



# Annexation Procedure

State Boundary Commission  
Office of Land Survey and Remonumentation  
Bureau of Construction Codes

The Director of the Department of Licensing and Regulatory Affairs (LARA) makes the final decision on whether to approve or deny an annexation petition or a referendum petition pursuant to Executive Order 1996-2. In the following procedure, all references to a decision by the State Boundary Commission (SBC) to approve or deny annexation petitions should be interpreted to mean a recommendation of approval or denial to the Director of LARA (“Director”). Petitioners are encouraged to seek professional assistance, i.e., legal counsel, Professional Surveyor, etc., as deemed appropriate by the petitioner.

Unless otherwise noted, annotations in the following procedure refer to:

[117.6] refers to the Michigan Compiled Law (MCL) section. For this document, the following laws were referenced:

- Home Rule City Act, 1909 PA 279, MCL 117.1-.38
- State Boundary Commission Act, 1968 PA 191, MCL 123.1001-.1020
- Intergovernmental Conditional Transfer of Property by Contract Act, 1984 PA 425, MCL 124.21-.30
- Urban Cooperation Act, 1967 PA 7, MCL 124.501-.512
- Michigan Election Law, 1954 PA 116, MCL 168.1-.992

## **Definitions**

Qualified electors - Persons eligible to register to vote in the area, which must be:

- At least 18 years old [US Constitution: Amendment 26, Section 1]
- Residents for at least 30 days [MCL 168.10 (1); 168.11]
- U.S. citizens [State Constitution: Article 2, Section 1]

Only the electors residing within the territory proposed to be incorporated shall vote in the incorporated election.

## **Annexations Not Governed by the SBC**

- Annexation of land from one township to another, except to remove islands or straighten lines. See the Charter Township Act, 1947 PA 359.
- Annexation of land currently covered under a Conditional Land Transfer Agreement.
- Detachment of land from a City.
- Annexation of land from a Township to a Village.
- Annexation of land from a Township to a City by unilateral resolution of the city or mutual resolution of the city and township.

### **Annexations Requiring SBC Action**

- Petition for Annexation of land from a Township to a City [123.1011a] submitted
  - By City Resolution [117.9 (7)(a)],
  - By owners of at least 75% of the area of land [117.9 (7)(b)]; or,
  - By at least 20% of the registered voters residing on the land, with a minimum of 100 voters [117.9 (7)(c)].

### **Procedure for Annexation through the SBC**

1. Define the area to be annexed to the city. It is easiest by defining the area on a map.
  - a. The area must be contiguous to the existing city limits as recorded at the Office of the Great Seal. The city limits must not be extended by a 425 agreement in its entirety.
2. Describe the area by a metes and bounds description. One description should encompass all parcels within the area. This will be used in multiple documents. Once the description is written, update the map by labeling the lines so one can follow the description. The map and description should be able to stand alone and represent the same area.
3. Obtain approvals
  - a. By City Resolution – the resolution should reference the same description used in the petition.
  - b. By owners of at least 75% of the area of land – Attach a letter from each owner indicating that they own the property and request the annexation of the land into the city, the description of the property they own with the area expressed in acres.
  - c. By at least 20% of the registered voters or 100 voters, with a minimum of 100 voters:
    - 1) Obtain blank petitions from the Office of the Great Seal
    - 2) Each person obtaining signatures must have a map of the area to be annexed to determine if the voter lives in the area
4. Prepare a cover letter to the State Boundary Commission with the following information
  - a. Reasons for the proposed action
  - b. Population of the annexation area and how it was determined
  - c. Names and contact information, including email addresses for the following people
    - 1) Petitioner
    - 2) Designated legal counsel
    - 3) City clerk
    - 4) Township clerk
    - 5) County clerk
    - 6) Any other stakeholders
5. Forward the cover letter, map, description and the resolution or petition signatures to the SBC at [bccolsr@michigan.gov](mailto:bccolsr@michigan.gov).

### **Preparing for the Legal Sufficiency Meeting**

6. SBC staff are members of the Office of Land Survey and Remonumentation (OLSR), Bureau of

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Construction Codes within LARA. Upon receiving the petition, the OLSR will

- a. Check to see if any of the area in the petition is covered in a previous petition within the last 2 years that was denied or defeated. If so, then the petition will be rejected. [117.9 (6)]
- b. Assign the petition a number depending on if the petition is by resolution or petition.
- c. Examine the map and description to determine that they represent the same area and that the written description closes on itself.
- d. Determine if the annexation area is contiguous with the city limits without Conditional Land Transfers.
- e. Determine the next available SBC meeting date. A minimum of 45 days is needed before the meeting to assemble additional information.
- f. Send an email or letter to the impacted city, township and county clerks announcing that a petition has been received and the date of the Legal Sufficiency meeting. Any legal counsel identified by the petitioner, city, township and county clerks will also be included on the email.
- g. Notify the city and township clerks where to find the respective questionnaires and a date they should be completed. The questions cover the criteria listed in MCL 123.1009.
- h. Contact the city and township clerks to
  - 1) determine locations and dates of a public hearing if found legally sufficient and reserve the times [123.1008(3)]
    1. Dates cannot be less than 60 nor more than 220 days after the filing
    2. The location must be at some convenient place in the area proposed to be annexed.
  - 2) acquire the names and addresses of owners within the annexation area and within 300 feet of the proposed borders
  - 3) acquire the name and contact person at the local newspaper for public notice.
- i. Assemble a packet for the commissioners allowing at least 15 days before the meeting to review its contents.

