

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
STATE BOUNDARY COMMISSION

In the matter of:

State Boundary Commission
Docket# 15-AP-3

The proposed annexation of land in Lapeer Township to the City of Lapeer, Lapeer County.

**SUMMARY OF PROCEEDINGS,
FINDINGS & CONCLUSIONS**

SUMMARY OF PROCEEDINGS

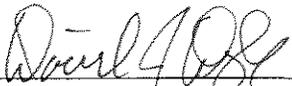
1. On November 5, 2015 a petition requesting the annexation of land areas in the Township of Lapeer to the City of Lapeer was filed with the State Boundary Commission by the Land Owners under Section 9(7)(b) of the Home Rule City Act 1909, PA 279, MCL 117.1 - 117.38 and 117.9(7)(b). The map and legal description for the area proposed for annexation are included as **Part I Map and Part III Legal Description**.
2. On December 9, 2015, the State Boundary Commission unanimously found this petition to be legally sufficient and scheduled a public hearing to be held on February 10, 2016.
3. Lapeer Township and the City of Lapeer each completed the State Boundary Commission's **Criteria Questionnaire for Annexation**. The completed questionnaires were received by the Commission on January 21, 2016 and January 22, 2016, respectively. The petitioners, who are two landowners, each completed the State Boundary Commission's **Petitioner Questionnaire for Annexation**. This questionnaire was received by the Commission on January 8, 2016 and January 13, 2016.
4. On February 10, 2016 the Commission held a public hearing in the City of Lapeer at the City Hall. At the hearing, the Commission heard comment from the involved parties and members of the public on the merits of the proposed annexations. Following the hearing, a 30-day public comment period was opened and expired on March 12, 2016. Following the 30-day public comment period, a 7-day rebuttal period opened April 1, 2016 and expired on April 8, 2016.
5. On June 8, 2016, the State Boundary Commission voted 3-1 to recommend to the Director of the Department of Licensing and Regulatory Affairs that the petition for annexation be **denied**.

FINDINGS

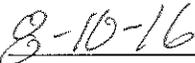
1. The Lapeer Township tract proposed to be annexed into the City of Lapeer is within Lapeer Township.
2. The primary reason the Land Owners are initiating annexation of Lapeer Township parcels is the Township does not have the ability to provide adequate public water and sewer service to the property for the type of development that the Land Owners intend. The Township pointed out a neighboring parcel has a daycare facility that operates on well and septic systems.
3. Annexing the property will allow access to the City's larger, full service police department which would also be a benefit to the commercial development.
4. The City of Lapeer and the Township of Lapeer entered into an Inter-Local Agreement on December 4, 2006 and reaffirmed the Agreement on March 19, 2007. Section 3 of the Agreement states "The City agrees to make municipal sewer and water services available to the areas shown on the Exhibit B map". However, Section 4 states that "In the case of properties located in the TOWNSHIP, adjacent to the west side of M-24, the sewer and water tap-ins may be used for offices. None of the sewer and water tap-ins may be used for commercial, industrial, apartments or attached condominium units. Section 12 of the Inter-local agreement states that "The boundaries of the CITY shall not be extended into any lands adjacent to lands described in the Agreement in the absence of explicit TOWNSHIP approval." And "To accomplish the intent of the Agreement provision, the CITY shall not file, support or encourage annexation petitions with the State Boundary Commission. Both the CITY and the TOWNSHIP commit to openly oppose any such annexation petitions which may come up for public hearing at the State Boundary Commission."
5. The residents of Lapeer Township have supplied comment on the annexation and a large majority of residents commenting oppose the annexation for reasons of disturbance to their quiet residential community.
6. As of June 8, 2016, the Township had not been approached with any request for zoning change or plans.

