precise area and esthetically designing the overpass with a rock wall look landscape.* All happened due to local citizen's input.

Now enter two non-local speculating developers who think they have more wisdom and better vision. Being a "simple man" (Mr. Vanderlaan quote), perhaps the two don't understand the word NO.....the land was not zoned for their intended use. After the two boldly cleared out the trees, the citizens VOTED NO to the intended use, and your board wisely VOTED NO to the annexation they wanted.

Here they are again. What audacity.

So here we are with a proposal I guess viewed as the lesser of two evils. Citizens deserve input. In the aftermath of two years ago the Haring Township took your board's recommendations and criticism to heart and formed new complying guidelines for their 425 agreement. The city voted on a resolution to support the annexation the week of the public hearing. Their presentation at the hearing was deplorable, absolutely unprofessional and embarrassing. No guidelines, no support of current zoning and no concern to *helpless citizens who will incur additional taxes.*

As for any prospective taxes, the city purchased a 13 acre plot of land (regionally over-priced at over \$300,000) in a prime city residential area to place their new well. This area had potential for rolling wooded lots with views of Lake Cadillac, a tax base lost. Other sites were deemed viable. What insight.

Yes we need jobs, but as you toured you may have seen numerous empty buildings in the city proper; strip malls and downtown store fronts. At least sixteen alone on the main section of Mitchell Street. *Empty buildings do not provide jobs.* Do we really want a tacit endorsement of non-local speculators. We need local citizen input, people who live in Wexford County deserve such.

It's sad we local citizens are put in this position, it should be a dead issue, no is no? Hmm, why vote? This development deserves time and thought. Mr. Vanderlaan always says he "just talked to someone interested today". I would question that statement.....

I believe it's simply "BOVINE SCATOLOGY", another Mr. Vanderlaan quote.

Kathryn Lueder 6815 S. Crosby Cadillac, MI 49601 [mklueder@gmail.com](mailto:mklueder@gmail.com)

**O'Brien, Kevin (LARA)**

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**From:** Kathryn Lueder <mklueder@gmail.com>  
**Sent:** Tuesday, November 12, 2013 2:26 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Fwd: docket #11-AO-2 Wexford County

NEW DOCKET # SAME MESSAGE

**new DOCKET # 13-ap-2**

----- Forwarded message -----

**From:** Kathryn Lueder <mklueder@gmail.com>  
**Date:** Sun, Jan 29, 2012 at 4:52 PM  
**Subject:** docket #11-AO-2 Wexford County  
**To:** [obrienk@michigan.gov](mailto:obrienk@michigan.gov)

An additional note on

docket #11-AO-2 Wexford County

On paper the 131 highway is just a line weaving in the land involved in the boundary issue. In reality it is an exit planned by MDOT for minimal impact by recessing the highway below existing M-55, berming areas and decorating actual overpass with faux rock work. It was treated as the master plan intended it to be, a bedroom community. Exit 177 is an office type entrance to the Cadillac area, 180 is the quiet exit, not an official entrance and 183 is the commercial big box retail area and entrance from the north.

Please consider the physical lay of the land.

Kathryn Lueder

Sent from my iPad

**O'Brien, Kevin (LARA)**

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**From:** Kathryn Lueder <mklueder@gmail.com>  
**Sent:** Tuesday, November 12, 2013 2:29 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Fwd: docket #11-AO-2 Wexford County.

**NEW DOCKET #13-ap-2** Forward letter from Jan. 2012 #11-ao-2, You voted no for the city annexation to Cadillac.

----- Forwarded message -----

**From:** Kathryn Lueder <mklueder@gmail.com>  
**Date:** Sat, Jan 28, 2012 at 4:21 PM  
**Subject:** docket #11-AO-2 Wexford County.  
**To:** "obrien@michigan.gov" <obrien@michigan.gov>

Regarding the issue before the boundary commission: docket #11-AO-2 Wexford County.  
The developers should not have pursued the issue following the resounding negative vote by voters in Clam Lake Township.

There is a master plan in place and is no different than when the property was purchased. Residents make their homes (not just houses) with reference to zoning. It just is not right for the area to change just because someone has money to use for tax benefits.  
Jobs? A red herring....from displaced workers from businesses forced to close? Our businesses/hotels struggle as it is.

**\*\*This request should have been declared moot from the get-go, the voters spoke out loudly. Please support we the voters who live here.\*\***

Respectfully and strongly concerned,

Kathryn Lueder  
6815 S Crosby  
Cadillac, Mi 49601

Sent from my iPad



Clam Lake Township  
Downtown Development Authority  
Board of Directors  
8809 East M-115  
Cadillac, MI 49601  
(231) 429-4368

November 17, 2013

State Boundary Commission  
PO Box 30254  
Lansing, MI. 48909

Honorable Boundary Commissioners:

**Re: Proposed Annexation from Clam Lake Township to Cadillac; Docket No. 13-AP-2**

I am writing you as the Director of the Clam Lake Township Downtown Development Authority (CLTDDA) on behalf of the CLTDDA Board of Directors listed below. Regrettably, because of the limited time constraints placed by the Commission on presenters, the CLTDDA was not able to make a presentation to the Boundary Commission at the public hearing you are holding in Cadillac so we are offering this letter pursuant to the opportunity you have afforded for 30-day written materials.

Motion presented and passed unanimously by the CLTDDA October 21, 2013: *Be it resolved on this date October 21, 2013 the Clam Lake Township Downtown Development Authority does not support proposed TerriDee LLC commercial development at exit 180 of US-131, as the development does not fit in with surrounding community or community approved planning and zoning guidelines.*

The current zoning in our CLTDDA along Business Route 131 and Mackinaw Trail to M-115. Clam Lake Township is a community looking for development in Commercial, Office/Service, and Highway Commercial within its CLTDDA District.

The CLDDA has approximately 100 undeveloped acres spread throughout our district. This available land encompasses our district from the southern border of the City of Cadillac to Exit 177, and west along Mackinaw Trail to M-115 intersection. Exit 177 is approximately 3 miles south of the area currently proposed for annexation in this case and Exit 176 is approximately 4 miles south of the proposed annexation area. Our CLTDDA encompasses both of these expressway interchanges, as well as the properties between these well-located, prime areas for commercial development.

In April 2008, the Clam Lake CLTDDA passed a similar resolution not to support commercial development at Exit 180 as was then proposed by Teridee, LLC. The reason for this opposition was that the development did not fit in with the community's desires and needs as outlined in the current Wexford County Zoning Plan.

Even though the Clam Lake CLTDDA is highly supportive of commercial development within the township, it is essential to follow the County's master plan, as well as the master plan update prepared for the CLTDDA and approved in 2008. The CLTDDA strongly believes that commercial opportunities in the area should be directed to the planned commercial area around Exits 176 and 177 of US-131.

The DDA's goals to recruit commercial development with proper balance include:

- Create appealing commercial areas
- Discourage excessive curb cuts and access to major roads
- Maintain existing setbacks and develop additional setback requirements
- Limit excessive storage
- Encourage planned commercial development

In December 2010 the CLTDDA made a formal resolution to welcome Teridee, LLC to develop its desired project within the CLTDDA District, rather than at the location that it proposes for annexation: "Be it resolved that the proposed Terri Dee Development would be a proper and welcome addition to the Clam Lake DDA and the Exit 176/177 interchange."

A key policy determination of the CLTDDA, the County, and all of the local planning agencies is to encourage commercial development to locate in the CLDDA District at Exits 176 and 177.

