

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
STATE BOUNDARY COMMISSION

In the matter of:

State Boundary Commission
Docket #14-AR-1

**The proposed annexation of land
in Litchfield Township to the City of Litchfield,
Hillsdale County.**

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

SUMMARY OF PROCEEDINGS

1. On February 28, 2014, a petition was filed with the State Boundary Commission by the City of Litchfield requesting the annexation of land in Litchfield Township to the City of Litchfield. The land was owned by Brubaker Vaughn, L.L.C. which requested the City to file an annexation petition on their behalf. The map and legal description of the area proposed for annexation are included as **Exhibit A**.
2. On June 11, 2014, the State Boundary Commission found by a vote of 4-0 that the annexation petition was legally sufficient and scheduled a public hearing to be held on August 20, 2014.
3. The City of Litchfield and Litchfield Township completed questionnaires based on the criteria in section 9 of the State Boundary Commission Act. These questionnaires were received by the Commission on August 7, 2014.
4. On August 20, 2014, the Commission held a public hearing at the Litchfield Community School. At the hearing, the Commission heard comment from the involved parties and members of the public on the merits of the proposed annexation. Following the hearing, a 30-day public comment period was opened and expired on September 19, 2014. Following the 30-day public comment period, a 7-day rebuttal period opened October 3, 2014 and expired on October 10, 2014.
5. On November 5, 2014, the State Boundary Commission voted 3-2 to recommend to the Director of the Department of Licensing and Regulatory Affairs that he approve the petition for annexation. (State Commissioner Stewart and Local Commissioners Boyd and Dixon voting yes, State Commissioners Schornack and Doyle voting nay.)

6. On February 11, 2015, the Commission voted unanimously to approve the meeting minutes for the November 5, 2014, meeting reflecting the Commission's decision in this case.
7. On February 11, 2015, the Commission voted unanimously to approve the Summary of Proceedings, Findings of Fact, and Conclusions of Law recommending that the Director of the Department of Licensing and Regulatory Affairs sign an order approving the proposed annexation of land in Litchfield Township to the City of Litchfield.

FINDINGS OF FACT

1. The area proposed for annexation is currently a nine hole golf course, a restaurant and agricultural land. A portion of the golf course is currently in the City of Litchfield and a portion is within Litchfield Township and is adjacent to the westerly boundary of the City of Litchfield. All of the land proposed for annexation was owned by the Brubaker Vaughn, L.L.C. at the time of the filing of the petition. Laura Vaughn-Brubaker and her husband Raymond Brubaker purchased the property on March 1, 2011 under the above named L.L.C. Raymond Brubaker has since deceased. This area has less than 100 residents and is therefore not subject to referendum under MCL 117.9.
2. The City of Litchfield's Tax Increment Finance Authority has loaned Brubaker Vaughn L.L.C. approximately \$200,000 to keep the golf course and restaurant in operation. The restaurant and golf course closed on or about September 19, 2014. The land was purchased by the City of Litchfield's Tax Increment Finance Authority by the time of the adjudicative hearing on November 5, 2014. TIFA intends to keep the golf course and restaurant open until a new buyer can be found.
3. On October 15, 2014 the SBC staff received a letter from the property owner's attorney requesting the petition be withdrawn. Ms. Brubaker spoke in support of the annexation at the public hearing on August 20, 2014, but was not present at the November 5, 2014 meeting and sent no written comment. The City of Litchfield indicated that Ms. Brubaker did continue to want the property annexed but because of financial difficulties her attorney had not sent the Commission a letter to rescind his previous letter.
4. Litchfield Township would lose approximately \$600 a year in taxes and its only liquor license if the property were annexed to the City of Litchfield. The local unit's millage on the property would increase from 3.82 mills to 13 mills upon annexation. Litchfield Township, as well as State Commissioners Schornack and Doyle, expressed concern that the increase in taxes would make the property less marketable for sale and for less profitable operation in the future.
5. All of the general public who spoke at the public hearing was opposed to the proposed annexation. Some expressing concern that the annexation would take away a valuable buffer between the City and the agricultural lands of the Township as well as the use of TIFA funds to help a business that was outside the City's jurisdiction.

6. The majority of the Commission found the following to support its recommendation to approve the annexation petition:
 - a. The annexation of the golf course and restaurant to the City of Litchfield would promote economic development in the area, especially the nearby industrial park by making the area more attractive to possible investors for new businesses in the industrial park
 - b. Annexation would allow access to public services from the City of Litchfield including police protection and public water and sewer services if the vacant portion were to be developed in the future.

