STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH

BEFORE THE

STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket # 04-AP-3

The proposed annexation of territory in York Charter Township to the City of Milan, Washtenaw County.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND CONCLUSIONS OF LAW

SUMMARY OF PROCEEDINGS

1. On July 22, 2004, a petition designated as Docket #04-AP-3 was filed with the State Boundary Commission requesting the annexation of certain territory in York Charter Township to the City of Milan, Washtenaw County.

2. On October 21, 2004, the State Boundary Commission examined the petition for legal sufficiency at an adjudicative meeting held in Lansing. The Commission declared the petition as legally insufficient.

3. On March 17, 2005, the State Boundary Commission adopted the Summary of Proceedings, Findings of Fact and Conclusions of Law at an adjudicative meeting held in Okemos.

FINDINGS OF FACT

1. The Commission found that the copy of the Quit Claim Deed and an attached legal description that was filed with the petition did not bear a stamp indicating that it had been recorded with the County Register of Deeds. Therefore, the Commission was not able to sufficiently determine whether: a) the property that was quit claimed to Neckel Farms L.L.C. from John and Clara Neckel is the same property as described in the Part 1 map and Part III legal description; and, b) whether Neckel Farms L.L.C. did indeed possess record legal title to the property described.

2. A copy of the recorded Quit Claim Deed and legal description were provided to the Commission by the petitioner during the determination of legal sufficiency on October 21, 2004. These documents are stamped as being recorded with the Washtenaw County Register of Deeds on July 30, 2004, which is eight days after the petition was filed with the Boundary Commission.

3. The petitioner submitted a Resolution and Consent by and between Praedium Group, Inc., a Michigan corporation, R.A.W. Construction, Inc., a Michigan corporation, and John and Clara Neckel. This document authorizes Mr. Michael J. Concannon to execute and facilitate the annexation of property in York Charter Township to the City of Milan. Although the resolution states that an "Exhibit A Legal Description" is attached, no "Exhibit A Legal Description" was attached to the Resolution and Consent at the time the petition was filed.

   The petitioner did re-submit the Resolution and Consent along with the "Exhibit A Legal Description" attachment to the Commission during the determination of legal sufficiency on October 21, 2004.

4. The Commission determined that the ownership of the property and other supporting documentation was neither provided nor contained clear and convincing evidence.

CONCLUSIONS OF LAW

1. The Boundary Commission **rejects** this petition on the grounds that it fails to conform to the Boundary Commission Act and the Rules.

2. Pursuant to Section 8 of Public Act 191 of 1968, as amended, the Commission shall transmit a copy of this Summary of Proceedings, Findings of Fact and Conclusions of Law to the petitioner, and to the clerks of the City of Milan, the Charter Township of York, and the County of Washtenaw.

Kenneth VerBurg, Chairman

March 17, 2005