

Dept. of Licensing & Regulatory Affairs
FILED

CITY OF LITCHFIELD SEP 17 2014 '14 AR 0 1

"COMMUNITY OF ECONOMIC EXCELLENCE"
221 Jonesville Street • Litchfield, Michigan 49252 • **STATE BOUNDARY COMMISSION**

RECEIVED

SEP 17 2014

Office of Land Survey &
Remonumentation

September 11, 2014

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

RE: Docket #14-AR-1-Response and comment letter regarding Public Hearing held August 20, 2014

Dear State Boundary Commission Members,

Under the provisions of State of Michigan Statue 123.1009 **Review of Proposed Incorporation; Criteria** the City of Litchfield would like to address those sections of the statue which are the criteria used by the State Boundary Commission in its decision making process in reviewing annexation. To begin with:

Population

- City of Litchfield 1369
- Litchfield Township 969

Population Density

- The proposed annexed property consists of 116 acres occupied as a golf course with no inhabitants.

Land Area and Land Use

- The area of proposed annexation consists of 116 acres currently used as golf course.

Assessed Valuation

- *Taxable Value City* = \$2,037.36 two parcel added together

Topography

- Combination of flat and rolling hills sculpted for the purpose of golf course.

Natural Boundaries and Drainage Basins

- Portions of the Golf Course property abut the Kalamazoo River

Past and Probable Future Urban Growth including Population Increase and Business, Commercial and Industrial Development in the area.

- Possible residential expansion
- Continuation of locally owned golf course and restaurant
- Opportunities for large scale events
- Balanced recreational opportunities for all age groups

Comparative Data for the Incorporating Municipality, and the remaining portion of the Unit from which the area will be detached.

- N/A

Need for Organized Community Services

- Owner has indicated her desire to receive city services including law enforcement and professional city manager, city clerk and city treasurer assistance absent of Litchfield Township current staff.

Present Cost and adequacy of governmental Services in the area to be incorporated; the Probable Future needs for Services

- The City of Litchfield's current golf course owner pays taxes and receives little service, since a large portion of the golf course currently lies within the boundaries of the Litchfield Township. However, the City of Litchfield provides full services to those properties which lie within the boundaries within the City of Litchfield.

Practicability of Supplying such Services in the area to be Incorporated

- Because of its adjacent location the City of Litchfield is prepared to provide all services which it currently provides to all citizens.

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 the remaining portion of the unit from which the area will be detached.

- The probable effect and practicality of the City of Litchfield providing services to the proposed annexed property will be seamless and cost effective since a large portion of the existing property already lies within the boundaries of the City of Litchfield. Hence, the petitioning property owner will see no increases in cost for the city to furnish these services.

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.

- An increase of mills from 3.82 to 13 mills, with a proposed decrease of taxable value based on Litchfield Townships assessment.
- Law enforcement, liquor license administration and ability to enjoin with fellow merchants in joint marketing efforts.

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.

- City of Litchfield appreciates any opportunity to help any legitimate proprietary enterprise that seeks the benefits provided by a full service municipality. The City of Litchfield has always demonstrated the ability to provide services at a minimum cost to its citizens.
- The City of Litchfield has always been supportive of the community's businesses we welcome the opportunity to assist and develop those services which benefit our community.
- Opportunities for future growth involving the proposed 116 acres annexation request will provide needed city services which will in return enhance the property and profitability of this business enterprise.

We are providing the supplemental information to the State Boundary Commission because we want to clarify our position and motivation for assisting the property owners request to enjoin the rest of her property into the boundaries of the City of Litchfield. We believe that the City of Litchfield along with Mrs. Brubakers' request for annexation is honorable and practical. And while the City of Litchfield does share some services with Litchfield Township we believe that Litchfield Township has not provided an accurate, supportive, reasonable or practical argument for refusing annexation. Further, it is the City of Litchfield that provides many services without charge to Litchfield Township that brings security, recreation and commerce to the entire community. Litchfield Township provides no services to the citizens of the City of Litchfield. Litchfield Township does not have the statutory or the financial ability to provide services which Mrs. Brubaker has requested from the City of Litchfield.

