STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #01-I-1

The proposed incorporation of territory in Holly Township, Rose Township and the Village of Holly into a home rule city.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

SUMMARY OF PROCEEDINGS

A. On March 22, 2001, a petition was filed asking for the incorporation of territory in Holly Township, Rose Township and the Village of Holly into a home rule city.

B. On November 8, 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.

C. On January 16, 2002, a public hearing was held in the Village of Holly to receive testimony given pursuant to Public Act 191 of 1968, as amended.

D. On April 11, 2002, at an adjudicative meeting, State Boundary Commissioners Walker and Ishbia and Oakland County Boundary Commissioner Gillham voted in favor of a motion to recommend that the Director of the Department of Consumer & Industry Services approve the incorporation as petitioned .

E. On May 9, 2002, at an adjudicative meeting, State Boundary Commissioners Walker and Ishbia and Oakland County Boundary Commissioner Stine voted in favor of a motion to recommend approval of the draft Summary of Proceedings and Findings of Fact and Conclusions of Law, as amended, and to recommend that the Director of the Department of Consumer & Industry Services sign the attached Order approving the incorporation petition as described in Attachment A and adopting the Summary of Proceedings and Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Petitioner testified that he is requesting incorporation as a home rule city because:

- Considerable growth is being experienced and a home rule city form of government is the most effective and efficient way of dealing with the growth.
- Governing the Village of Holly is awkward because it is within two townships.
- Becoming a city would give Holly greater autonomy and the most locally controlled government allowed under the Michigan Constitution.
- Becoming a city would provide control over Holly's property tax assessments.
- Becoming a city would eliminate the 1 mill Township property paid by Village property owners.
- The people of Holly should have an opportunity to vote on whether or not they wish to pursue city incorporation.

Testimony from the Village included:

- Holly is the second largest village in the State.
- New city residents would no longer have to support two units of government.
- As a city, Holly residents would have an assessor hired by and accountable to them.
- The people in the Village of Holly should be given the right to vote on whether or not city incorporation should occur.

Testimony from Holly Township included:

- The effect of the Village of Holly incorporating as a city would be crippling and potentially devastating to Holly Township.
- The Village residents receive excellent services for their property taxes paid to the Township.
- The Village would not seriously discuss alternatives to city incorporation with the Township.
- The Master Plan of Holly Township will be significantly impacted by incorporation of the Village as a city; incorporation may well force the Township to aggressively attract new development in areas not currently planned for such intense use.
- Approval of incorporation would encourage the proliferation of small units of government on a scale inadequate to achieve cost efficiencies for providing services.
- If the only function of the Boundary Commission was to pass along every proposal for incorporation so the voters could decide the issue, there would be no need for the exhaustive, deliberate process and the criteria the Legislature has adopted for incorporation issues.

THE COMMISSION FINDS THAT

1. Population, population density, land area, land uses, assessed valuation, topography, and natural boundaries and drainage basins do not preclude the area described in Attachment A from incorporation a home rule city.
2. The past and probable future growth, including population increases and business, commercial, industrial and recreational development in the area do not preclude the area described in Attachment A from incorporation as a home rule city.
3. Comparative data from the municipalities within the area described in Attachment A do not preclude the subject area from incorporation as a home rule city.
4. The need for organized community services, the present cost and adequacy of governmental services in the area described in Attachment A, the probable future need for services, and the practicability of supplying such services in the area to be incorporated do not preclude incorporation of the subject area as a home rule city.
5. The probable effect of the incorporation of the area described in Attachment A on the cost and adequacy of services in the area proposed for incorporation and on the remaining portion of the townships do not preclude the subject area from incorporation as a home rule city.
6. The financial ability of the proposed city to maintain urban services in the area described in Attachment A, the general effect upon the entire community of the proposed incorporation and the relationship of the proposed incorporation to established village, township, county and regional land use plans do not preclude the subject area from incorporation as a home rule city.
7. Approval of the area described in Attachment A for incorporation as a home rule city will provide an opportunity for registered voters within the area proposed for incorporation to vote on whether or not that proposed incorporation should take place.

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 adopting the Findings of Fact and Conclusions of Law.