CONCLUSIONS

1. The State Boundary Commission has considered the requirements in Section 9 of 1968 PA 191, MCL 123.1009 and has come to the conclusion that these criteria support the majority vote of the Commission in its consideration of this Docket and as set forth in the accompanying Findings. The Commission recommends that in the case of Docket #15-AP-3, Petition for Annexation of land in Lapeer Township to the City of Lapeer, Lapeer County, be **denied** by the Director of the Department of Licensing and Regulatory Affairs.
2. Pursuant to Executive Reorganization Order 1996-2, this denial is contingent on the concurrence of the Director of the Department of Licensing and Regulatory Affairs.



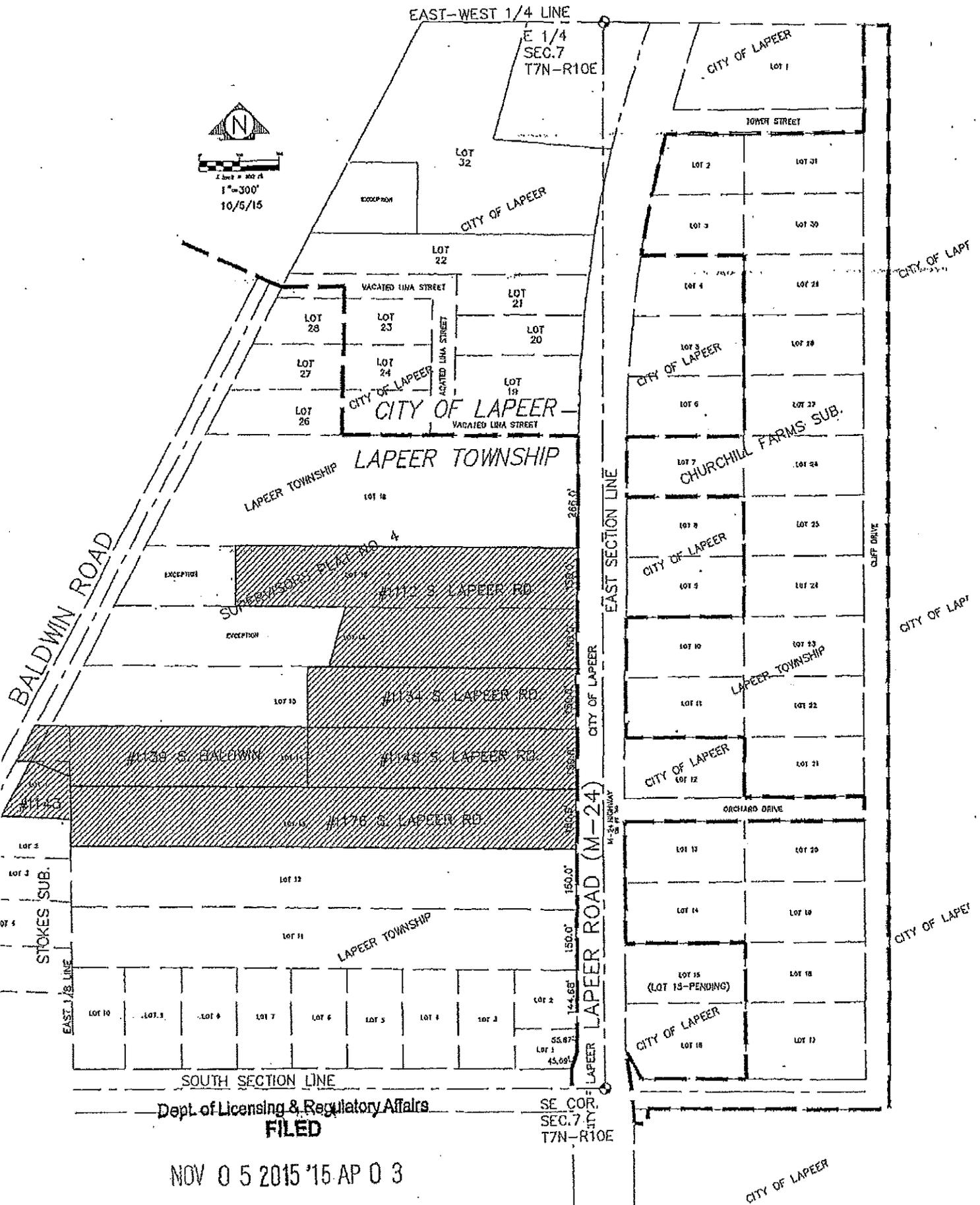
David Doyle, Chairperson



Date

Part I - Maps

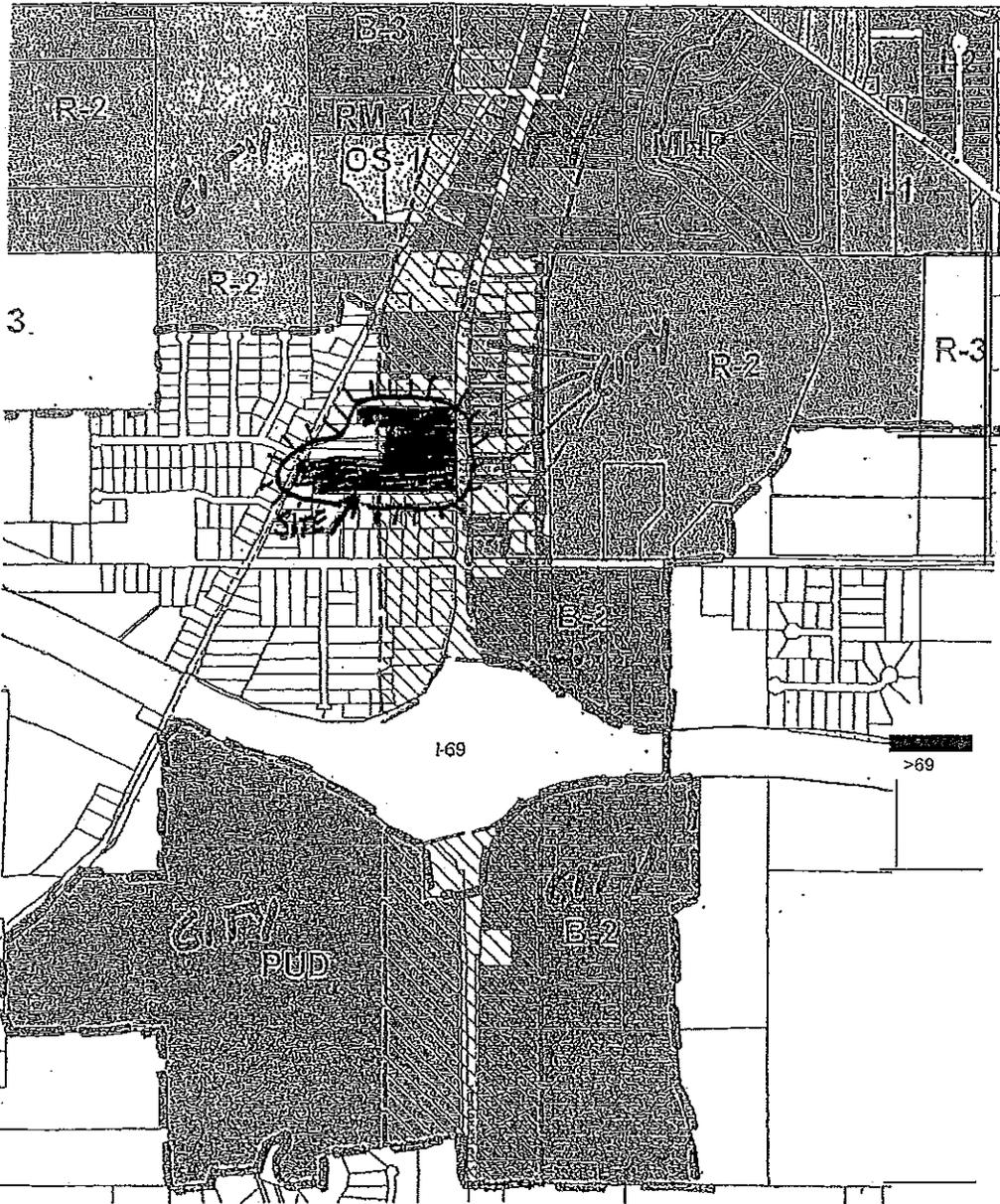
PART 1: MAP



Dept. of Licensing & Regulatory Affairs
FILED

SE COR.
SEC. 7
T7N-R10E

NOV 05 2015 15 AP 03
STATE BOUNDARY COMMISSION



ZONING DISTRICTS

- R-1 SINGLE-FAMILY RESIDENTIAL
- R-2 SINGLE-FAMILY RESIDENTIAL
- R-3 SINGLE-FAMILY RESIDENTIAL
- RM-1 MULTIPLE-FAMILY RESIDENTIAL
- RM-2 MULTIPLE-FAMILY RESIDENTIAL
- MHP MANUFACTURED HOME PARK
- OS-1 OFFICE SERVICE
- B-1 NEIGHBORHOOD BUSINESS
- B-2 GENERAL BUSINESS
- B-3 REGIONAL BUSINESS
- CBD-1 CENTRAL BUSINESS