It is our greatest hope, that the State Boundary Commission will look favorably upon the application (Docket #14-AR-1) and will allow Mrs. Brubaker's property to be annexed into the City of Litchfield's boundary.

We welcome any questions, comments or concerns that the board members or staff may have concerning this issue.

Sincerely,


Douglas K. Terry,
City Manager

September 6, 2014

State Boundary Commission
Office of Land Survey Remonumentation
P. O. Box 3254
Lansing, Michigan 48909

RE: Document #14-AR-1

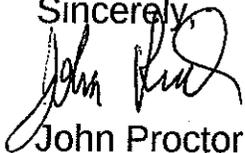
We are residents of Litchfield Township and attended the public meeting concerning the request to annex the Litchfield Golf Course to the City of Litchfield.

Many concerns and questions were raised and we would like to emphasize our thoughts:

- Police protection is already provided so the only benefit of being in the city limits is water. We don't think the golf course is going to water their greens with city water.
- Taxes would be at least three times as much for an unusable benefit.
- The golf course owner wants this annexation to possibly expand to a 18 hole course. The problem with that is that she can't afford the upkeep on the 9 hole course.
- Another reason for annexation was the building of executive homes around the course. They have the property now and homes could have been developed already. Besides there are many building sites available in Hawthorn Heights inside the city of Litchfield. It's our understanding that that subdivision was developed with TIFA funds.

We feel that the request for annexation be denied.

Sincerely,



John Proctor
8425 Cronk Rd.
Litchfield, MI 49252



Kathy Proctor

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Office of Land Survey &
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State Boundary Commission

Docket #14-AR-1

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Office of Land Survey &
Remonumentation

Sirs,

As a resident & taxpayer of Litchfield Township I would like to oppose the annexation of the property owned by Laura Vaughn Brubaker to the City of Litchfield. I am in agreement with the position & reasons set forth by the Litchfield Township Board.

In addition I would like to address the City's idea of expansion of the golf course & executive home development. There are many golf courses, both 9 & 18 holes in the surrounding area. All are struggling financially as they compete for available golfers. Several private golf clubs are now entirely public or semi-public as revenues do not meet expenditures. Litchfield Greens is no exception and her financial difficulties are obvious by additional loans to pay taxes at all levels of government. The property is currently on the market for \$925,000, 2 to 3 times what was paid for it & well over the current SEV. Expansion to 18 holes would be a minimum of \$450,000 if calculated at the minimum rate of \$50,000 per hole. In addition there is much work that needs to be done to the current 9 holes. All the greens are affected by a fungus problem which has not been treated & there are brown spots & bumps over the majority of every green. There are trees that are half dead that need to be removed along with tree stumps. There is one water hazard on the course & one hole with a sand hazard. This does not make for a golf course that one would build an executive home on. In addition the course is adjacent to the flood plain. It is low in several areas & prone to standing water after a heavy rain & has been closed to play because of it on more than one occasion. Home development in this area would certainly not be ideal.

The City has developed a nice sub-division known as Hawthorne Heights. Included are 2 maps showing the sub-division which includes Chestnut Street, East & West Birch Streets, Sycamore Street, Cherry Street, Willow Court & Oak Street. All the housing has to meet requirements established by the City for Hawthorne Heights. In addition to single family housing, there are condos along E Birch Street. There is currently no housing in place along a large portion of Sycamore Street, Willow Court, Oak Street and Cherry Street. It is obvious there is room for new housing in this area. City water & sewer is already in place. This is an area where one could build an 'executive' house.

The golf course & restaurant has been part of the community since the 1960's. It has had peaks & valleys like any business. Area people enjoy the summer golf leagues, a good meal & a drink if they so desire. It is indeed an asset to the community. Economically it is not feasible to expand the course to 18 holes with proposed housing. I do not see where there is any benefit for the property to become part of the city tax structure.