In conclusion, the CLTDDA supports commercial development in the Township, but such development should be located in the DDA District at Exits 176 and 177, not at Exit 180. A priority goal for the CLTDDA is to promote and encourage travelers to the Cadillac area to use Exit 176/177 off the US-131 Freeway. This would direct traffic into the Clam Lake CLTDDA district and its commercial properties, consistent with local land use and economic plans. We would also like to add that the township asked for a referendum in November 2008 regarding the annexation of this proposed land development. After the August special election the citizens of Clam Lake Township voted against this proposal of annexation.

Thank you for your time and attention.

Sincerely,  
Board of Directors Clam Lake Township  
Downtown Development Authority

By Direction  
Mark A McKeown  
Executive Director

Julie Snider

Mike Lueder

Mike McGuire

Chairwoman

Vice Chairman

Secretary

Steve Kitler

Jeremy Winkle

Steve Anderson

Treasurer

Member

Member

Scott Kleinsorge

Dale Rosser

Pat Carroll

Member

Supervisor

Member

**O'Brien, Kevin (LARA)**

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**From:** Carol <csmarcusse@charter.net>  
**Sent:** Sunday, November 17, 2013 4:39 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket #13-AP-2

To State of Michigan Boundary Commission,

NO to Annexation to the city of Cadillac.

US 131 separates the city from the townships and should remain.

This is a local issue with local ordinances.

Let the local townships deal with development and decide what is best for the area where they/ we reside and not the state or developers who won't have to live with it in their backyards.

Carol Marcusse  
6340 Berkshire Lane  
Pointe East Subdivision  
Cadillac, Michigan 49601

**O'Brien, Kevin (LARA)**

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**From:** Loretta Hubbard <l\_hubbard59@yahoo.com>  
**Sent:** Sunday, November 17, 2013 6:46 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Annexation

I would like to say  
NO to the annexation.

Thank you,

Loretta Hubbard  
6735 Crosby Rd.  
Cadillac, MI 49601

**O'Brien, Kevin (LARA)**

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**From:** WILLIAM LUCAS <bjluc@prodigy.net>  
**Sent:** Monday, November 18, 2013 1:17 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket # 13-ap-2

Docket # 13-AP-2

Dear Sir, My request is a NO vote to the proposed annexation to the City of Cadillac.. I believe the necessary and correct steps have been taken by the Townships involved.. William Lucas

## O'Brien, Kevin (LARA)

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**From:** Dick Loughmiller <mardic@charter.net>  
**Sent:** Monday, November 18, 2013 8:03 AM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket #13-AP-2

I'm writing in regard to the above subject. I urge you to say no to the annexation of the TeriDee property to the City of Cadillac. As a long-time resident of Pointe East Subdivision I am strongly opposed to this annexation. As you know, Haring Twp. and Clam Lake Twp. have entered into a 425 agreement that will allow water and sewer provisions to the TeriDee property. Haring Twp. also has in place regulations and restrictions that will permit TeriDee to develop their land and still protect the nearby residents. Without these restrictions in place I foresee our property values decreasing, an increase in traffic and noise and the threat in the near future of our annexation into the City of Cadillac because our location is next to TeriDee's. Please consider these points when making your decision. I'm personally pleased with the 425 between Haring and Clam Lake Twp. It appears they have a good working relationship which will be beneficial to both townships in many ways, not just in the matter of the property at Exit 180.

Thank you.

Marlene A. Loughmiller  
6280 Avon Lane  
Cadillac, MI 49601  
231-775-7724  
[mardic@charter.net](mailto:mardic@charter.net)

**O'Brien, Kevin (LARA)**

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**From:** Betsy Clark <bets\_c58@yahoo.com>  
**Sent:** Tuesday, November 19, 2013 7:54 AM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Annexation

Hi,  
I say NO to the annexation. Thank you very much.

Betsy Clark  
6735 S. Crosby Rd.  
Cadillac, MI. 49601

Sent from my iPad

JAMES E. HOUSTON  
102 DORAL DRIVE  
CADILLAC, MI 49601

13 November 2013

State Boundary Commission  
Attn: Kevin O'Brien  
P.O. Box 30254  
Lansing, Michigan 48909

RECEIVED  
NOV 18 2013  
OFFICE OF LAND SURVEY &  
REMONUMENTATION

Document 13 AP-2 Wexford County, MI (Haring & Clam Lake Townships)

Gentlemen:

At age 85, and reasonably sane, I recently retired from the Clam Lake Township Board after serving over 16 years, first as Treasurer and more recent as Trustee.

I have witnessed the evolution of Clam Lake Township lands, including the "Terri-Dee" property at exit #180, on US 131 at M 55 east of Cadillac since 1996.

For me, and I feel it is true with the Clam Lake Township Board, that for about the last 12 years this interchange has been a period of frustration and costs. The residents on one side, and would be developers on the other, as to how the area should be developed. In recent years the "Terri-Dee" property being the center of attraction.

I am very pleased, we now have a viable plan, with two townships working in harmony: Water and sewer will be there when needed, commercial zoning is in effect, fire and law enforcement is in place. I rather think the residents are probably not elated, but most of them realize the two townships have worked hard and have done their very best to bring about the most sensible uses of the lands involved. I believe this was shown with the small attendance and no real protests at your October 23rd hearing in Cadillac.

This is not a "SCAM". Records will show a dialogue on the issues discussed here have been going on for a number of years between the two townships.

This # 425 will continue to allow continuity of the area. The City of Cadillac borders are four tenths of a mile to the west, the other side of a major highway interchange. We need not get into a discussion on "Gerrymandering" or "Leapfrogging"!

This is a very good #425, please let it stand.

Sincerely,

  
James Houston

State Boundary Commission

Office of Land Survey and Remonumentation

P.O. Box 30254

Lansing, Mi 48909

Regard Docket #13-AP-2

RECEIVED  
NOV 18 2013  
OFFICE OF LAND SURVEY &  
REMONUMENTATION

We are against the annexation of the property at exit 180 on US 131.

I would like to start with a little history of my family coming to the Cadillac area. In 1979 my employer moved us to Cadillac to represent them. It was a "move now" situation. and the house we purchased was a compromise.

Many years later with kids gone we decided to buy a lot and build a home for our empty nest years. We spent 2 years looking for the right place to build, buying a lot in Point East subdivision.

We own lot 34, 35 & 36 on Devon Lane in the south west corner of Pointe East, there is approximately 100 feet to the TerriDee property with only a small part of the Tacoma property as a buffer. With the city of Cadillac taking control through annexation we feel we would lose our special spot because of increased noise, light, and the other problems that come with retail developments.

We purchased this property with the understanding that when the freeway was built it would remain non commercial area.

We feel that if this property becomes part of Cadillac we would have little input into how and what was built on this property and we would be next to be annexed.

Some items we would like you to consider.

A working 425 already exists for water/sewer.  
Annexation would be a land grab from the townships.  
US 131 is a natural boundary separating the city and township.  
TerriDee purchased this property with the knowledge that this area would be non-commercial so it is difficult for us to understand a claim of loss of investment.

Lawrence A Luhtanen  
6436 Devon Lane  
Cadillac, Mi 49601

*Lawrence A. Luhtanen*

DOCKET #13-AP-2  
State Boundary Commission  
Office of Land Survey and Remonumentation

RECEIVED  
NOV 18 2013  
OFFICE OF LAND SURVEY &  
REMONUMENTATION

Dear Sirs:

We wish to express our strong support for the 425 agreement between Clam Lake and Haring townships. We would also like to express strong opposition to the proposed annexation of the property in question to the City of Cadillac.

