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

In the matter of:

Boundary Commission
Docket #99-AP-6

The proposed incorporation of
territory in **Burr Oak Township**
into the **City of Sturgis.**

FNDINGS OF FACT AND CONCLUSIONS OF LAW

This matter of the proposed annexation, consisting of the following territory in Section 31, T7S, R9W, Burr Oak Township, St. Joseph County, Michigan being described as follows:

Commencing at the southwest corner of said Section 31; thence North 3,135 feet along the West section line of said Section 31 to the southerly right-of-way line of Sherwood Forest Trail extended, also the northerly lot line extended of Lot 108 of Plat of Sherwood No. 2 (as recorded, Office of Register of Deeds, St. Joseph County, Liber 5 of Plats, Pages 4 and 4A) and the Point of Beginning; thence easterly along the southerly right-of-way line of said Sherwood Forest Trail, also the northerly lot line of Lots 108, 122, 123, and 124 of said Sherwood No. 2 to the easterly lot line extended of Lot 126 of said Sherwood No. 2; thence northerly along the easterly lot line extended of said Lot 126 to the northerly right-of-way line of said Sherwood Forest Trail, also the southeast corner of said Lot 126; thence westerly along the northerly right-of-way line of said Sherwood Forest Trail, also the southerly lot line of Lots 126 and 127 of said Sherwood No. 2 to the southwest corner of said Lot 127; thence northerly along the westerly lot line of said Lot 127 to the northwest corner of said Lot 127; thence easterly along the northerly lot line of said Lots 127 and 126 to the northeast corner of said Lot 126, also the northwest corner of Lot 125 of said Sherwood No. 2; thence S49°03'E 150.45 feet along the northerly line of said Lot 125 to the northeast corner of said Lot 125; thence East 214.72 feet along the northerly lot line extended of Lot 135 of said Sherwood No. 2 to a point on the easterly right-of-way line of Robin Hood Trail, also the northwest corner of Lot 94 of said Sherwood No. 2; thence along a 400 foot radius curve to the right an arc distance of 249.74 feet (said curve being subtended by a chord which bears S17°53'10"W 245.70 feet), also the easterly right-of-way line of said Robin Hood Trail and the westerly lot line of Lots 94 and 93 of said Sherwood No. 2 to the northwest corner of Lot 92 of said Sherwood No. 2; thence East 155.41 feet along the northerly lot line of said Lot 92 to the northeast corner of said Lot 92, also the East plat line of said Sherwood No. 2 and the East line of the West 1/3 of the West ½ of the southwest 1/4 of said Section 31; thence S00°00'40"W 750.88 feet along the easterly lot line of Lots 92, 91, 90, 89, 88, 87, and 85 of said Sherwood No. 2, also the East plat line of said Sherwood No. 2 and the East line of the West 1/3 of the West ½ of the southwest 1/4 of said Section 31 to the southeast corner of said Lot 85; thence S62°11'32"W 197.55 feet along the southerly lot line of said Lot 85 to

the southwest corner of said Lot 85, also the northeasterly right-of-way of Marian Trail; thence along a 247.25 foot radius curve to the right an arc distance of 38.15 feet (said curve being subtended by a chord which bears S23°23'14"E 38.11 feet), also the easterly right-of-way line of said Marian Trail to the southerly lot line extended of Lot 54 of said Sherwood No. 2; thence S71°01"59"W 208.92 feet along the southerly lot line extended of Lot 54 of said Sherwood No. 2 to the southwest corner of said Lot 54: thence South 1,478.46 feet along the easterly lot lines of Lots 37 through 53, also the East plat line of Plat of Sherwood (as recorded, Office of Register of Deeds, St. Joseph County, Liber 3 of Plats, Page 93) and the West plat line of said Sherwood No. 2 to the southerly right-of-way line of Marian Street of said Sherwood No. 2, also the southwest corner of Sherwood No. 2; thence East 356.94 feet along the southerly right-of-way line of Marian Street, also the South plat line of said Sherwood No. 2 to the East line of the West 1/3 of the West ½ of the southwest 1/4 of said Section 31, also the southeast corner of said Sherwood No. 2; thence S00°00'40"W 665.16 feet along the East line of the West 1/3 of the West ½ of the southwest 1/4 of said Section 31 to the South section line of said Section 31; thence easterly along the South section line of said Section 31 to the southeast corner of said Section 31; thence northerly along the East section line of said Section 31 to the northeast corner of said Section 31; thence westerly along the North section line of said Section 31 to the northwest corner of said Section 31; thence southerly along the West section line of said Section 31 to the Point of Beginning. Including Lots 55 through 84, 93 through 107, and 128 through 134 of said Sherwood No. 2.

SUMMARY OF PROCEEDINGS

On **April 16, 1999,** a petition was filed by Jill L. Modert asking for the annexation of a portion of Burr Oak Township into the City of Sturgis.

On **September 9, 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.

On **October 20, 1999,** a public hearing was held in Burr Oak Township to receive testimony given pursuant to Public Act 191 of 1968, as amended.

On **April 13, 2000**, at an adjudicative meeting held in Okemos, State Boundary Commissioners Rutledge and Walker and St. Joseph County Boundary Commissioner Baker voted in favor of a motion to recommend that the Director of the Department of Consumer & Industry Services approve the annexation of the subject territory as described below:

All of Little John Court and Allendale Court which were not previously annexed to the City of Sturgis and which are located in the Plat of Sherwood No. 2 as recorded in the Office of

the Register of Deeds for St. Joseph County of Liber 5 of Plats on Page 4 and 4A, being located in the Fractional Northwest Quarter of said Section 31, Town 7 South, Range 9 West, Burr Oak Township, St. Joseph County, Michigan.