Sincerely

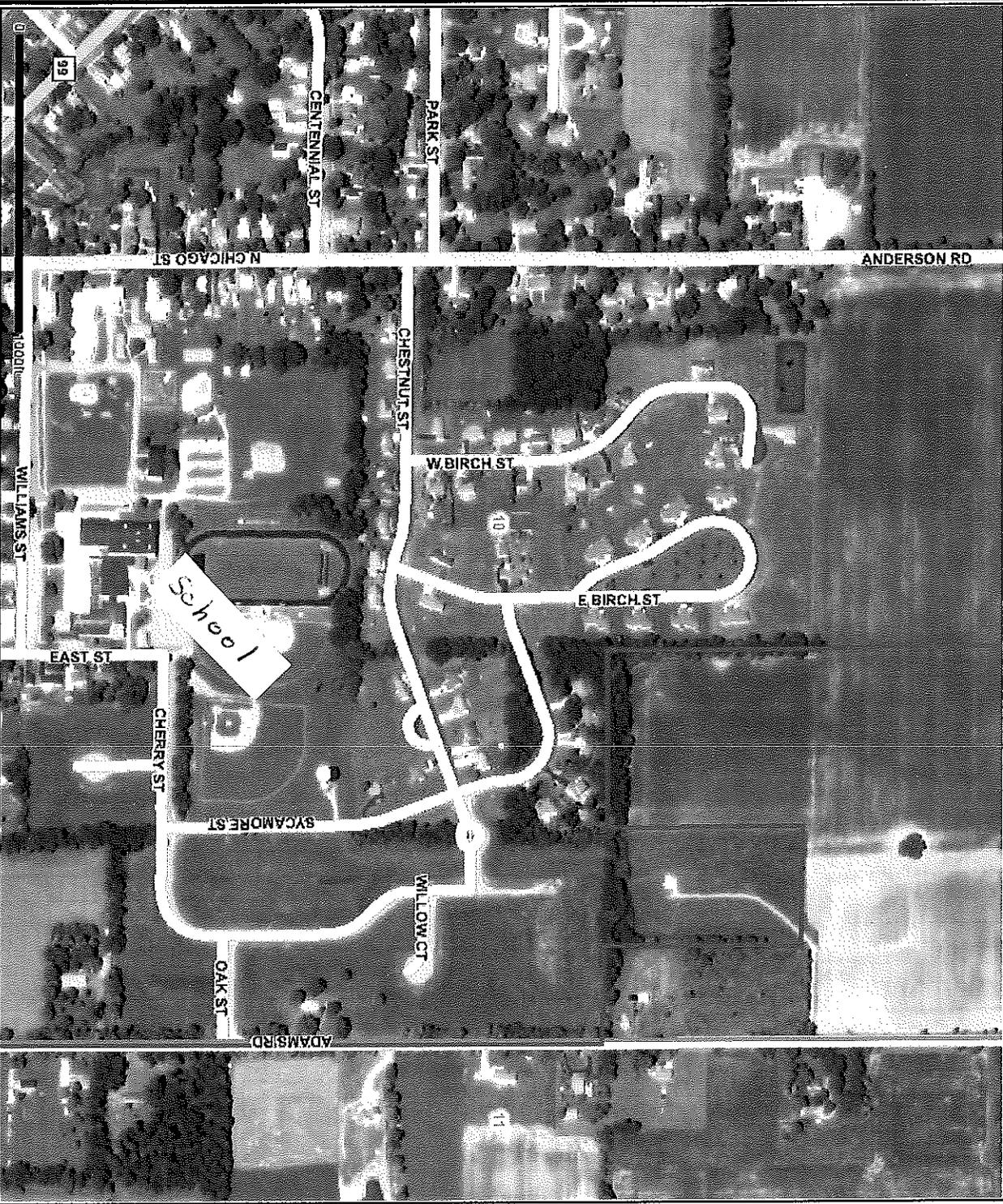
Janet Childs



Golf Course
↓

- Municipal Boundaries
- PLS - Sections
- Bike Paths
- Railroad
- Streets
- Major Arterial
- Minor Arterial
- Roads
- Lakes
- Rivers and Creeks
- County Background
- River and Creek Names