- CBD-2 CENTRAL BUSINESS
- I-1 INDUSTRIAL
- I-2 PLANNED INDUSTRIAL
- P-1 PARKING
- PUO PLANNED UNIT DEVELOPMENT
- MIJ MIXED-USE OVERLAY
- M-24 OVERLAY

Dept of Licensing & Regulatory Affairs
FILED

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NOV 05 2015 '15 AP 03

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Part III – Legal Description

PART III

OVERALL LEGAL DESCRIPTION OF LAND PROPOSED TO BE ANNEXED

Lot 1, Stokes Subdivision, as recorded in Liber 2 of Plats, Page 9, Lapeer County Records, AND Lot 13, Lot 14, East 663.10 feet of Lot 15, Lot 16 except west half thereof, Lot 17 EXCEPT the following described parcel: Commencing at the Southwest corner of Lot 17 of Supervisor's Plat No.4 of part of the Southeast $\frac{1}{4}$ of Section 7 and Southwest $\frac{1}{4}$ of Section 8, Town 7 North, Lot 17, thence West along the *North* line of said Lot 17 to the Northwest corner thereof, thence Southerly along the East line of Baldwin Road, 165.85 feet to the place of beginning, Supervisor's Plat No.4 as recorded in the Office of the Register of Deeds for the County of

Range 10 East, Lapeer Township, Lapeer County, Michigan, running thence Easterly along the South line of Lot 7, 170 feet; thence North 150 feet, more or less, to the North line of said