We, along with our neighbors, are residents of Woodland Estates in Haring Township, directly north of M-55 and across from the Cadillac Junction sign. We continue to be some of the voices and faces of the residents who have agonized over this issue. In the past several years we have utilized all of the avenues open to us in fighting to maintain the integrity and quality of life that this area has provided for our families.

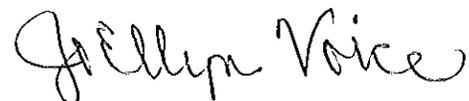
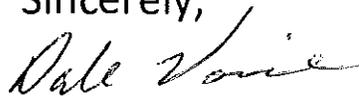
Please remember that the location of this freeway exit is not a blank slate. The multitude of homes in very close proximity should be a huge consideration in the decision-making process. The 425 agreement has allowed Haring Township to establish guidelines for the responsible development that this developer has promised. A developer can make promises that are not binding unless there is a set of rules in place. If this property is annexed to the city, and there is no more buffer zone between the expressway and residential area, where will their reach end? If the city sprawls in that direction, all surrounding property becomes subject to annexation and re-zoning.

We have heard Governor Snyder being quoted as promoting commercial development. Let us also remind you that in his State of the State address in 2012, the governor explained his vision for the future as a time of “implementing good government,” of “job creation while properly protecting our citizens.” He talked of being a “supportive partner to local jurisdictions.” Doesn’t that relate to the will of its citizens? Doesn’t it make sense that our townships are the logical and correct governing bodies to regulate important issues related to commercial development in a residential area?

The developer in this case has expressed his ‘frustration’ that he hasn’t received the green light to proceed with the plan that he had in mind from the time that he purchased this property in a ‘green zone.’ We wonder what his level of frustration would be if HE had to look across the road from his residence each day at a sign that proclaimed ‘BIG BOX STORES’ coming soon. That is OUR new reality.

Please allow the 425 agreement between Clam Lake and Haring Townships to stand, and please listen to the citizens of both townships. In the words of Governor Snyder, please “do the right things for the right reasons.”

Sincerely,



Dale and JoEllyn Voice  
5930 Evergreen Drive  
Cadillac, MI 49601

**Cathy J. Tacoma**  
**6121 Pointe East Dr.**  
**Cadillac, MI 49601**

RECEIVED  
NOV 20 2013  
OFFICE OF LAND SURVEY &  
REMONUMENTATION  
November 15, 2013

State Boundary Commission  
Office of Land Survey and Remonumentation  
P.O. Box 30254  
Lansing, MI 48909

Re: Docket #13-AP-2 - Wexford County

Members of the Boundary Commission:

This effort marks the eighth assault by the developers on this parcel of land, the community's Master Plan for orderly development in our townships, and the expressed will of the people who live in the townships affected by this proposed development. It appears that this time they will succeed. In fact, Mr. VanderLaan is so confident this is a *fait accompli* that in mid-August, after he had sent his minion out to once again brush-hog any semblance of recrudescence growth as the once-verdant woodland attempted to restore and heal itself, he put up his sign proclaiming in large writ that "coming soon" would be a large commercial development of all kinds of enterprises, apparently without any significant limitation.

Mr. VanderLaan, his partner - Mr. John Koetje, and sadly the three members of the State Boundary Commission do not live in Cadillac, they do not vote here, they do not work, shop or eat at restaurants here and yet they want to impose on those of who do: live, vote, shop and work in Cadillac a totally unwanted and unrestricted development. A development that is just promises and pictures. Promises of jobs that, if they ever even exist, will draw vitality from the downtown of Cadillac and pictures, not based in fact, that will ultimately make this formerly lovely area, if approved by the State Boundary Commission, look like most of modern America with a freeway intersection graced with at least two gas stations and three fast food restaurants plunked right in a declining residential area. We know why people 'come North' to see the woods and visit small downtowns with charming shops and restaurants. For a 'freeway exit' lifestyle such as being imposed on us, those tourists and visitors might just as well stay downstate because the distinctive feel of the Northland will be gone - erased by greed, bureaucratic short-sightedness and political impositions.

We are voters and residents that thought zoning meant something. We let it restrict our land use and we relied on it to be true to its word but now instead are being treated to a politburo like imposition of power and money interests from afar with no regard to the voice of the people!

Governor Rick Snyder is said to be 'for economic development' and so are the residents and voters of this small part of Northern Michigan, but we are the ones who know what is best for our community. We have spoken loud and often with a continuing voice to let local people decide our future and the development of our lands!

Sincerely,



Cathy Tacoma

**O'Brien, Kevin (LARA)**

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**From:** Keith VanderWal <kvav20@hotmail.com>  
**Sent:** Wednesday, November 20, 2013 2:58 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Cadillac Annexation

No, to the annexation to the city of Cadillac. Please allow the 425 between townships.  
Sent from my iPhone

**O'Brien, Kevin (LARA)**

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**From:** Ken Matthews <kenm@williamstc.com>  
**Sent:** Wednesday, November 20, 2013 5:34 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** DOCKET#13-AP-2

To whom it may concern:

I am writing to let you know that I wanted to say NO TO THE ANNEXATION for docket#13-ap-2.

Ken Matthews  
Williams Kia Service Manager  
231-929-5457  
11-20-2013

**O'Brien, Kevin (LARA)**

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**From:** helen quinn <hkquinn@hotmail.com>  
**Sent:** Thursday, November 21, 2013 1:56 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket 13-AP-2

Mr. O'Brian, I do support the present 425 by Haring township and NOT the request by the City of Cadillac for them to annex the property. Cadillac does not concern itself with the residential homes and communities nearby and the Haring township 425 will allow development with taste and some restrictions to keep our neighborhoods safe and retain the peace of our community. Thank you for listening.

Helen and Darrell Quinn  
10556 Pine Grove Dr.  
Cadillac, MI 49601  
231-714-7511

State Boundary Commission  
reference: Docket #13-AP-2

11-20-13  
Mike & Sandy DE  
6561 Crosby Rd  
Caddo, Mich  
49664

Please, please, please listen to us, the land  
owners affected by the proposed city annex-  
ation of our personal property. This is <sup>development</sup> important  
for the common good of this community!  
We have had a long term township  
growth plan for wise land use. We have  
way too much big box store vacancy  
already! We now have a proposed  
urban sprawl problem factories. Will  
you please do what is best for us,  
the people, than this "special interest"  
"self-interest" of a big developer. He can  
choose a project like housing or another  
purpose but not big box store sprawl,  
with few jobs, just opposed to long term plan.  
Mike DeWing  
Thanks Sandy DeWing



**O'Brien, Kevin (LARA)**

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**From:** Bernadette Harris <harrisbernadette@yahoo.com>  
**Sent:** Thursday, November 21, 2013 5:51 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Keep land rural

I urge that you keep the existing 425 Agreement and certainly oppose the annexation of property to the city of Cadillac.

Bernadette Harris  
250-474-5043

RECEIVED

NOV 21 2013

OFFICE OF LAND SURVEY &  
REMONUMENTATION

November 18, 2013

State Boundary Commission  
Office of Land Survey and Remonumentation  
P.O. Box 30254  
Lansing, MI 48909

**Docket #13-AP-2 – Wexford County  
Proposed Annexation of Land in Clam Lake Township to the City of Cadillac**

Dear State Boundary Commission,

This is in response to the State Boundary Commission's Public Hearing on the Proposed Annexation of Land in Clam Lake Township to the City of Cadillac held at Cadillac, MI on October 23, 2013.