CONCLUSIONS OF LAW

1. A majority of the State Boundary Commission has considered the facts presented in light of the criteria in section 9 of 1968 PA 191, MCL 123.1009 and has come to the conclusion that the proposed annexation is supported. The Commission recommends that in the case of Docket# 14-AR-1, Petition for Annexation of Territory in Litchfield Township to the City of Litchfield, Hillsdale County, be approved by the Director of the Department of Licensing and Regulatory Affairs.
2. Pursuant to Executive Reorganization Order 1996-2, this approval is contingent on the concurrence of the Director of the Department of Licensing and Regulatory Affairs.
3. This area has less than 100 residents and is therefore this decision is not subject to referendum under MCL 117.9.

Dennis Schornack, Chairperson

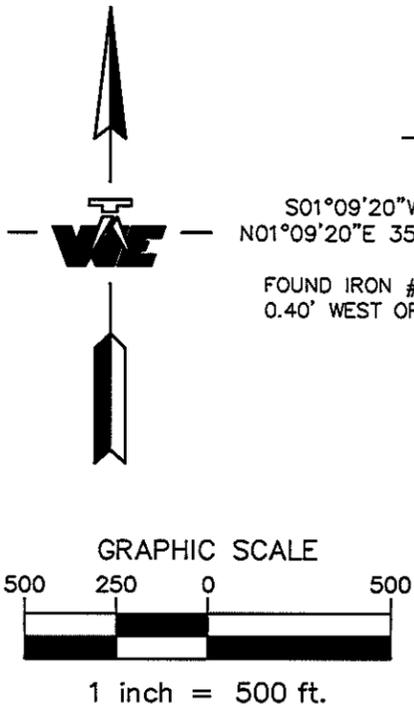
Date

EXHIBIT A

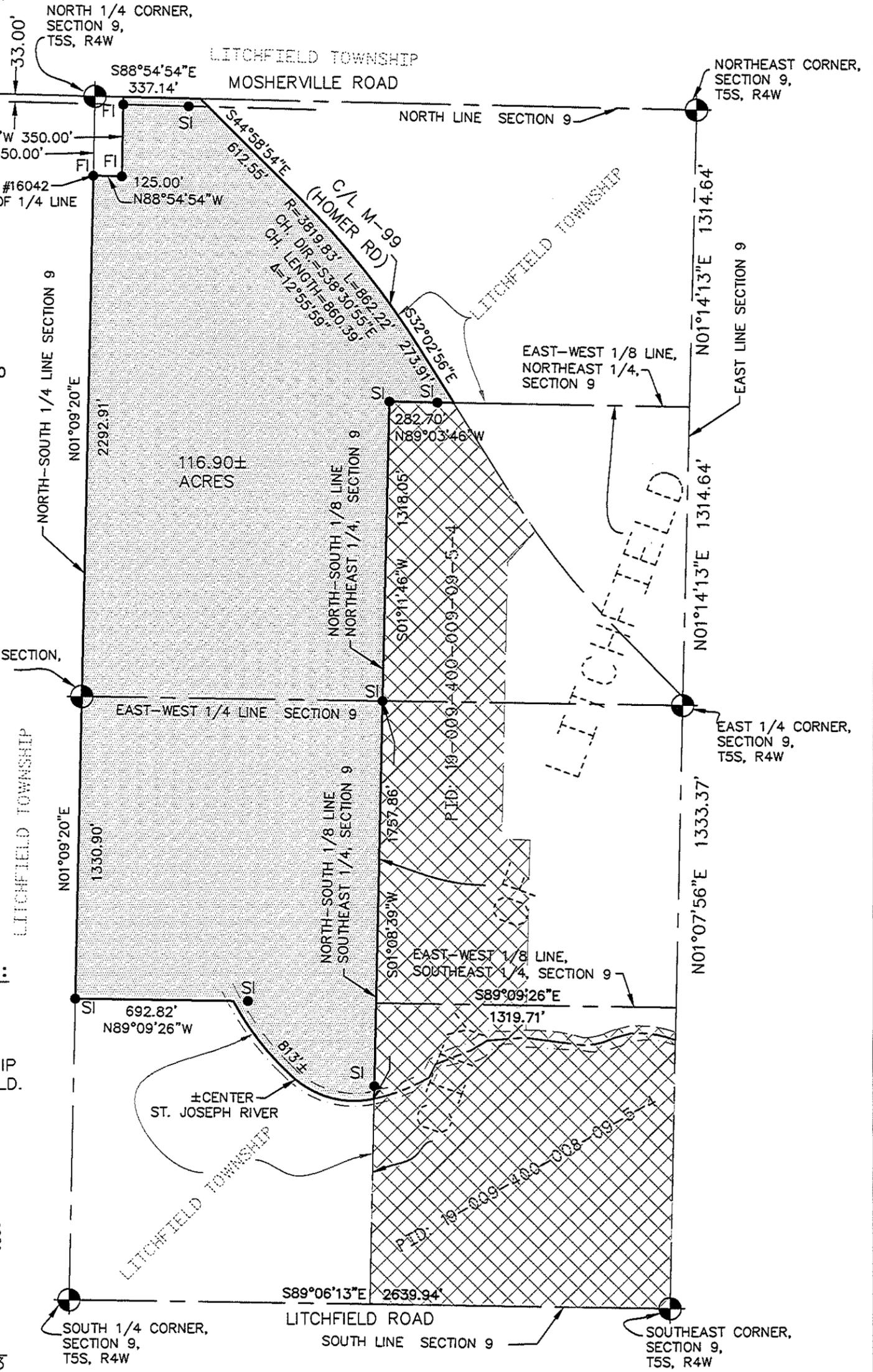
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FEB 28 2014 11:48:01