of Section 7, Town 7 North, Range 10 East, thence North 742.8 feet along the East line of said Section 7, thence North 88 degrees 38 minutes West 1325.37 feet to the East eighth line, thence North 0 degrees 19 minutes West 61.58 feet along said East eighth line to the Northeast corner of Lot 1, Stokes Subdivision at the a point of beginning, thence North 89 degrees 11 minutes West 129.46 feet to the center line of Baldwin Road, thence North 27 degrees 58 minutes East 100 feet along the center line of said Baldwin Road thence South 89 degrees 11 minutes East 82.0 feet to the said East eighth line, thence South 0 degrees 19 minutes East 88.42 feet to the place of beginning, Section 7, Town 7 North, Range 10 East, Lapeer Township, Lapeer County, Michigan.

Dept of Licensing & Regulatory Affairs
FILED

NOV 05 2015 '15 AP 03

STATE BOUNDARY COMMISSION

DRAFT Meeting Minutes for June 8, 2016



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
KEITH LAMBERT
DIRECTOR

SHELLY EDGERTON
DIRECTOR

STATE BOUNDARY COMMISSION

Meeting Location:
702 W. Kalamazoo Ave., Superior Conference Room
Lansing, Michigan 48915

MINUTES
June 8, 2016

LAPEER COUNTY DOCKET # 15-AP-3

MEMBERS PRESENT

Mr. David Doyle, Chairman
Mr. Michael Rice, State Commissioner
Ms. Pam Jarvis, State Commissioner
Denis McCarthy, Local Commissioner, City of Lapeer