My wife and I have followed the proposed venture known as the Cadillac Junction Project for several years. It was very informative to attend your meeting and hear the views of the involved parties and members of the community. The proposed development and surrounding area is zoned residential and has several nice subdivisions and churches. It is understandable that the area residents would not want a large commercial development going into their backyards.

The current 425 agreement between Clam Lake and Haring Townships seems to be a reasonable way to provide the utilities requested by the developer TerriDee. The agreement also appears to have some restrictions as to how this property can be developed commercially. These restrictions could help make the development property more harmonious with the surrounding neighborhoods. This would help to preserve the property values of the area resident's homes.

I believe that the 425 Agreement between Clam Lake and Haring Townships would best protect the interests of the area residents, and make a nicer commercial development. Therefore, I urge you to deny the Proposed Annexation of Land in Clam Lake Township to the City of Cadillac.

Sincerely,

Gary Silkworth GS  
Lake City, MI

November 20, 2013

State Boundary Commission  
Office of Land Survey and Remonumentation  
PO Box 30254  
Lansing, MI 48909

RECEIVED  
NOV 22 2013  
OFFICE OF LAND SURVEY &  
REMONUMENTATION

Re: Docket #13-AP-2

To whom it may concern:

My name is Ami Woodworth and I live in Haring Township, Michigan. There has been a lot of talk recently about a new development going in just off exit # 180 on US 131. I am not in favor of this development for many reasons. However, I have been told that it is too late to argue that piece.

I would like to voice my concerns about the proposed annex of that property, the property of TeriDee, into the city. Haring Township currently has a 425 agreement with Clam Lake Township to accommodate the requirements of TeriDee, and limit the development to a P.U.D. which would not forbid, but control commercial development. I object to what the city of Cadillac is trying to do by annexing this property. The city should not be allowed to take this property away from Haring township.

Please help us as land and homeowners keep the TeriDee property as part of Haring Township.

I appreciate your consideration.

Sincerely,



Ami J. Woodworth  
231-468-1023

**O'Brien, Kevin (LARA)**

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**From:** Randy & Deb Heeres <rdheeres@gmail.com>  
**Sent:** Wednesday, November 06, 2013 5:29 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket #13-AP-2

Please excuse this second sending. My first may not have contained my Haring Township home address.

4 November 2013

State Boundary Commission  
Office of Land Survey and Remonumentation  
P.O. Box 30254  
Lansing MI 48909

Dear Members of the State Boundary Commission

**This letter concerns DOCKET #13-AP-2.**

I do not support the annexation of the Terri-Dee LLC property to the city of Cadillac. I do support the 425 agreement between Haring and Clam Lake Townships and also the PUD crafted by Haring.

I will address several concerns: the County Plan and residential greenbelt; concerns with the annexation request for a large, relatively ungoverned commercial development; and the need for the 425 agreement and PUD.

The Wexford County Master Plan, created by local citizens and adopted by the city of Cadillac, Haring Township, and Clam Lake Township, declares the area surrounding and near the M55/US131 interchange (exit 180) to be a greenbelt.

A previous developer who once owned the Terri-Dee acreage removed numerous mature trees, many of which screened the land from the current exit ramp and intersection. He also had significant quantities of topsoil scraped aside and hauled away. Then he declared that the land was not fit for residential use and should become commercial. Meanwhile, extensive tree-planting, sustained by a beautification grant, occurred in the wide spaces between the east exit and the entrance ramp nearest the city limits on M55. Moreover, the Michigan DOT modified Exit 180 to minimize the negative impact on nearby residential areas (see June 7, 2001, *Cadillac News*, A-3). Ongoing conversations with local officials involved in land uses and zoning petitions have indicated strongly that the county and the city of Cadillac were committed to maintaining the 131/M55 interchange area as residential, not commercial.

In the years since the bypass was constructed, there has indeed been more traffic, particularly of logging trucks headed to the McBain industrial park and semis hauling goods northward. Yet the residential areas remain intact, somewhat degraded but far from excessively damaged and surely not destroyed. The area still works well for residents who live here.

Should a large commercial development arise on the Terri-Dee LLC property, the increase in traffic will likely require widening M55 and the overpass as well. Adding one or more traffic lights would be necessary to allow residents, church-goers, and users of the proposed mega-stores to travel safely—particularly since left turns are dangerous ones on U.S. roads. Another concern is the location of access roads to the proposed development in relation to the exit and to existing roads and driveways.

When this acreage was considered for rezoning several years ago, it was clear that “the intended use of the applicant is NOT an issue” (document of Wexford Planning Commission). Attachment A to this document contains 11 questions, “Considerations for Rezoning.” At least four of these still speak to the conversations and considerations of annexation, 425 agreements, and PUDs today:

1. “Can property reasonably be used for any permitted use under its present zoning classification? (Answer should be no.)” The answer today yet remains Yes. Ideally, the Terri-Dee LLC acreage could have been developed for residences—complete with mature hardwoods and conifers, the potential for biking/hiking/walking/skiing trails, and lovely natural landscaping.
2. The second consideration was, “Is the proposed use compatible with other uses in the zoning district? (The answer must be yes.)” However, the answer remains No. Still, the 425 agreement between the townships sets up the desirable possibility of compatible and harmonious development.
3. Question 7 asked, “Is the proposed rezoning consistent with both the policies and the uses proposed in that area in the Master Plan? (Answer should be yes.)” The answer in 2013 remains No. However, again the 425 agreement and the resulting PUD will assist the spirit, perhaps, of this requirement to be followed. The city of Cadillac, nonetheless, seems unable and unwilling to demonstrate any genuine concern about applying the principles of the county plan. The townships and its citizens are concerned—and have a plan.
4. Question 10 asked, “Will the proposed zoning create a greater negative impact on the surrounding area than the uses permitted under current zoning? (The answer must be

no.)” Of course, the answer for those of us who live near the property in question is still Yes.

I realize that we are no longer discussing rezoning as we consider the annexation petition. But Question 9 speaks of public utilities and service available for the land under review. Here again the 425 agreement, recognizing a likely future commercial development on this site, addresses the need for utilities. Haring can and will provide utilities to the site.

So let me finally address the need to reject city annexation and to approve the 425 agreement between Haring and Clam Lake Townships.

Clam Lake and Haring each have viable, available commercial areas: Clam Lake has its DDA between Exit 177 and the south end of Cadillac, an area with several gas stations, a motel, several restaurants, several large stores, a car dealership, and various office buildings; Haring has considerable growing development on Boon Road (Meijer, Walmart, gas stations, strip malls, Ruby Tuesday, KFC, Pizza Hut, MC Sports, etc.). Both townships’ areas have considerable room for more planned development. Neither of these has grown near residential areas of the size and quality we have near 131/M55. Neither of these has developed in areas not intended for commercial development.

Both townships are effectively trying to place some commercial development and still adhere to the spirit of the County Master Plan. Recognizing, after a decade or so of hearings, meetings, petitions, and an election, that commercial development might one day come to Exit 180, the townships have entered into an appropriate and legal 425 agreement. The PUD developed by Haring Township is a fine and fair effort to shape such commercial growth so that it fits suitably with nearby residences. The 425 agreement demonstrates support for residents and their property, and for commercial growth, even outside the boundaries of the two existing commercial areas in the two townships.