Also a portion of Lakeview Avenue not previously annexed into the City of Sturgis, located in the Fractional Southwest Quarter of Section 31, Town 7 South, Range 9 West, Burr Oak Township, St. Joseph County, Michigan, more particularly described as follows:

Commencing at the Southwest Corner of said Section 31, THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 2063 feet along the West line of said Section 31 to the Northwest Corner of the Plat of Sherwood as recorded in the Office of the Register of Deeds for St. Joseph County in Liber 3 of Plats on page 93, being the POINT OF BEGINNING; THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 250 feet along the West line of said Section 31 to the Southwest Corner of the Plat of Sherwood No. 2 as recorded in the Office of the Register of Deeds for St. Joseph County in Liber 5 of Plats on Page 4 and 4A; THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 33 feet along the South Line of said Plat of Sherwood No. 2 to the easterly right of way line of Lakeview Avenue; THENCE South 00 degrees 00 minutes 00 seconds West for a distance of 250 feet parallel with said West line of Section 31 to the North line of said Plat of Sherwood; THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 33 feet along the North line of said Plat of Sherwood to the POINT OF BEGINNING.

Also an Area of Land located in the Fractional Southwest Quarter of Section 31, Town 7 South, Range 9 West, Burr Oak Township, St. Joseph County, Michigan, more particularly described as follows:

Commencing at the Southwest Corner of said Section 31,

THENCE South 89 degrees 52 minutes 00 seconds East for a distance of 136.50 feet along the South line of said Section 31; THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 161.08 feet parallel with West line of said Section 31; THENCE South 89 degrees 52 minutes 00 seconds East for a distance of 156.50 feet parallel with said South line of Section 31; THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 191.92 feet parallel with said West line of Section 31 to the southerly line of the Plat of Sherwood as recorded in the Office of the Register of Deeds for St. Joseph County in Liber 3 of Plats on Page 93; THENCE South 89 degrees 52 minutes 00 seconds East for a distance of 60.00 feet along said southerly line of the Plat of Sherwood to the Southeast Corner of Lot 1 of said Plat of Sherwood; THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 150.82 feet parallel with West line of said Section 31, and along the East line of said Plat of Sherwood to the point on the City Limits, being the POINT OF BEGINNING; THENCE South 89 degrees 52 minutes 00 seconds East for a distance of 87.00 feet along said City Limits parallel with said South line of said Section 31 to an angle point in said City

Limits; THENCE North 00 degrees 00 minutes 00 seconds East along said City Limits parallel with said West line of Section 31 to the southerly right of way line of Marian Street of said Plat of Sherwood; THENCE South 90 degrees 00 minutes 00 seconds West for a distance of 87.00 feet along south southerly right of way line of Marian Street to the Northeast Corner of Lot 4 of said Plat of Sherwood; THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 160 feet along the easterly line of said Plat of Sherwood to the POINT OF BEGINNING.

On **May 11, 2000**, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker voted to recommend approval of the 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 and adopting the Findings of Fact and Conclusions of Law.

INFORMATION FROM THE RECORD

1. The Petitioner filed this petition for the purpose of delaying possible annexations following the filing of two annexation petitions by the City with the Boundary Commission that were subsequently declared legally insufficient. Petitions like this one are commonly known as "blocking petitions" because they block the filing of future annexation petitions for the area within this petition for two years from the date of this petition's filing. Also, this petition includes an area with more than 100 residents to ensure a referendum if the petition is approved.

2. The City maintained that it was only interested in squaring off the City boundaries.

3. The Township opposes property being annexed to the city and does not believe City services would be commensurate with the increased taxes if annexations were approved.

4. The Petitioner and the Township believe the residents of an area proposed for annexation should have the right to vote on whether or not they want to be within the City.

5. The area proposed for annexation contains four small township islands.

6. Additional information in the record includes:
   - Petitions in opposition to annexation were filed with the Commission by 90 residents of the area proposed for annexation.
   - The City millage rate is 10.82; the Township millage rate is .9524.
   - The City's public water system is currently operating at 33.7% of capacity and the City's sanitary sewer system is at 53% of capacity.

FINDINGS OF FACT

1. Approval of the proposed annexation would have a deleterious effect on the broader community because it would result in having to hold and pay for an unnecessary election.

2. The practicability of supplying services in the small Township islands currently within the City's boundaries support annexation of these areas into the City.

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 recommendation of the Commission that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation and adopting the Findings of Fact and Conclusions of Law.

Kenneth VerBurg, Chairperson
State Boundary Commission

May 11, 2000
Date

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

In the matter of:

Boundary Commission
Docket #99-AP-6

The proposed incorporation of territory in **Burr Oak Township** into the **City of Sturgis.**

FINAL ORDER

IT IS ORDERED THAT the described subject territory in Burr Oak Township, St. Joseph County, be annexed to the City of Sturgis.

IT IS FURTHER ORDERED THAT the attached Findings of Fact and Conclusions of Law 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 Manager of the State Boundary Commission shall transmit a certified copy of this Order and the attached Findings of Fact and Conclusions of Law to the petitioner and to the clerks of the City of Sturgis, Burr Oak Township, and St. Joseph County and to the Secretary of State.

Kathleen M. Wilbur

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

6/5/00
Date