Lloyd Walker

~~Kenneth VerBurg, Chairperson~~ Lloyd Walker, Acting Chairperson

State Boundary Commission

5/9/02

Date

Part III

ATTACHMENT A

DESCRIPTION OF PROPOSED HOLLY CITY LIMITS

Part of Section 21, Section 22, Section 27, Section 28, Section 33, Section 34, and Section 35, T.5 N., R.7 E., Holly Township, Oakland County, Michigan and part of the Northwest Fractional 1/4 of Section 2, T.4 N., R.7 E., Rose Township, Oakland County, Michigan, described as follows: Beginning at the South 1/4 Corner of Section 33, T.5 N., R.7 E,; thence Northerly 7920 feet, more or less, along the North-South 1/4 line of said Section 33 and Section 28, to the Center of Section 28; thence along said North-South 1/4 line of Section 28, Northerly 47.38 feet; thence along the Southerly line of Lots 6 thru 11 of "MAPLE TREES" Subdivision, Southwesterly 700.00 feet to the West line of said Subdivision; thence Northerly 1105.51 feet along the Westerly line of said "MAPLE TREES" Subdivision, and the extenuation thereof; thence East 686.15 feet to the North-South 1/4 line of said Section 28, said point being South, along said North-South 1/4 line of Section 28, 1605 feet from the North 1/4 Corner of said Section 28; thence Northerly along the North-South 1/4 line of Section 28, 1355 feet, more or less to a point on said 1/4 line, which lies Southerly 40.0 feet from the SW Corner of Lot 12 of "Holly View Subdivision" as recorded in Liber 123 of Plats, Page 20, Oakland County Records, said point also being the North line of "Orchard Valley Village", as recorded in Master Plan 1034, Master Deed Liber 17012, Pages 212-257, Oakland County Records; thence East, parallel to the South line of said Holly View Subdivision and along said North line of Orchard Valley Village, 157.98 feet; thence Northerly, 40.00 feet to the Southeast corner of Lot 12 of said "Holly View Subdivision"; thence along said subdivision the following five courses: Northerly, 147.00 feet, and along a curve to the left of radius 20.00 feet, an arc distance of 31.42 feet, and Easterly, 100.00 feet, and along a curve to the left of radius 20.00 feet, an arc distance of 31.42 feet, and Southerly, along the West line of Lot 11 of said "Holly View Subdivision, 147.00 feet; thence Southerly, along the extenuation of the West line of said Lot 11, 40.00 feet to a point on said North line of Orchard Valley Village; thence East, parallel to the South line of said Holly View Subdivision and along said North line of Orchard Valley Village, 1086.6 feet; thence Northerly, 40 feet to the Southeast corner of Lot 4 of said Holly View Subdivision; thence Northerly, along the East line of Lot 4 and its extenuation of Holly View Subdivision, 210.00 feet to a point on the North line of said Section 28; thence Easterly, 15.00 feet along said North line of Section 28 to the Easterly North-South 1/8 line; thence North along the East North-South 1/8 line of Section 21, 1110.20 feet; thence continuing Northerly along the East North-South 1/8 line, 540.00 feet; thence East, 1318.67 feet to the East line of said Section 21, said point being Northerly, along said East line of Section 21, 1650 feet from the Southeast Corner of Section 21; thence

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along said East line of Section 21, Northerly, 156.23 feet; thence Easterly, parallel to the Southerly East-West 1/8 line of Section 22, 1242.20 feet to the Westerly Right-of-Way line of the Chesapeake and Ohio Railroad; thence along said Westerly line of the Chesapeake and Ohio Railroad, Southerly 1565 feet to the centerline of Quick Road; thence Easterly along said centerline of Quick Road, 100 feet to the Easterly Right-of-Way line of said Chesapeake and Ohio Railroad; thence along the centerline of Quick Road Easterly, 850.90 feet; thence South, 402.06 feet to the South line of Section 22, being also the North line of Section 27, said point being 406.99 feet Westerly of the North 1/4 Corner of Section 27; thence Easterly, along the North line of Section 27, 406.99 feet to the North 1/4 Corner of Section 27; thence continuing Easterly, along the North line of Section 27, 509.55 feet; thence North, 478.33 feet to the Centerline of Quick Road, said point being 509.55 feet East of and parallel with the North-South 1/4 line of Section 22; thence along the centerline of Quick Road, Easterly, 140.00 feet to an angle point in said centerline; thence continuing Easterly along said centerline, 650.94 feet; thence Southerly, 158.5 feet to a point which is 288.9 feet Westerly of Quick Road, said point also being 1294 feet East of and parallel with the North-South 1/4 line of Section 22; thence Easterly, 288.9 feet to the Centerline of Quick Road, said point also being located West, along the South line of Section 22, 1021.91 feet and North, at right angles to the South line of Section 22, 444.34 feet from the Southeast Corner of said Section 22; thence along the centerline of Quick Road Southeasterly, 58.86 feet; thence leaving said Centerline, Southwesterly, 138.61 feet to a point which is 407.98 feet from the Northernmost corner of Lot 12 of Ni-Dell Subdivision; thence Southeasterly, 407.98 feet to said Northernmost corner of Lot 12 of "Ni-Dell Subdivision", recorded in Liber 93 of Plats, Page 22, Oakland County Records; thence continuing Southeasterly along the Easterly line of said Lot 12 of "Ni-Dell Subdivision" and its Southeasterly extension, 211.38 feet to the centerline of Grange Hall Road; thence Southwesterly along the centerline of Grange Hall Road, 673.72 feet; thence Northwesterly along the West line of Lot 6 and it's Southerly extension, 210.00 feet to the Westernmost Corner of said Lot 6; thence Southwesterly, along the Northerly plat line of said Ni-Dell Subdivision, 174 feet to the Westernmost corner of Lot 4 of said Subdivision, said point also being the Easternmost corner of Lot 13 of "Ni-Dell Subdivision No. 2", recorded in Liber 100 of Plats on Page 24, Oakland County Records; thence along the Northeasterly line of said "Ni-Dell Subdivision No 2", Northwesterly, 417.34 to the Northernmost corner of Lot 15 of said "Ni-Dell Subdivision"; thence continuing Northwesterly along said Northeasterly line of "Ni-Dell Subdivision No. 2", 62.76 feet to the Easternmost corner of Lot 31 of said Subdivision; thence continuing Northwesterly along said Northeasterly line of said Subdivision, 147.17 feet to Point "A" (also known as Point B, as designated on the plat of said Ni-Dell Subdivision No. 2).; thence Northwesterly, along the North line of said Lot 31, 66 feet, more or less to the waters edge of Lake Mauna Loa; thence Southerly along said waters edge 1148 feet, more or less to the South line of Lot 22 of said Subdivision, said point being Southwesterly, 40 feet, more or less from Point "A", as designated on the plat of Ni-Dell Subdivision No. 2; thence continuing Southerly along said waters edge of Lake Mauna Loa, 338 feet, more or less to Point B, said point being S35°00'W, 255.40 feet and S26°06'W, 271.98 feet and S03°31'W, 260.02 feet and S39°39'E, 244.53 feet to a point on the Southernmost line of said Lot 22 of "Ni-Dell Subdivision No. 2 and continuing S39°39'E, 97.02 feet and S15°14'50"W, 201.99 feet from said Point "A"; thence leaving said waters edge of Lake Mauna Loa along the

centerline of the ditch connecting Lake Mauna Loa and Bush Lake, Southeasterly, 53.20 feet to the intersection of centerline of Grange Hall Road with the centerline of said ditch; thence Southeasterly to a point on the extension of the Northerly line of Lot 1 of "RIVIERA SHORES" (Liber 99 Pages 11, 12 and 13, Oakland County Records) which is Southwesterly 368.72 feet from the Northwest Corner of said Lot 1 of "RIVIERA SHORES"; thence South, 922.88 feet to a point on the East-West 1/4 line of Section 27; thence East along the East-West 1/4 line of Section 27 to the Northeast Corner of the Northwest 1/4 of the Southeast 1/4 of said Section 27; thence Southerly, 5280 feet, more or less along the Easterly North-South 1/8 line of said Section 27 and Section 34 to the East-West 1/4 line of said Section 34 and Section 35; thence Easterly 2640 feet, along said East-West 1/4 line of said Section 34 and Section 35, to the Westerly North-South 1/8 line of said Section 35; thence continuing Easterly 656.00 feet along said East-West 1/4 line of Section 35; thence Southerly, parallel with the North-South 1/4 line of said Section 35, 203.00 feet; thence Easterly, parallel with the East-West 1/4 line of said Section 35, 150.00 feet; thence Southerly, parallel with said North-South 1/4 line of Section 35, 495.0 feet; thence Easterly, parallel with the East-West 1/4 line of said Section 35, 95.00 feet; thence Northerly, parallel with said North-South 1/4 line of Section 35, 5.00 feet; thence Easterly, parallel with the East-West 1/4 line of said Section 35, 150.00 feet; thence along the Westerly line of the East 16 Acres of the East 1/2 of the Southwest 1/4 of Section 35, Southerly 1992 feet, more or less, to the North line of Section 2, T.4 N., R.7 E., Rose Township to a point which is 1056.00 feet East of the Northwest Corner of the Northeast Fractional 1/4 of the Northwest Fractional 1/4 of Section 2; thence Southerly along the East line of the West 1056 feet of said Northeast fractional 1/4 of the Northwest fractional 1/4 to a point which is 297.00 feet North of the South line of said Northeast Fractional 1/4 of the Northwest Fractional 1/4 of said Section 2; thence Westerly, parallel with the South line of said Northeast fractional 1/4 of the Northwest fractional 1/4 of said Section 2 to the West, North-South 1/8 line of said Section 2; thence Northerly along said Westerly North-South 1/8 line of Section 2 to the North line of said Section 2, also being the South line of said Section 35, T.5 N., R.7 E;, Holly Township, Oakland County; thence Westerly 9240 feet more or less along said Southerly lines of Section 35, Section 34, and Section 33 of Holly Township, to the point of beginning.