With this 425 agreement and the PUD, the townships rightly seek to preserve and to protect at least most of the natural greenbelt east of Cadillac. The developers should be keen and willing to retain the scenic and the peaceful nature of our residential area as they promote their own cause.

Unfortunately, the city of Cadillac seems now to forget its past support of the county-wide plans. The city also seems to have no plan beyond annexing the acreage. To their credit, the two townships have shown more civic leadership in this debate and controversy. Their 425 agreement codifies this commitment which the city fails to show—and, it seems, does not even possess. The city council voted 3-0 to support Terri-Dee’s quest. In 2008 the voters of Clam Lake Township voted with a resounding No vote of 80% not to allow annexation of the Terri-Dee acreage. One hopes that almost 500 voters with a plan in mind to support outweigh three voters without a plan beyond grabbing land for the city.

Those of us who live near the acreage in question are, of course, concerned by the changes an inappropriate and massive commercial development will undoubtedly bring: acute and chronic traffic issues, increased vehicular noises and pollution, light pollution, litter such as that seen around any mall and mega-store development, and a likely devaluing of house values nearby.

We also do not wish to be the target of annexation by the city of Cadillac. Let 131 remain a boundary between the city and the townships to the east.

What might have been built on the Terri-Dee site—and still could be but will not likely be—could have been residential, harmonious, and compatible. What will be built must be as harmonious and compatible as possible, preserving scenery and residential neighborhoods' integrity. Let the 425 agreement and the PUD craft what emerges on these acres near the exit ramp. The townships have demonstrated a civic-minded desire to plan. One should hope that the developers will enter into such a civic-minded effort, not by merely promising jobs or a travelers' stop but by working wholeheartedly with the townships.

There are many property owners involved in this situation -- not just one developer.

Approve the 425 agreement.

Do not support the annexation request. Most local citizens here do not—neither by votes cast nor by comments at public hearings and in correspondence.

Let the 425 agreement and the PUD accomplish what should work for everyone, not just for a few.

Sincerely

Randall Heeres

10615 Pine Grove Drive

Cadillac MI 49601

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28

**O'Brien, Kevin (LARA)**

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**From:** WILLIAM LUCAS <bjluc@prodigy.net>  
**Sent:** Friday, November 22, 2013 10:00 AM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket #13-AP-2

State Boundary Commission  
Office of Land Survey and Remonumentation

Re: Docket # 13-AP-2

Please. No to the Annexation..

Thank You, Janice Lucas

**O'Brien, Kevin (LARA)**

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**From:** Mark Johnson <mark.johnson@wmisd.org>  
**Sent:** Wednesday, November 20, 2013 8:03 AM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket #13-AP-2

To Whom it may Concern:

I am writing to oppose the annexation of the TerriDee property in Clam Lake Township located along M-55 and US 131 to the City of Cadillac. I am a nearby resident to the property, and do not wish to lose more property from townships to the city. I believe these annexations promote urban sprawl into the countryside and out of towns, destroying wildlife habitat through excessive development. US 131 serves as an eastern boundary to the city, and it should remain that way.

Sincerely,

--

*Mark D. Johnson*  
*Agriscience and Natural Resources Instructor/FFA Advisor*  
*WMISD Career Technical Center*  
*9901 E 13th Street, Cadillac, MI 49601*  
*(231) 876-2239*

**O'Brien, Kevin (LARA)**

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**From:** Anton Colasacco <acolasacco@chartermi.net>  
**Sent:** Thursday, October 24, 2013 12:14 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Annexation request Docket #13-AP-2

Ref: Docket #13-AP-2

To: State Boundary Commission

From: Anton P. Colasacco  
10/24/2013

My name is Anton Colasacco. I live in Haring Township directly North of the area proposed for annexation to the city of Cadillac. I have lived and enjoyed the Cadillac area since 1972 and in my current home since 1984. I attended the public hearing on this matter on October 23 and listened to the information presented by both sides. I feel very strongly that the annexation request should be denied.

I will not reiterate the history to the proposed development plans other than to say the County, townships, and people of the affected area have consistently disagreed with the nature of the development proposed. There was considerable discussion about the hardships imposed on the developers over the past 6-7 years as they unsuccessfully pursued their agenda. This is a direct result of their speculative investment in property that was not and is not zoned or planned for in a manner consistent with their wishes. That remains a problem (for them) and is clearly why they have requested annexation by the city.

I am not surprised that the city of Cadillac has endorsed this "windfall" request even though this is a reversal of its historical perspective on this approach to the city. The reality is the freeway does provide a natural boundary/buffer between the city and the townships to the East. When the freeway location was discussed, the consensus of all parties, inclusive of the city, was to maintain the M-55 approach as a green corridor. The city favored the location that was agreed upon (outside of the city) because there were no plans to develop commercially to the East. It was hard for me to understand the city argument that annexation would mitigate against urban sprawl when it appears to me just the opposite. Nor do I see how the proposed development would benefit the downtown area, which is a legitimate concern of the City, and does require assistance. Annexation of this property to/by the city should not be supported!

The real issue remains what it always has been. Will the property be developed in a manner consistent with the planning for this area, or will the developer be given free rein to destroy the last "greener" approach to the city? Clam Lake and Haring townships have attempted to act on behalf of their constituents through a 425 agreement that allows/promotes development of this property in a manner consistent with the area and protecting the residents of the townships. Although I am not a big fan of the 425 agreement, it is a way of promoting development of the property. It seems this would be the most appropriate way to proceed.

Understandably, I do not trust the city of Cadillac to consider the broader issues of Clam Lake and Haring township residents in their decisions relative to the property in question. We have no say in the city and cannot vote on matters under the city jurisdiction. However we will continue to live near and be affected by the property development (in whatever manner). This, it would seem, may be the final opportunity to input on this issue.

I respectfully ask the State Boundary commission to accept the 425 agreement between Clam Lake and Haring township. Should you, for whatever reason, not allow the 425 agreement. Please reject the annexation request as well! Thank you for your consideration.

**O'Brien, Kevin (LARA)**

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**From:** Lynn <lynng01@charter.net>  
**Sent:** Wednesday, October 16, 2013 5:48 PM  
**To:** O'Brien, Kevin (LARA)  
**Subject:** Docket # 13-ap-2

Mr. O'Brien,

My name is Lynn Gullekson and I live in Pointe East Subdivision just East of the proposed annexation and strip mall dream of Terri Dee properties. This is not a dream, but a nightmare. First and foremost, the infrastructure is not there for such a busy complex. The overpass of the US 131 expressway is only two lanes and a passing lane. The traffic is already horrendous in that area going to Crosby Road to the West; this development would greatly exacerbate that problem, as well as tie up the Exit 180 stop area off US 131 North. Is Terri Dee going to increase the overpass to five lanes as is currently available at commercially zoned exit 183 and 177? I don't think so. The taxpayers should not have to foot the bill for this either. There are other MDOT priorities!

This property was always designated as residential. If Mr. Dee wants to do that, I would have no issue with the annexation. But his plan is not for residential, but commercial. There is appropriately zoned commercial property available for development a short three miles away on the expressway both north and south of this location. This is where the mall, gas station, whatever Terri wants to develop should go. The voters spoke in agreement to my statements in a properly and legally held election only a few short years ago. For people to drive a short three miles on the expressway to either location, particularly exit 183 which already has many stores and still vacant property for sale, is both reasonable and better for all concerned including people like me concerned also about the increased environmental impact of changing another huge area from more environmentally friendly residential to commercial. Keep in mind there are hospitals and schools very close to support more residences in this exit 180 area.