### **Legal Sufficiency Meeting**

7. [123.1008 (2)] The SBC holds meetings in Lansing roughly once every quarter and are open to the public. Only the state commissioners will vote on Legal Sufficiency. At the Legal Sufficiency meeting, the contents of the petition are reviewed. The SBC will
  - a. Reject the petition for nonconformance with the SBC Act and return the petition to the petitioners with the reasons for rejection. A new petition covering the same area cannot be resubmitted for 2 years. [117.9 (6)]
  - b. Declare the petition legally sufficient and order a public hearing.
    - 1) Dates are discussed and determined at the meeting.
    - 2) Written comment period begins at the end of the meeting and will conclude at the close of the public hearing.

### **Preparing for the Public Hearing**

8. In preparation for the Public Hearing, the OLSR will
  - a. Contact the County Chief Probate Judge requesting the appointment of four members (two members and two alternates) to the Commission from the County where the proposed action is to take place [123.1005]
    - 1) One member and one alternate must reside in a township
    - 2) One member and one alternate must reside in a city

Once appointed, the OLSR will arrange to provide any and all information to the new commissioners and invite them to the public hearing.

  - b. Verify arrangements for the public hearing location.
  - c. Notify by certified mail the people within the annexation area and within 300 feet of the boundary of the open written comment period and the date, time and location of the public hearing.
  - d. Begin collecting written comments received from the conclusion of the legal sufficiency meeting until the close of the public hearing.
  - e. Notify the local clerks and any defined counsel of the affected units of government of the open comment period and public hearing by certified mail at least 30 days before the date of the public hearing. [123.1008 (4)]

### **Public Hearing**

9. The SBC holds the public hearing to listen to the concerns of the petitioner, city, township and county. The public hearing is recorded. Once the individuals listed in step 4d have a chance to speak, the chair will designate a time limit for each willing member of the public to speak. This is the time for local citizens to communicate with the SBC on the topic. SBC commissioners can ask questions of any speaker but should not answer any question outside of SBC procedure. The written comment period ends at the conclusion of the public hearing.
10. Upon the conclusion of the public hearing, the OLSR will:
  - a. Assemble and scan all correspondence received during the written comment period and make them available to the petitioner, city, township and county clerks or their designated agents for final response within 30 days. No other responses will be accepted for the SBC once the written response is filed.
  - b. Assemble the final packet for the commissioners. All written comments are included and added to the information already used in the Legal Sufficiency meeting. Once assembled, this information is forwarded to all 5 commissioners and alternates.

### **Recommendation Meeting**

11. The SBC holds the Recommendation meeting in Lansing, which is open to the public, where they discuss the information presented, any findings and the reasonableness of the proposed annexation. Upon conclusion of the discussion, a vote is taken to recommend to the Director to: [123.1010 (1)]
  - a. Deny the proposed annexation, giving reasons for denial;
  - b. Approve the petition as submitted, giving reasons for approval; or
  - c. Approve the petition with a revised boundary, giving reasons for revisions and approval.

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12. After the Recommendation meeting, the OLSR will:
  - a. Assemble a cover memo and Final Order reflecting the outcome of the SBC and including the description of the land to be annexed to the city.
  - b. Assemble a document listing the summary of procedure, findings and conclusions. It will include:
    - 1) A timeline of what was done and when;
    - 2) A summary of the findings discussed at the Recommendations meeting;
    - 3) A summary of the conclusions made by the SBC at the meeting;
    - 4) The description of the property included in the annexation, matching what was provided in the original petition;
    - 5) The map provided in the original petition;
    - 6) The questionnaires completed by the city and the township; and
    - 7) A draft copy of the Recommendation meeting minutes.
  - c. Forward the cover memo, SBC Recommended Final Order and the procedure, findings and conclusions to the Director for consideration.

### **Final Authorization**

13. After the Director signs and issues the Final Order, the OLSR will:
  - a. Notify the petitioner, city, township and county clerks by emailing a copy of the Final Order and maintain a record of such notifications;
  - b. Send a copy of the Final Order to the Office of the Great Seal for recording; and
  - c. Send a copy of the Final Order to each person who was notified in step 8 by regular mail.
14. After the Director signs and issues the Final Order, public officials and residents have two ways to appeal the decision:
  - a. Referendum election:
    - 1) This can be used only if:
      1. the annexation is approved;
      2. a petition signed by at least 5% of the people residing in the annexed area on the date the annexation petition was filed; and
      3. The referendum election is requested by petition within 45 days of the approval of the order.
    - 2) The petition for referendum election can be brought by residents of:
      1. The area to be annexed;
      2. The balance of the township outside the area to be annexed; or?
      3. The city to which the area is to be annexed.
    - 3) If the petition for referendum election is valid:
      1. The SBC will recommend that the Director sign an order to place the question on the ballot in each area requesting an election.
      2. There must be a majority vote in the area to be annexed, the balance of the township and the city to implement the annexation.

Judicial Review – an involved party may seek judicial review through the circuit court. The circuit court may affirm, modify, reverse or remand a Final Order.

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