PART I - ANNEXATION BOUNDARY MAP



STATE BOUNDARY COMMISSION



SURVEYOR'S NOTE:

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION OF PARCEL TO BE ANNEXED FROM LITCHFIELD TOWNSHIP TO THE CITY OF LITCHFIELD.



GREG VAUGHN P.S. #41113

LEGEND	
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF	
R=RECORD (EQUALIZATION) PROPERTY CORNER	FI= FOUND IRON
P= PLATTED CONCRETE MONUMENT	SI= SET IRON
M= MEASURED FENCE LINE	—*—*—*—

- = PARCEL TO BE ANNEXED TO THE CITY OF LITCHFIELD (CURRENTLY IN LITCHFIELD TOWNSHIP).
- = PETITIONER'S PARCELS CURRENTLY WITHIN THE LIMITS OF THE CITY OF LITCHFIELD.

WOLVERINE
Engineers & Surveyors, Inc.

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Mason, Michigan 48854
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<http://www.wolveng.com>

PROJECT: LITCHFIELD ANNEXATION BOUNDARY		
SHEET NAME: 1 OF 2		
JOB NO.: 13-0588	CHECKED: GWV	DRAWN: DER
SCALE: 1"=500'	DATE: 02/13/2014	REV:

PART III – ANNEXATION DESCRIPTION

THE TERRITORY PROPOSED FOR ANNEXATION TO THE CITY OF LITCHFIELD IS LEGALLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN SECTION 9, TOWN 5 SOUTH, RANGE 4 WEST, LITCHFIELD TOWNSHIP, HILLSDALE COUNTY, MICHIGAN DESCRIBED AS: THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9 LYING NORTH OF THE ST. JOSEPH RIVER; ALSO, THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9; ALSO THAT PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 9 LYING SOUTHWESTERLY OF THE CENTERLINE OF M-99; ALSO, THAT PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9 LYING SOUTHWESTERLY OF THE CENTERLINE OF M-99; EXCEPTING FROM THE ABOVE DESCRIBED LANDS A PARCEL DESCRIBED AS: BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 9, THENCE SOUTH 88°54'54" EAST 125.00 FEET ALONG THE NORTH LINE OF SAID SECTION 9; THENCE SOUTH 01°09'20" WEST 350.00 FEET; THENCE NORTH 88°54'54" WEST 125.00 FEET; THENCE NORTH 01°09'20" EAST 350.00 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 9 TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS APPROXIMATELY 116.90 ACRES OF LAND AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR RIGHT-OF-WAY OF RECORD. SAID PARCEL IS ALSO SUBJECT TO THE RIPARIAN INTEREST OF ADJACENT RIPARIAN OWNERS AND THE PUBLIC TRUST IN THE WATERS OF THE ST. JOSEPH RIVER.

Dept. of Licensing & Regulatory Affairs
FILED

FEB 28 2014 '14 AR 0 1

STATE BOUNDARY COMMISSION



GREG VAUGHN P.S. #41113

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PROJECT: LITCHFIELD ANNEXATION BOUNDARY		
SHEET NAME: 2 OF 2		
JOB NO.: 13-0588	CHECKED: GWV	DRAWN: DER
SCALE: N/A	DATE: 02/13/2014	REV: