



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

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# Memorandum

**DATE:** September 28, 2015

**TO:** State Boundary Commission

**FROM:** Office of Land Survey

**SUBJECT: Legal Sufficiency Review – Docket # 15-AP-2**  
Petition for Annexation of land in Lapeer Township to the City of Lapeer  
(Lapeer County)

The petition was filed with the Commission on May 29, 2015 under Section 9(7)(b) of the Home Rule City Act 1909, PA 279, MCL 117.1 to 117.38. MCL 117.9(7)(b) allows the owners of at least 75% of the land, exclusive of streets, in the area proposed for annexation to file a petition for annexation with the Commission.

## Staff Review:

1. The petition contains a map of the area proposed for annexation and copies of deeds, which contain the legal descriptions of the separate parcels that comprise the area proposed for annexation. The deed descriptions were used as the Part III description but no overall description of the area proposed for annexation was provided. Review of the deeds confirms the petitioners own at least 75 percent of the land proposed for annexation.
2. Under State Boundary Commission Rule 37, the map submitted with the petition is comprised of a single 8 ½" x 11" sheet that clearly shows the area proposed for annexation; however, the map is not substantially compliant with the requirements of Rule 37 for the following reasons:
  - a. It does not properly depict the municipal boundaries and is not consistent with the municipal boundary histories on file with the Secretary of State's Office of the Great Seal (OGS) [R123.37(2)(b) and R123.37(3)]
  - b. It is not to the scale shown [R123.37(2)(d)]
  - c. It is inconsistent with the Part III Legal Description because it does not show lands within the Baldwin Road right of way that are included in the Part III Description [R123.37(6)]

3. The Part III Legal Description is not substantially accurate and consistent with the Part I Map as required by State Boundary Commission Rule 37 for the following reasons: [R123.37(6)]
  - a. The descriptions for the parcels labeled *1112 South Lapeer Road* and *1146 South Lapeer Road* describe a portion of the right of way for Lapeer Road (M-24) that was dedicated to the public in the plat of Churchill Farms Subdivision. According to the record on file with OGS the Lapeer Road (M-24) right of way is already part of the City of Lapeer.
  - b. Regarding the descriptions for the parcels labeled *1139 South Baldwin Road* we note the following:
    - i. The limits of the land area are not clearly defined and it includes lands also included as the description for 1176 South Lapeer Road
    - ii. Describes a portion of Baldwin Road that is not indicated on the Part I map
  - c. The description for the parcel labeled *1143 South Baldwin Road* is incomplete and does not close.

It is the Department's opinion that this petition for annexation is not substantially compliant with the filing requirements of the act and its rules.