VILLAGE OF HOLLY

Name of Plat	Lot Size	Number of Lots
Assessor's Plat No 1	1 - 42	42
Assessor's Plat No 2	1 - 18	18
Bairds Addition	1 - 67	67
Bairds Western Addition	1 - 63	63
Baird And Green Addition	1 - 20	20
	1 - 20	20
	1 - 19	19
	22 - 24	3
Harry M Baldwin Addition	1 - 17	17
Bevin Lake Subdivision	1 - 46	46
Fenwick Addition	1 - 12	12
Grover's Subdivison	1 - 10	10
Hadley Out Lots	1 - 14	14
Hardens Addition	1 - 71	71
Holly Bush Shores	1 - 14	14
Holly Bush Shores No 2	15 - 49	35
Holly Farms No 1	1 - 61	61
Holly Farms No 2	63 - 100	38
Holly Manor Subdivision	1 - 9	9
Hollywood Subdivision	1 - 132	132
Inter-Laken Park Addition	1 - 27	27

Lakeside Homesites		1 - 71	71
Lakeside Homesites No 2		72 - 115	44
Mapefield Addidtion		1 - 52	52
Mittchell's Addition			
	No 1	1 - 20	20
	No 2	1 - 20	20
	No 3	1 - 20	20
	No 4	1 - 20	20
	No 5	?	
	No 6	1 - 6	6
	No 7	1 - 7	16
	No 8	1 - 8	16
	No 9	1 - 8	8
Northern Addition		1 - 26	26
T L Patterson Addition		0 - 17	18
James B Simmonson's Addition		18 - 35	18
James B Simmonson's Add 2nd div		35 - 72	38
James Clarence Simmonson's Add		74 - 104	31
Smith's Addition		11 - 38	28
Stiffs Addition		1 - 13	13
Supervisors Plat No 1		1 - 41	41
Supervisors Plat No 2		1 - 70	70
Supervisors Plat No 3		1 - 46	46
Supervisors Plat No 4		1 - 31	31
Supervisors Plat No 5		1 - 7	7
Supervisors Plat No 6		1 - 29	29
Supervisors Plat No 9		1 - 23	23

STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #01-I-1

The proposed incorporation as a home rule city of territory in Holly Township, Rose Township and the Village of Holly.

FINAL ORDER

IT IS ORDERED THAT the effective date of these Findings of Fact and Conclusions of Law and Order approving the incorporation of territory described in Attachment A shall be May 24, 2002 unless prior to July 8, 2002, a valid petition for a referendum is filed with the State Boundary Commission.

IT IS FURTHER ORDERED THAT, if a valid petition for a referendum is filed during the above stated 45-day period, the Order for a referendum on the question of incorporation shall include a new effective date for these findings of Fact and Conclusions of Law and Order, which shall be a least 10 days later than the date of the referendum.

IT IS FURTHER ORDERED THAT, if a referendum is held with the majority of the voters in the area proposed for incorporation voting no on the question of incorporation, then the Order approving the incorporation is null and void.

IT IS FURTHER ORDERED THAT, the Manager of the State Boundary Commission shall transmit a certified copy of the Findings of Fact and Conclusions of Law and this Order to the Petitioner and to the clerks of Holly Township, Rose Township, the Village of Holly and Oakland County.

Kathleen M. Wilbur

Kathleen M. Wilbur. Director

5/14/02

Date

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

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Docket #01-I-1

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_____/

FINAL ORDER

WHEREAS, the Director of the Department of Consumer & Industry Services approved the incorporation of territory in Holly and Rose Townships and the Village of Holly as a home rule city, and

WHEREAS, more than 5% of the registered electors in the area approved for incorporation have signed and filed a valid petition within the 45 day time limit, asking for an election on the incorporation, as authorized in Public Act 191, of 1968, as amended;

IT IS ORDERED THAT: The registered electors in the area approved for incorporation shall approve or reject this incorporation at a special election to be held November 5, 2002. If a majority of those voting approves the incorporation, the effective date for the Findings of Fact and Conclusions of Law and Final Order signed on May 14, 2002, shall be November 18, 2002.

IT IS FURTHER ORDERED THAT: The attached ballot language shall be used; the Holly Village Clerk shall print the ballots for the election; the Village Clerk shall conduct and direct the election in compliance with State election laws; the Oakland County Board of Canvassers shall certify the election results to the State Boundary Commission; and the Village of Holly shall pay the expense of the election.

Kenneth VerBurg

Kenneth VerBurg, Chairman
State Boundary Commission

July 11, 2002
Date

Ronald M. Basso

Ronald M. Basso, Acting Director
Department of Consumer & Industry Services

August 5, 2002
Date

SHALL THE VILLAGE OF HOLLY INCORPORATE AS A HOME RULE CITY.

YES

NO