Your approval of this annexation and development would be the ultimate insult to our county approved master plan that is in place and the democratic process.

Most Sincerely,

Lynn Gullekson  
6375 Somerset Lane  
Cadillac, MI

**O'Brien, Kevin (LARA)**

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**From:** james mcguire <jlmcguire0968@att.net>  
**Sent:** Tuesday, October 15, 2013 8:19 PM  
**To:** O'Brien, Kevin (LARA)

Dear Mr. Obrien;  
My wife Lucy and I live in bramblewood subdivision in Haring Twp. Our subdivision is less than one mile from the proposed commercial development of Teri Dee project. We and our neighbors voted overwhelmingly to oppose the development base on issues of congested traffic, safety, in a location which does not have utilities of sewer and water. The people have expressed their opinion, please vote accordingly.

Jim and Lucy McGuire  
380 Bramblewood  
Cadillac, Mi 49601

October 9, 2013

State Boundary Commission  
Office of Land Survey and Remonumentation  
P.O. Box 30254  
Lansing, MI 48909

RECEIVED  
OCT 15 2013  
OFFICE OF LAND SURVEY &  
REMONUMENTATION

Re: Docket #13-AP-2

We are writing in regard to Docket #13-AP-2. You have again been asked to make a decision on the proposed annexation to the City of Cadillac the land owned by TeriDee LLC. As residents of Pointe East, which is next to the TeriDee property, we are very much opposed to this annexation.

As you may know, Pointe East and the TeriDee property have been annexed to Haring Township under a 425 agreement. Haring Township is building its own sewer system and will be in a position to provide sewer and water to any enterprise located on the Teri-Dee property. We understand that Haring Township has agreed to work with TeriDee and consider any changes in restrictions they request, while still protecting the residents who are already established in this area.

After many denials, we have resigned ourselves to the reality that the property in question will undoubtedly be developed at some point. With this in mind we would prefer development under Haring Township's PUD restrictions rather than have the City of Cadillac give them carte blanche. Since the City has no citizens living near the property, none of their residents would be adversely affected by any construction. The City has no incentive to consider the protection of those of us who are living adjacent to or across the highway from this proposed development.

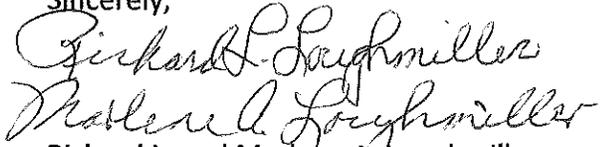
We ask that you deny TeriDee's request for annexation to the City of Cadillac and allow those of us who have invested in homes where we live quietly to maintain our peace.

It is interesting to note that TeriDee has posted a large sign at the entrance to their property on M-55 announcing that "Cadillac Junction will be coming soon". The sign also lists the type of businesses that will be built at this location. We certainly hope this is not a foregone conclusion with the decision already made.

On the other hand, if they are referring to construction under Haring Township's rules and regulations, we can and will live with that.

Thank you for considering our position.

Sincerely,

Handwritten signatures of Richard L. Loughmiller and Marlene A. Loughmiller in cursive script.

Richard L. and Marlene A. Loughmiller  
6280 Avon Lane  
Cadillac, MI 49601

From:  
Darrell and Helen Quinn  
10556 Pine Grove Dr.  
Cadillac, MI 49601

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OCT 04 2013

OFFICE OF LAND SURVEY &  
REMONUMENTATION

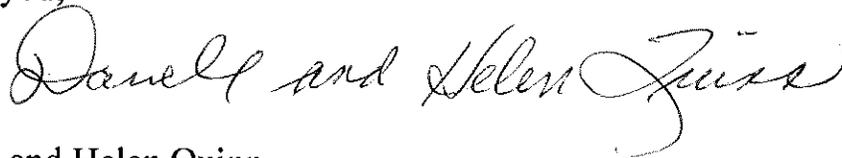
Re:  
Docket #13-AP-2

Sirs:

I can not understand why the City of Cadillac continues to want the land on M-55 near the 131 expressway. They say it is for economic growth. Well, I went down Mitchell street, the main street of town, and counted 28 empty store fronts and buildings. Some of these stand alone buildings are quite large with great parking and easy access. Some are in strip malls with many vacant offices. Living here for over 25 years, I have seen the downtown lose so many nice and useful stores. They get replaced if at all, by re-sale shops and we even have a pawn shop now. Many times, a new business moves in and within a year is gone. Now why would the city attempt to destroy their downtown, by putting more shops off an exit of the freeway? It does not make sense that this area can support anymore businesses without losing even more. The economy is poor here in town and we struggle to keep up.

So, for those reasons, I object to Cadillac's annexation request.

Thank you,



Darrell and Helen Quinn

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NOV 14 2013

**Kenneth L. Tacoma**  
**6121 Pointe East Drive**  
**Cadillac, Michigan 49601**

OFFICE OF LAND SURVEY &  
REMONUMENTATION

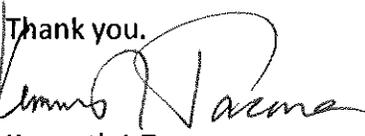
State Boundary Commission  
Office of Land Survey and Remonumentation  
P.O. Box 30254  
Lansing, MI 48909

November 8, 2013

Re: Docket # 13-AP-2; Wexford County - Clam Lake Township/City of Cadillac

Dear Commission Members,

I am writing to oppose the proposal by the owners of the subject property for annexation to the City of Cadillac. Since nothing has changed factually since their last effort less than two years ago, I am attaching the letters that I sent at that time opposing the proposal. There is no principled reason that the Commission should react differently this time around.

Thank you.  
  
Kenneth L Tacoma

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State Boundary Commission  
Office of Land Survey and Remonumentation  
P.O. Box 30254  
Lansing, MI 48909

January 14, 2012

Re: Public Hearing; Docket #11 -AP -2, Wexford County

Dear Commission Members,

Thank you for considering the following comments after reflection on the January 9, 2012 public hearing in this case.

On the narrow question regarding the validity of the Section 425 agreement between the townships, the reasons propounded by the Township representatives for their actions are sound, well within the bounds of their discretion and principled outcomes, and should be respected. The townships acted not only rationally, but out of a categorical imperative,

considering the City of Cadillac's historical obstinate refusal to engage in cooperative service agreements with the townships absent annexation of the properties involved, and litigation to try to get out of their contractual obligations in the one case where they did show a modicum of cooperation. At this point, I would urge you to give deference to the judgment of the township officials who are looking at the broader perspective of development in their jurisdictions – particularly those of Clam Lake Township who are trying to create a systemic solution to the problem of services to the areas where commercial development is already permitted and encouraged on the south end in the Clam Lake DDA.

But all the rhetoric on collateral issues aside, this is not about annexation; it is about zoning. This body is being asked to sit as a Board of Zoning Appeals of Last Resort. The local county and township authorities have exhaustively reviewed this question, and at least 7 times have refused to do what your current petitioners demand. A broad-based group of local citizens developed a Master Plan which determined the local preference for the character of this area. In the past decade, this land use question has also been passed on by the Wexford County Zoning Administrator, the Wexford County Board of Zoning Appeals, the Zoning Administrator again, the full Board of Wexford County Commissioners, the Clam Lake Township Board, and most recently, the voters of Clam Lake Township, where voters rejected the petitioner's proposal by a 4 to 1 margin. All these local actions have maintained current zoning.