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and sources regarding the area shown, and is to be used for reference purposes only. The user of this map acknowledges that the State/County/Cities/Townships/Villages shall not be liable for any damage, all claims, and agrees to defend, indemnify, and hold harmless the State/County/Cities/Townships/Villages from any and all claims brought by the User, its employees or agents, or third parties with access or use of data provided. Map Created: 9/5/2014



- Municipal Boundaries
- PLS - Sections
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To whom it may concern (Docket #14-AR-1),

I am the owner of Luigi's Pizza in Litchfield, MI. My business has been on operation for over 15 years, I have spent those years running this business and serving my community. I have concerns with how the annexation of the golf course into the city limits will have negative impacts on the community and why this action is even being considered in the first place. The city became to involved with the operation of the golf course. Government funds from T.I.F.F.A were given to the previous owner for her to purchase the property, open LA rays restaurant, and maintain operation. The owner than ran the restaurant for several years and never paid taxes properly, the city then used government funds from T.I.F.F.A again to give her more money to pay those and continue running her business. The golf course is no longer in operation, and now T.I.F.F.A. is going to be responsible for the remainder of the loan. Ed Smith is the mayor or the city of Litchfield and also the head of the T.I.F.F.A. committee and is just trying to cover up how the money was inappropriately used. Annexing the gold course in to the city is only beneficial for T.I.F.F.A.; this does nothing for the city or any of the business that ore in it. I also think that the actions of T.I.F.F.A. need to be looked in to, how they are using the funds, and the people making the decisions.

Thank you, TJ Jordan
517-398-1995

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State Boundary commission
Office of Land survey and Remonumentation
PO Box 30254
Lansing, MI 48909

September 11, 2014

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Office of Land Survey &
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Dept. of Licensing & Regulatory Affairs
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STATE BOUNDARY COMMISSION

RE: Docket #14-AR-1

To Whom It May Concern:

We are residents and land owner in Litchfield Township and are opposed to the annex of the property known as Litchfield Greens featuring LaRay's restaurant. This property contains 35 acres of land that is currently being farmed.

- The city claims they need the land for future development. The City of Litchfield has a subdivision known as Hawthorne Highs. This subdivision is not fully developed and they have added stage 4 which has all of the city's amenity with no homes on it. The stage 4 has been available for the last two years. The local bank, offered an introductory package for construction financing in April of this year, but no construction has taken place thus far.
- Litchfield's Industrial Park is not fully developed. There are 72 acres located on Herring Rd that is currently undeveloped and is farm land. We need to protect the farm land.
- Hillsdale County is a very large agriculture area and part of Litchfield Green's is farm land. Once it would be pulled into the city the land may be developed.
- It is my understating that the tax base will change and not for the better.
- Part of the property is considered "wetlands" that can never be developed. Wetlands do not belong in the City limits.
- The City said they would be able to provide police protection. They are already doing this as part of the property is within the city limits. Therefore police protection would not change if this property is annex to the City of Litchfield.
- Keith Blonde spoke at the meeting on August 20th. The Blonde family has farmed in Litchfield for over 100 years. He said the city needs to keep a buffer zone and this property does that. The township has regulations as to what can be built on townships property.
- The property is for sale and the new owners may not want the change.

We respect the City's officials, but do not feel this annex would be in the best interest of the City or Township at this time. The City of Litchfield has several undeveloped properties, and does not need to annex this property for development at this time.

Sincerely,

James W. Caldwell Jr
Land owner/ Farmer

Michelle L. Caldwell
Land owner/ Farmer

BAUCKHAM, SPARKS, LOHRSTORFER, THALL & SEEBER, P.C.

