STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #01-AP-7

The annexation of
territory in Howell Township
to the City of Howell.

SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The territory annexed from Howell Township to the City of Howell is described in Attachment A & B.

A. On October 15, 2001, a petition was filed asking for the annexation of territory in Howell Township to the City of Howell.

B. On December 13, 2001, the State Boundary Commission held an adjudicative meeting to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended. The Commission expanded the area to be considered for annexation.

C. On February 13, 2002, the State Boundary Commission held a public hearing in Howell, Michigan to receive testimony given pursuant to Public Act 191 of 1968, as amended.

D. On May 9, 2002, at an adjudicative meeting, State Boundary Commissioners VerBurg, Walker and Ishbia voted to approve a motion to recommend that the Director of the Department of Consumer & Industry Services approve the annexation as expanded and that Boundary Commission staff prepare draft Findings of Fact and Conclusion of Law.

E. On August 8, 2002, at an adjudicative meeting, Boundary Commissioners VerBurg, Walker and Brennan voted to approve the draft Summary of Proceedings, Findings of Fact and Conclusions of Law, and to recommend that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation.

F. On April 17, 2003, the State Boundary Commissioners held an administrative session and passed a resolution requesting the City of Howell and Howell Township to negotiate an agreement whereby the residential property included in the annexation order, owned by Robert and Donna Stansberry, be omitted from lands attached to the City of Howell.

G. On June 19, 2003, the State Boundary Commissioners held an administrative session to discuss the status of the Stansberry property. The Commission ordered a supplemental public hearing on the annexation of the Stansberry property at 1499 Glen Road.

H. On August 7, 2003, the State Boundary Commission held a supplemental public hearing in Howell, Michigan to receive testimony given pursuant to Public Act 191 of 1968, as amended.

I. On September 25, 2003 at an adjudicative meeting State Boundary Commissioners Ishbia, VerBurg and Walker, and Livingston County Commissioner Cameron voted to recommend that the Director of the Department of Consumer & Industry Services deny the annexation of the Stansberry property that was previously included in the annexation order dated September 6, 2002.

J. On September 25, 2003 at an adjudicative meeting State Boundary Commissioners Ishbia, VerBurg and Walker, and Livingston County Commissioner Cameron voted to approve the draft Findings of Fact and Conclusions of Law as amended.

FINDINGS OF FACT

1. The expanded area added by the Commission did include one residential parcel, at 1499 Glenn Road, east of Bouge Creek.

2. The record indicates the Stansberrys did not receive proper notice of the inclusion of their property in the annexation petition. The description of the expanded area published in the public hearing notice did not include any territory east of Bouge Creek.

3. When the Commission approved the annexation of the petitioned and expanded area, the existence of a residential property in the expanded area was unknown to the Commission and the involved parties. The record contained incorrect information stating the expanded area was vacant.

4. The property owner does not wish to be annexed to the City of Howell. The property owner does not require any City services.

5. The property owner testified that annexation creates an unreasonable financial hardship.

THE COMMISSION FINDS THAT

1. The public hearing notice did not clearly describe all of the expanded area.

2. The property owners did not have an opportunity to address their opposition to the annexation of their property to the City of Howell.

3. Although inclusion of the Stansberry's property creates a more regular City boundary, the property owners' economic hardship as a result of the annexation would be unreasonable.

CONCLUSIONS OF LAW

The record of this docket, in accordance with the criteria stipulated under Section 9 of the Public Act 191 of 1968, as amended, supports the Commission's recommendation that the Director of the Department of Consumer & Industry Services sign the attached Order and adopt the Summary of Proceedings and Findings of Fact and Conclusions of Law.

Kenneth VerBurg

Kenneth VerBurg, Chairperson
State Boundary Commission

10/30/03
Date

STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

The proposed annexation of territory in Howell Township to the City of Howell.

Boundary Commission Docket # 01-AP-7

FINAL ORDER

IT IS ORDERED THAT the territory described in Attachment C in Howell Township, Livingston County, previously included in the Annexation Order for this docket is not annexed to the City of Howell.

IT IS FURTHER ORDERED THAT the attached Summary of Proceedings and Findings of Fact and Conclusions of Law and this Order shall be effective on the date the Director of the Department of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT the State Boundary Commission shall transmit a certified copy of this Order and the attached Summary of Proceedings and Findings of Fact and Conclusions of Law to the clerks of the City of Howell, Howell Township, Livingston County and the Secretary of State.

David C. Hollister

David C. Hollister, Director
Michigan Department of Consumer & Industry Services

11-18-03
Date

Attachment A

Annexation Petition by Owners of at Least 75% Land
PART III

The territory proposed to be annexed to the City of Howell
is described as follows:

FILED
OCT 15 2001 01 AP 07
STATE BOUNDARY COMMISSION

0.37 AC. Part of Parcel No. 4706-25-200-019

Commencing at the West 1/4 Corner of Section 25, Town 3 North, Range 4 East, Howell Township, Livingston County, Michigan; thence North 88°58'15" West 2635.69 feet along the East-West 1/4 line of said Section 25 to the PLACE OF BEGINNING, said point being North 88°58'15" West 36.03 of the Center Post of said Section 25; thence North 42°34'05" East 105.82 feet; thence South 88°22'34" East 161.97 feet along the Southerly Right-of-Way of Highland Road (M-59); thence South 11°05'37" East 77.34 feet along the centerline of Bogue Creek as described in Liber 2539, page 586, Livingston County Records; thence North 89°29'09" West 212.35 feet along said East-West 1/4 line of Section 25 to the Center Post of said Section 25; thence continuing along said East-West 1/4 line North 88°58'15" West 36.03 feet to the Place of Beginning. Being part of the South ½ of the North ½ of Section 25, Town 3 North, Range 4 East, Howell Township, Livingston County, Michigan. Containing 0.37 acres of land, more or less.

Attachment B

Also a part of the Northeast ¼ of Section 25 Town 3 North, Range 4 East, Howell Township, Livingston County, Michigan described as: All that part of said Northeast ¼ laying east of the above parcel and south of the Southerly Right of Way Line of Highland Road (M-59).

ATTACHMENT C

Section 25 T3N, R4E part of the NW ¼ of SE ¼ and part of Lot 34 of Northcrest Subdivision, the N ½ of the following described parcel, beginning NE corner lot 34, thence S 2.22 feet, thence N89° 8' 20" W 203.48 feet, thence N 8° 20' 04" W 152.04 feet, thence S 86° 44' 43" E 227.5 feet, thence S 0° 40' W 140 feet to point of beginning.