STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #99-AP-1

The proposed incorporation of
territory in **Bingham Township**
into the **City of St. Johns.**
_____/

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND CONCLUSIONS

This matter of the proposed annexation, consisting of the following territory in Bingham Township into the City of St. Johns, is described as follows:

Beginning at the East 1/4 corner of said Section 20, T7N, R2W, Bingham Township, Clinton County, Michigan; thence S01°13'08"E 500.00 feet along the East line of said Section; thence S88°46'52"W 900.00 feet; thence S01°13'08"E 486.37 feet parallel with the East line of said section; thence S88°46'54"W 1746.81 feet to the North-South 1/4 line of said Section 20; thence N01°11'21"W 1001.37 feet along said North-South 1/4 line to the center of said Section 20; thence N01°11'21"W 2656.67 feet along said North-South 1/4 line to the North 1/4 corner of said Section 20; thence N88°56''07"E 1387.62 feet along the North line of said Section 20; thence N01°03'53"W 264.00 feet perpendicular to the South line of Section 17, T7N, R2W; thence N88°56'07"E 132.00 feet; thenceN01°03'53"W 1132.00 feet; thence N88°56'07"E 297.00 feet; thence S01°03'53"E 396.00 feet to the South line of said Section 17; thence N88°56'07"E 164.60feet along the North line of Section 20, T7N, R2W; thence S01°15'52"E 297.00 feet along the East line of the West ½ of the East ½ of the Northeast 1/4 of said Section 20; thence S88°56'07"W 165.00 feet; thence S01°15'52"E 1320.00 feet; thence N88°56'07"E 165.00 feet; thence S01°15'52"E 1045.60 feet along the East line of the West ½ of the East ½ of the Northeast 1/4 of said Section 20, to the East-West 1/4 line of said Section 20; thence N89°06'23"E 661.59 feet along the East-West 1/4 line of said Section 20 to the point of beginning.

SUMMARY OF PROCEEDINGS

A. On **January 29, 1999**, a petition was filed by Donald L. and Wreatha Ann Chant asking for the annexation of a portion of Bingham Township into the City of St. Johns.

B. On **April 15, 1999**, an adjudicative meeting of the State Boundary Commission was held in Okemos 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.

C. On **September 1, 1999**, a public hearing was held in Bingham Township to receive testimony given pursuant to Public Act 191 of 1968, as amended.

D. On **December 9, 1999**, at an adjudicative meeting held in Lansing, State Boundary Commissioners Rutledge and Walker and Clinton County Boundary Commissioners Huard and Ostrowski voted in favor of a motion to recommend that the Director of the Department of Consumer & Industry Services deny the annexation petition and State Boundary Commissioner VerBurg abstained from voting on the motion.

E. On **January 13, 2000**, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg and Rutledge and Clinton County Boundary Commissioners Huard and Ostrowski voted to recommend approval of the Draft Summary of Proceedings and Findings of Fact and Conclusions, as amended, and to recommend that the Director of the Department of Consumer & Industry Services issue an Order denying the annexation petition.

Findings of Fact

1. **The Petitioners' testified that they requested annexation of the subject property because:**
   - The Petitioners' first choice was to retain the property in agricultural production; however, the Township's and County's denial of their PDR (Purchase and Development Rights Program) application and the Township's inclusion of the Petitioners' property in the sewer assessment district has made continued farming of the property economically impossible.
   - Sanitary sewer service to the Petitioners' property is available from the City at no additional capital cost, while the Township has assessed the Petitioners $391,094 to bring service to an access point in the southeast corner of their property.
   - Public water service is available from the City for the entire petitioned area at no additional capital cost. The Township has no public water supply system or definitive plans to secure one.
   - Annexation of the Petitioners' property provides more natural and uniform boundaries for the City and the Township
   - Annexation would allow the most efficient utilization of existing physical, financial, and public resources in the region, and will promote the most orderly and rational course of development for the region.

2. **Testimony from representatives of the City included:**
   - The Petitioners' property is ideally suited for development as a residential area. The City is presently able to immediately provide some of the core utility services to the site without further cost or infrastructure construction, including public water and sanitary sewer.

-Construction has not occurred on property annexed from Bingham Township in 1997; however, development is planned for this property.

3. **Testimony from Bingham Township included:**
- The Township agrees that the area petitioned for annexation should and will be developed as a residential area.

- The township can provide the services required for development of the petitioned property.
  * A sanitary sewer system is currently being constructed and expected to be operational in December of 1999.
  * A public water system could be operational within 12 months; alternatively, a residential development could utilize wells.
  * Fire protection in the Township is identical to fire protection in the City because of a contract with the City to provide fire service in the Township.
  * Police protection is currently provided to other subdivisions in the Township by the County Sheriff and the County Sheriff could provide services to a development on the Petitioners' property.

- The subject property is crucial for the Township in order to support Township infrastructure programs.
  * Imperative that the Townships be able to collect the $391,094 special assessment on the Petitioners' property in order to pay the debt service on the bonds sold to finance the sewer system.

  * The Township is extremely concerned that allowing annexation of prime development property will eventually permanently damage the Township's ability to finance its important infrastructure projects.

- There is no immediate need for annexation
  * No development plans are available from the Petitioner
  * Development has not occurred on properties annexed in 1997

THE COMMISSION FINDS THAT

1. Land uses, population statistics, the past and probable future urban growth of the subject area and community, including commercial and industrial development, indicate the area petitioned for annexation will be developed as a residential area.

2. The probable future needs for organized community services in the area petitioned for annexation include water, sanitary sewer, fire protection and police services.

3. The probable effect of the proposed annexation on the remaining portion of the Township would be to seriously damage the Township's efforts to build an infrastructure to support urban type services needed for development.

4. The Township was forced into providing duplicatory sewer and water services because an agreement to utilize already existing city services could not be reached.

5. Any unfairness in the Sewer District Assessment on the Petitioners' property can be remedied by the Michigan Tax Tribunal.

IN CONCLUSION:

1. After considering and evaluating all of the testimony and the public record regarding the incorporation petition in accordance with the criteria stipulated under Section 9 of the Public Act 191 of 1968, as amended, the Commission recommends that the Director of the Department of Consumer & Industry Services issue an Order denying the annexation petition.

Kenneth VerBurg, Chairperson
State Boundary Commission

Jan 21, 2000
Date

STATE OF MICHIGAN
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_____/

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FINAL ORDER

IT IS ORDERED THAT this petition for annexation of certain territory in Bingham Township to the City of St. Johns be denied.

IT IS FURTHER ORDERED THAT the attached Summary of Proceedings and Findings of Fact and Conclusions and this Order shall be effective thirty days after 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 to the petitioner and to the clerks of the City of St. Johns, Bingham Township, and Clinton County.

Kathleen M. Wilbur

Kathleen M.Wilbur, Director
Michigan Department of Consumer & Industry Services

2/25/2000
Date