

PHILLIP THICK
Lapeer Township Trustee
Lapeer Township Planning Commission

February 25, 2016

RE: Docket No. 15-AP-03

Mr. Dave Doyle
Ms. Pamela Jarvis
Mr. Mike Rice

Dear Boundary Commissioners,

I was present at the Public Hearing at the Lapeer Commission Chamber on February 10, 2016. I listened intently to the statements from the petitioners attorney, Walter Griffin, Lapeer City Manager, Dale Kerbyson, Lapeer Township Supervisor, Scott Jarvis and the local residents who spoke. There are a few things that I would like you to consider in making an important decision as to whether you would grant this annexation.

The first and foremost item I think you have to consider is the Interlocal Agreement document (included in the townships presentation) between the City of Lapeer and the Township of Lapeer. This agreement was two years in the making. As a result of two years of negotiations this legally binding agreement was put in place with clearly defined details pertaining to boundaries, annexations, and responsibilities of both parties. I refer you specifically to paragraph 12 of the agreement. The content of this paragraph requires that you deny this petition for annexation.

This agreement transferred 785 acres of property to the City of Lapeer. Most of the 785 acres were transferred to the City for commercial development. There remains in excess of 700 acres available for commercial development. Therefore, there is no shortage of property within the City of Lapeer for commercial development. The argument of a shortage of commercial property in the City of Lapeer along the M-24 corridor is nil.

In addition, the petitioner and his attorney were not really being completely honest with you. Approximately one year ago the developer attended a Lapeer Township board meeting and inquired if the board would voluntarily allow a couple of these properties to be annexed into the City of Lapeer, speaking of office buildings at the time. We informed him we would not do that and referenced the Interlocal Agreement. The petitioner has never since returned to the Township Board nor has he ever submitted an application or site plans to the Township Planning Commission for any types of development. The Township Board and Planning Commission have in the past and would likely in the future approve offices and similar projects along the west side of M-24. We would not likely allow these types of projects to encroach on the already established residential areas along Baldwin Rd.

RECEIVED

MAR 01 2016

Office of Land Survey &
Remonumentation

It would appear that instead the petitioner went around the Township of Lapeer and approached the City of Lapeer. It would appear that negotiations with the City of Lapeer have been ongoing behind the scenes for some time. If so, the City of Lapeer would be in violation of the Interlocal Agreement and the Open Meetings Act. The first time anyone from Lapeer Township became aware of any detailed plans by the petitioner/developer was at the hearing on February 10, 2016.

At the Sufficiency Hearing in Lansing, Lapeer City Manager Dale Kerbyson indicated that he was going to take a neutral position on this petition for annexation. After that meeting it was pointed out to him that the City of Lapeer was a part of an Interlocal Agreement that required the City of Lapeer to openly oppose future annexations for the next 50 years. Either Mr. Kerbyson forgot about the agreement or was going to ignore the agreement. I might add he was the City Manager at the time of the agreement and that his signature appears on the official document as an agreeing party.

At the Public Hearing on February 10, 2016, Mr. Kerbyson could hardly get the words, "the City of Lapeer opposes" the annexation out of his mouth. The City of Lapeer has to oppose the annexation per the Interlocal Agreement.

All of the local residents with the exception of one spoke in opposition of this petition for various reasons. They are the local residents who live in this neighborhood and would have to live with the consequences of commercial activities, lights, traffic, noises, beeping trucks emptying dumpsters in the early morning hours, etc. in their now quiet neighborhood if this petition is granted.

If you allow the petitioner to prevail you would disturb already defined boundaries and create irregular boundaries. There would be an island of township property, a narrow strip of City of Lapeer and then township property thus creating confusion in services and enforcing of ordinances.

In summary there are four parties of interest in that matter. The petitioner/developer, the Township of Lapeer, the City of Lapeer, and the local residents. Three of the four interests spoke in opposition to this petition for annexation. The only one to speak favorably is the petitioner/developer. He is in favor of it for monetary reasons only. However, he could still develop to an extent through the Township of Lapeer if he would only apply for and file site plans for consideration.

Therefore, I pray that you would comply with your statutory obligations, honor and uphold a legally binding Interlocal Agreement between Lapeer Township and the City of Lapeer, as registered with the State of Michigan, and deny this petition for annexation.

Sincerely,

Phillip Thick

RECEIVED

MAR 01 2016

Office of Land Survey &
Remonumentation