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

In the matter of:

Boundary Commission
Docket #00-AR-6

The proposed incorporation of
territory in **Custer Township**
into the **City of Sandusky.**

_____/

SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter of the proposed annexation, consisting of the following territory in Custer Township into the City of Sandusky, is described in Exhibit A.

SUMMARY OF PROCEEDINGS

A. On **June 27, 2000,** a petition was filed by the City of Sandusky asking for the annexation of a portion of Custer Township into the City of Sandusky.

B. On **October 12, 2000,** an adjudicative meeting of the State Boundary Commission was held 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 **December 14, 2000,** a public hearing was held in the Sandusky area to receive testimony pursuant to Public Act 191 of 1968, as amended.

D. On **June 7, 2001**, at an adjudicative meeting, State Boundary Commissioners VerBurg, Walker and Ishbia and Sanilac County Boundary Commissioners Mee and Babich 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 in Exhibit A.

E. On **July 26, 2001**, at an adjudicative meeting, State Boundary Commissioners VerBurg, Walker and Ishbia and Sanilac County Boundary Commissioners Mee and Babich voted to recommend that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation and adopting the Summary of Proceedings and Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The City testified that annexation of the subject property is requested because:

- The owner of the property requested annexation into the City and has been receiving City sanitary sewer at the same rate as residents of the City since 1997.

Testimony from the Township included:

- The property owner is already receiving City sanitary sewer at the same rate as City residents and, therefore, there is no rationale for annexation.
- The City connected the property owner to the City sanitary sewer system illegally because there is no franchise agreement between the City and the Township to allow the connection.
- The City's terms for an agreement regarding the subject property were inadequate.

THE COMMISSION FINDS THAT

1. The proposed annexation will not have a deleterious effect on the broader community.

2. The City of Sandusky has the ability and the capacity to continue providing public water and sanitary sewer services to the subject area.

3. The City of Sandusky and Custer Township have been unable to reach an Act 425 Agreement or an Urban Cooperation Agreement concerning the subject property.

4. The property owner has requested that his property be annexed to the City.

5. Annexation of the subject property would be beneficial to the area's environment.

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

Kenneth VerBurg, Chairperson
State Boundary Commission

July 26, 2001
Date

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DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
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_____/

FINAL ORDER

IT IS ORDERED THAT the subject territory described in Exhibit A in Custer Township, Sanilac County, be annexed to the City of Sandusky.

IT IS FURTHER ORDERED THAT the attached Summary of Proceedings and 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 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 the clerks of the City of Sandusky, Custer Township, and Sanilac County and to the Secretary of State.

Kathleen M. Wilbur

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

8/28/01
Date

Exhibit A

ANNEXATION PETITION
BY
COUNCIL RESOLUTION

FILED

JUN 27 2000 00 AR 06

STATE BOUNDARY COMMISSION

@10:15am

SANDUSKY ANNEXATION PETITION 00-2

PART III

The Territory to be annexed to the City of Sandusky is described as :

Commencing at the NW Corner of Section 33, T12N-R14E, Custer Twp, Sanilac Co., MI, thence S0°43' W 1093.60 feet along the West Section Line to the Point of Beginning.
RUNNING THENCE S87° 08' 40"E 330.0 feet, thence S 0° 43'W 224.0 feet, thence N87°06'04"W 330.0 feet, thence N0°43'E 223.75 feet to the Point of Beginning;