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September 19, 2014

State Boundary Commission
C/O Kevin O'Brien
Department of Licensing and
Regulatory Affairs
P. O. Box 30254
Lansing, MI 48909

Dept. of Licensing & Regulatory Affairs
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SEP 23 2014 14 AR 0 1

STATE BOUNDARY COMMISSION

Re: Annexation Petition – City of Litchfield/Litchfield Township
Docket # 14-AR-1

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SEP 23 2014

Office of Land Survey &
Remonumentation

Dear Boundary Commission Members:

This letter is being written on behalf of Litchfield Township.

As their legal counsel I appeared at the August 20, 2014 public hearing which was held in Litchfield. I would like to begin by stating that the property involved is a golf course which has experienced financial troubles for several years. As reported at the hearing, the owner received several TIFA loans totaling \$125,000, including some to pay off back taxes, in order to keep the golf course in operation. The Township received news this week that the golf course and restaurant are now closed.

Under the circumstances, we believe it would be prudent for the Boundary Commission at this time to take no action on this property until there is a new owner and until such time as there is verification of whether a new owner would want to annex into the City and pay higher taxes.

To recap what we learned at the August 20, 2014 meeting, there is no request by the property owner for city water or city sewer services. Please note that it has been our experience in annexation matters over the last few decades that normally the chief reasons that a property owner requests annexation is because they cannot get sewer or water without that condition. That is not the case in this situation. The current well and septic adequately serves the needs of the property. The cost to run a water or sewer line 1,200 feet to the clubhouse would be too costly and impractical.

The City indicated in their presentation the fact that they could provide police protection to the property. There has been no evidence that they are not receiving adequate police protection nor that there has been any problem in regard to protecting the property.

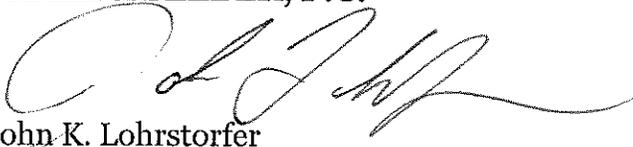
One issue that arose was possible residential development near the golf course. However, the Hawthorne Heights subdivision was approved by the City but there are still plenty of lots up for sale in that subdivision and there does not appear to be a need for more subdivision development in the area. Further, in examining the golf course property, if there is an area to be considered for further development, the cost to run the water and sewer lines would be very expensive and we believe that no one would go to that expense unless they were guaranteed that they were going to be able to sell and develop lots. There have also been no requests made for any development. As you know, part of the property is still being farmed (there are 35 tillable acres available and additional wooded acreage) and the restaurant holds the only Township liquor license.

When one looks at the criteria that the Boundary Commission must examine in Section 9 of the Boundary Commission Act we do not see a need for any further organized community services; the cost and adequacy of the services existing are sufficient; there does not appear to be any future need for sewer or water development, or for that matter, even developing the golf course into 18 holes which would almost be cost prohibited at this point because of the work that would need to be done. Thus, there is little benefit that would really accrue by an annexation and the large increase of taxes on that property. In fact, that could be a hindrance in an attempt to sell the property at this time. As Keith Blonde, one of the residents who spoke out against the annexation opined, the property near there has been farmed for over 100 years and by keeping the property in the Township, it would continue to have a buffer zone protecting the surrounding farms and keeping the golf course property under the authority and control of Township zoning and Township law. The Township reported at the hearing that they had conducted surveys and the general consensus of the residents was that they did not wish to have the property annexed because of the AG industry and livestock operations and they wanted to make sure that these properties are protected by not having to be close to the city boundary.

We believe if the Boundary Commission members review the criteria as set forth in Section 9, that they will agree that this property does not serve to meet or address the criteria and that the property as it is right now should remain as it is within the Township of Litchfield's boundaries, subject to a lower tax rate and noting that Township services are sufficient and that there is no need for any city services or request for city services at this time. The increase in taxes of 13 mills at this point for the few services to be received do not balance out. Please deny the annexation request.

Sincerely,

**BAUCKHAM, SPARKS, LOHRSTORFER,
THALL & SEEBER, P.C.**


John K. Lohrstorfer

JKL/ser

cc: Jan Childs, Township Treasurer