When first proposed in American legal history, zoning regulations were struck down as unconstitutional. Such laws are, after all, serious constraints on the use of a citizen's property, and the free use of one's property is an important protected constitutional value. In time, the courts recognized the validity of zoning laws, in part based on the premise that while a landowner suffered a detriment by losing some rights in the use of his or her own land under zoning regulations, there was also a benefit received by virtue of the government's protection against impinging uses of the land by neighbors. The Lockean social contract, preserved by the state, is what gives validity to zoning laws. If the government allows this covenant to be destroyed, the rationale behind zoning is destroyed.

In our current situation, the residents of the two subdivisions and the unplatted property that adjoin the land in question are not rich people. For most, if not all, of them, the home's they built or purchased in reliance on the governments' promise in the zoning regulations represents their most significant economic investment, and probably their greatest asset. Many of the homes were built after the US-131 freeway was built, and after the residents believed the land use issues were settled. These people played by the rules. They should not be betrayed by the government in the form of this body.

The developers have refused to play by the rules. They knew the zoning regulations on the property when they purchased it, and with reasonable due diligence, should have been aware of the community sentiment of the area residents. However, they have the money to engage in relentless assaults on the social covenant with their lawyers, their advertisements, their contacts in city government, and their propaganda agents in the media. But if they are successful, their success comes at a great cost.

There should a great deal of concern about the cynicism toward government that is engulfing our culture. We see a breakdown of trust in government at every level and in every function. This is poisonous in a democracy. This cynicism is fed by many things, but in the situation currently extant, it was encapsulated by the comment of a resident at the public Clam Lake-Haring Township hearings on the Section 425 agreement this summer, when the frustrated resident said in effect: "Didn't our votes matter? Why did we bother to vote if they are going to get to do it anyway?" This level of cynicism is a dangerous in a democracy. And it's even worse when the facts that lead to the perception are accurate.

Thank you for your consideration.

Very Truly Yours,

Kenneth L. Tacoma

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State Boundary Commission  
Office of Land Survey and Remonumentation  
P.O. Box 30254  
Lansing, MI 48909

January 28, 2012

Re: Public Hearing; Docket #11 --AP -2, Wexford County

Dear Commission Members,

Please accept these additional comments as you consider the referenced petition. I thank you for your patience.

**THE APPROPRIATE SCOPE AND NATURE OF REVIEW BY THE COMMISSION**

Much rhetoric at the public hearing in this case focused on the supposed need for the State Boundary Commission to promote a policy goal of economic development when considering this case. It is respectfully suggested that there should not be a bias toward economic development as a policy choice for this Commission. While MCL 124.21 et seq. (commonly referred to as "Act 425") is legislation that allows *local government units* to make policy decisions for economic development agreements, and is intended to encourage such agreements, there is no such *carte blanche* state policy in the State Boundary Commission enabling legislation, nor is there any reason to infer such policy bias. It is, after all, the "State Boundary Commission", not the "State Boundary and Economic Development Commission". The legislature has established other state agencies to encourage and regulate economic development. The State Boundary Commission was established to provide an **IMPARTIAL** administrative body to resolve disputes between local government bodies regarding boundary issues using designated procedures and criteria.

This distinction is important. If this Commission sees its role in part as evaluating the wisdom or feasibility of a particular development proposal, it is stepping beyond its purpose, and frankly, its expertise. Even the government agencies that are charged with encouraging and promoting economic development have a pretty poor track record historically (Solyndra stock, anyone?), and I doubt that any member of this Commission would desire to undertake responsibility for predicting the success or failure of business ventures, especially without some objective analysis from an unbiased source.

In the instant case, the developers have presented nothing but speculation regarding the feasibility or the likely success of their proposed project. Nothing has been publicly vetted from any disinterested third party with appropriate credentials to support the developers' wild claims. In point of fact, however, we have in Cadillac an analogue to this proposal for development and it lies right on the other side of our beautiful lake. Cadillac West is situated at the intersection of two of the most heavily traveled roads in northwest Michigan - M-55 West and M-115. Indeed, it is likely that that intersection sees more traffic than the intersection where this development is proposed on US-131 and M-55 East. At Cadillac West on some summer weekends and holidays the traffic backups stretch for up to 3 miles in each direction. But let's look at how that high traffic exposure has impacted economic development in that area. The Cadillac Sands, a motel that, in addition to the exposure provided by the location, proclaims 600 feet of beachfront on Lake Cadillac, has always struggled. Over the past 20 years, it has changed hands a number of times, been in foreclosure and bankruptcy, and barely subsisted. Other hotels at the intersection, like the Sun' and Snow, have not thrived. And the crown jewel of the corner - the strip mall - has been more vacant than occupied over this 20 year period, and, I understand, is currently being sold as a distress transaction. The only businesses that have thrived are - you guessed it - the gas stations and fast food restaurants.

***The developers have offered nothing to lead an objective observer to conclude that anything better would happen on the east side of Cadillac, where not even the advantages of the adjacency of the lake and Mitchell State Park are present. If this Commission approves this annexation, it will almost certainly be bequeathing to the east side of Cadillac the typical American freeway intersection. In 20 years you will likely be able to come back and find this gerrymandered protuberance sticking out like a cancer from the city, containing two gas stations, three fast food restaurants, and a semi-abandoned strip mall. And the Master Plan Greenbelt which the local community planned will be gone forever.***

#### **ANALYSIS OF THE STATUTORY CRITERIA FOR EVALUATING PETITIONS**

The Commission's website proclaims that the following 18 factors should be considered by the Commission in evaluating Petitions for annexation:<sup>1</sup>

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<sup>1</sup> The statute containing these factors actually recites that they are factors for incorporation, but case law has pretty clearly indicated that the statute applies with respect to annexation petitions as well.

**CRITERIA FOR ANNEXATION, INCORPORATION, AND CONSOLIDATION  
(1968 PA 191, SECTION 9 – MCL 123.1009)**

1. Population.
2. Population density.
3. Land area.
4. Land uses.
5. Assessed valuation.
6. Topography.
7. Natural boundaries and drainage basins.
8. The past and probable future urban growth, including population increase and business, commercial and industrial development in the area.
9. Comparative data for the annexing/incorporating/consolidating municipality, and the remaining portion of the unit from which the area will be detached/attached shall be considered.
10. Need for organized community services.
11. The present cost and adequacy of governmental services in the area to be annexed/incorporated/ consolidated.
12. The probable future needs for services.
13. The practicability of supplying such services in the area to be annexed/incorporated/consolidated.
14. The probable effect of the proposed annexation/incorporation/consolidation and of alternative courses of action on the cost and adequacy of services in the area to be annexed/incorporated/consolidated and on the remaining portion of the unit from which the area will be detached.
15. The probable increase in taxes in the area to be annexed/incorporated/consolidated in relation to the benefits expected to accrue from annexation/incorporation/consolidation.
16. The financial ability of the annexing/incorporating/consolidating municipality to maintain urban type services in the area.
17. The general effect upon the entire community of the proposed action.
18. The relationship of the proposed action to any established city, village, township, county or regional land use plan.

