

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
STATE BOUNDARY COMMISSION

In the matter of:

**Boundary Commission
Docket # 06-AR-2**

**The proposed annexation of territory
in Garfield Township to the City of Newaygo,
Newaygo County.**

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

SUMMARY OF PROCEEDINGS

1. On September 22, 2006, a petition designated as Docket #06-AR-2 was filed with the State Boundary Commission requesting the annexation of certain territory in Garfield Township to the City of Newaygo, Newaygo County, as described in Attachment A.
2. On January 18, 2007, the State Boundary Commission examined the petition for legal sufficiency at an adjudicative meeting held in Lansing. The Commission unanimously declared the petition to be legally insufficient.
3. On February 15, 2007, the State Boundary Commission unanimously adopted this Summary of Proceedings, Findings of Fact and Conclusions of Law to reject the petition for legal sufficiency at an adjudicative meeting held in Lansing.

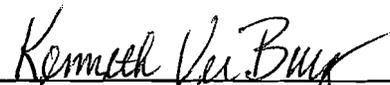
FINDINGS OF FACT

1. The petition neither clearly nor correctly identified the boundary of the territory proposed for annexation to the City of Newaygo.

2. Except for the northern boundary of Parcels A and B, the Part I map incorrectly identified the areas surrounding the territory proposed for annexation as being within the City of Newaygo limits. Instead, the areas surrounding the territory proposed for annexation are the subject of numerous Act 425 conditional transfer agreements.
3. The Part I map and Part III legal description incorrectly identified the City of Newaygo and Garfield Township along the west line of Parcel B of the proposed annexation. The territory proposed for annexation includes a portion of the City of Newaygo by nearly 9 feet at the northwest corner of Parcel B.
4. The west half of highway M-37 is the subject of an Act 425 conditional transfer agreement. Therefore, the contiguity requirement for lots 5, 6, 7, and 8 in Parcel A is not met.
5. Public Act 425 of 1984, as amended, permits "the conditional transfer of property" between local units of government for economic development purposes. Section 9 of the act (MCL 124.29) states that "While a contract under this act is in effect, another method of annexation or transfer shall not take place for any portion of an area transferred under the contract."

CONCLUSIONS OF LAW

1. The Findings of Fact in this docket support the unanimous decision of the Commission to **reject** this petition for legal sufficiency on the ground that it fails to conform to the Boundary Commission Act, the Boundary Commission Administrative Rules, and other statutory requirements which are relevant to legal sufficiency criteria.
2. Pursuant to Section 8 of Public Act 191 of 1968, as amended, and Boundary Commission Administrative Rule R.123.47, a copy of this Summary of Proceedings, Findings of Fact and Conclusions of Law shall be transmitted to the petitioner, and to the clerks of the City of Newaygo, the Township of Garfield, and the County of Newaygo.



Kenneth VerBurg, Chairman

February 15, 2007