Looking at the criteria in this fashion would likely lead to an analysis where a fact-finder would, as in other areas of the law, look at the 18 points, assign a “winner” or “loser” to each of the points, and then count up the points to see who won or lost. It is respectfully suggested that that is an incorrect interpretation of the statute and the legislative intent. The applicable statute actually reads as follows:

Sec. 9 Criteria to be considered by the commission in arriving at a determination shall be:

(a) Population; population density; land area and land uses; assessed valuation; topography, natural boundaries and drainage basins; the past and probable future urban growth, including population increase and business, commercial and industrial development in the area. Comparative data for the incorporating municipality, and the remaining portion of the unit from which the area will be detached shall be considered.

(b) Need for organized community services; the present cost and adequacy of governmental services in the area to be incorporated; the probable future needs for services; the practicability of supplying such services in the area to be incorporated; the probable effect of the proposed incorporation and of alternative courses of action on the cost and adequacy of services in the area to be incorporated and on the remaining portion of the unit from which the area will be detached; the probable increase in taxes in

the area to be incorporated in relation to the benefits expected to accrue from incorporation; and the financial ability of the incorporating municipality to maintain urban type services in the area.

(c) The general effect upon the entire community of the proposed action; and the relationship of the proposed action to any established city, village, township, county or regional land use plan.<sup>2</sup>

A more accurate reading of the statute, and by extension, the legislative intent, should focus on how the statute is structured.<sup>3</sup> Note that the statute is broken into three sections, with the 18 factors imbedded in these sections, not in a list as implied by the website.<sup>4</sup> If read in this way, it appears that the legislature was trying to convey to the Commission the duty to analyze a petition in three ways:

1. Subsection (a) – How things are presently;
2. Subsection (b) – Is likely expansion in the area going to require infrastructure services that can be provided consistent *with the likely and natural growth*; and
3. Subsection (c) - Is there a Master Plan with which the proposal would conflict?

Analyzed in this way, it is clear that the current Petition for annexation must fail. In fact, I would argue that it is barred by a proper understanding of the statute on the third ground alone. There is simply no factual dispute in this case but that the developer’s petition conflicts with the “established city, village, township, county or regional use plan”.<sup>5</sup> Indeed, the constant refrain from the developer has been: “You can’t leave a major highway intersection zoned non-commercial”. The law, however, says that the Commission must respect those prior “regional use plans”.

Even if the Commission does not conclude that subsection(c) is a *prima facie* bar to a petition that would be inconsistent with the regional use plan, proper analysis of the other two subsections would also lead to a denial of the petition. As to subsection (a), this is a relatively low population and low population density area, completely residential both in the immediate area and back into the City that is trying to annex the property. There is no “pressure” from the

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<sup>2</sup> MCL 123.1009

<sup>3</sup> There is a real paucity of legal analysis of this section of the Boundary Commission Act and how it should be applied in the decided cases that are reported and thus have precedential weight. In the reported cases the *ratia decidendi* generally turns on procedural or Constitutional issues. It is only in dicta that the factors are addressed, and then not in any comprehensive, structured, or analytical way. The closest to a real discussion of how the legislative intent in this section should be interpreted is found in *Avon Twp. V Boundory Comm*, 96 Mich App 736, (1980), at 750 et seq., and that merely amounts to pointing out a few of the relevant statutory criteria in that case.

<sup>4</sup> If the legislature had intended to give the Commission a laundry list in this fashion, it certainly could have done so. Michigan law is replete with those kinds of “statutory factors” lists. See, e.g., MCL 722.23 – the list in the Child Custody Act of 1970. The statute writers in the Legislative Drafting Service are certainly familiar with that type of statutory structure had that been what the legislature intended.

<sup>5</sup> Interestingly, the city that is now supporting the developers in this is petition was party to the formation of the Master Plan that included the area going into the city limits. So much for the citizens who relied to their detriment on the proposition that the city would show constancy.

city to increase its area out of need for more residential space to the east. The area in question would easily support several other subdivisions of the same character as those that adjoin it without the need for sewer or water services, and any other services incidental to residential development (paving, traffic control, etc.) can easily be provided by the existing township governments.

Which leaves only subsection (b) to be considered. As to this, the only pressure for urban services is that created by the developers in their effort to change the zoning at this particular location. The need and problem they find themselves in are entirely of their own creation. They want to create a problem in order to claim that it needs to be solved. But, as has been noted *ad nauseam*, the City of Cadillac and the surrounding area has a surfeit of undeveloped land zoned for commercial development with infrastructure services available. There is simply no need for "organized community services" at this location to enhance either the quality of life of the citizens of the area generally or the economic development of the area. The developer's could have bought land at either the preceding or following highway exits and had their projects welcomed with open arms. They did not choose to do so. This again simply boils down to an effort to engage in spot zoning, and the developers' desperate efforts to preserve an investment they made. This Commission should not be the vehicle to bail them out.

Thank you for your attention.

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**TO:** MI State Boundary Commission Members  
**DATE:** October 23, 2013  
**SUBJECT:** Boundary Commission meeting in Cadillac regarding the request from Terri Dee LLC to annex their property to the City of Cadillac - Docket #13-AP-2

Gentlemen:

To begin, I would like to commend you on making the proper decisions earlier this year on the previous request by Terri Dee for annexation into the City of Cadillac.

To review, you voted to deny the 425 agreement between Clam Lake TWP and the Charter TWP of Haring on the basis that there was no plan by Haring TWP to develop the property and this move was seen as a means to block any development of this property. You also voted to deny the annexation of this property to the City of Cadillac.

We have a totally different set of circumstances at this time. Clam Lake and Haring Township have again entered into a 425 agreement. I sit on the Haring TWP Planning Commission and we see the inevitability of a commercial development at this freeway interchange, but more important, we recognize that the M55 interchange is not similar to the Boon Road interchange. We are looking at a bedroom community at the M55 interchange, a greenbelt. This area is not suitable for the same type of commercial development which is already in place just 2 miles north. Haring TWP has developed a commercial PUD zone with the proper restrictions to keep any commercial development of this property harmonious with the surrounding area, a zoning principle promoted by the State at every zoning seminar I've attended. This zoning is already in place. It should meet with no objection from the owners of the property

since they have maintained from the outset that they intended to transform this area into a high class development.

Terri Dee claims that they need water and sewer services now and those services can only be supplied by the City of Cadillac. Water from Haring TWP is available now and sewer service will be available in the near future. If all this is true, why then are they seeking annexation to the City? They really do not want to be subject to the restrictions placed on them by the Haring TWP Commercial PUD zoning ordinance. Obviously, their idea of a high class development doesn't match ours, and why should it? They don't live here and could care less about the harmoniousness of their development. They just want to maximize the profit on land which they purchased knowing that it wasn't zoned for the purpose they intended to use it for and knowing that the former owner had had no success in attempting to change that zoning.

Gentlemen, we have done our homework, and unlike you, we live here and would like to have control over the future development of our area. We have not had a shortage of commercial expansion in the area because this project has not already begun. We have 4 new businesses opening this year in the commercial area at the Boon Road interchange.

Haring TWP has gone out of its way to demonstrate flexibility in the development of this property. The TWP Board passed a resolution recently offering to negotiate with Terri Dee over the terms of the PUD.

I point out these facts in an attempt to demonstrate that we, the local citizens of Clam Lake and Haring Townships are not opposed to any development in our area. We just want it to follow our plan, which has been established using zoning principles approved by the State of Michigan. We've dotted our i's and crossed our t's. I urge you to vote against the annexation of the Terri Dee property to the City of Cadillac and to allow the 425 between the townships to stand. We really do know what's best for our community.

Respectfully submitted,

George & Nancy Giftos