DEPARTMENT PERSONNEL ATTENDING

Mr. Michael Barger, P.S. Director of the Office of Land Survey and Remonumentation
Ms. Toni Nelson, Secretary for the Office of Land Survey and Remonumentation
Mr. Keith Lambert, Director of the Bureau of Construction Codes
Mr. Patrick Fitzgerald, Assistant Attorney General

OTHERS IN ATTENDANCE

Ms. Dawn M. Walker, Lapeer Township
Mr. Phillip Thick, Lapeer Township
Mr. Pete Lucia, Property Owner Representative

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Doyle called the meeting to order at approximately 1:46 p.m. and read the Opening Statement. A quorum was determined present at that time.

2. APPROVAL OF AGENDA

the Agenda for the meeting. **MOTION CARRIED UNANIMOUSLY.**

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State Boundary Commission – 15-AP-3

Page 2

June 8, 2016

3. **APPROVAL OF DRAFT MINUTES**

A **MOTION** was made by Commissioner Rice and seconded by Commissioner Jarvis to approve Draft Minutes for Docket #15-AP-3, Lapeer County for the December 9, 2015 meeting. **MOTION CARRIED UNANIMOUSLY.**

4. **DOCKET # 15-AP-3**

a. **Staff Review of Docket:**

Staff and Commissioners reviewed the docket activity.

b. **Questions, Answers and Discussions with Involved Parties:**

Chairman Doyle asked if there were any questions or comments.

Ms. Walker, Township Clerk, Lapeer Township, expressed her concerns with noise, lights, run-off and traffic. Stated it's a single family community. Ms. Walker also stated there were no petitions brought to the township concerning this annexation.

Mr. Thick, Lapeer Township Board member, expressed concerns with emergency assistance and law enforcement.

Mr. Lucia, Representative for the property owners, stated changes to the plans could be made to address local concerns.

Rebuttals:

Mr. Thick brought up the Inter-local Agreement between the Township and the City. The City and Township, in the agreement, agreed not to annex any land for 50 years. He also stated there is property a little further South that is perfect approved property for this project.

Ms. Walker stated there are commercial buildings in the Township and they support their water and sewer needs.

Mr. Lucia commented the East Side of M-24 has high power water and large capacity sewer systems available, but cannot get Commercial Zoning.

Chairman Doyle asked how the public was notified of the Inter-local Agreement.

The Inter-local Agreement states in part, "#12 BOUNDARY PROTECTION. The boundaries of the CITY shall not be extended into any lands adjacent to lands described in this Agreement in the absence of explicit TOWNSHIP approval. In the event there is mutual agreement to any such future additional annexations, all terms of this Agreement shall apply to any such annexations. To accomplish the intent of this Agreement provision, the CITY shall not file, support or encourage annexation petitions with the State Boundary Commission. Both the CITY and the TOWNSHIP commit to openly oppose any such annexation petitions which may come up for public hearing at the State Boundary State Boundary Commission – 15-AP-3

Page 3

June 8, 2016

Commission. The provisions of this section shall be applicable for a period of fifty (50) years from the date of this Agreement.”

After some further discussion Chairman Doyle asked the Commission members if they had any additional questions, they did not. Stated they were ready to vote on a recommendation to the Director.

c. Commission Deliberation and Action:

A **MOTION** was made by Commissioner Rice and **SECONDED** by Commissioner McCarthy that The Boundary Commission vote to **Approve** the annexation. A vote was taken and the **MOTION FOR APPROVAL** was **DENIED** with a vote of 1 yay, 3 nay. The Commission will recommend **DENIAL** to the Director, for the annexation of the land in Lapeer Township to the City of Lapeer in Docket # 15-AP-3.

Determining factors in the Commissioners recommendation to the Director:

- The overwhelming response from the affected community opposing the annexation to maintain the rural, small community lifestyle of Lapeer Township □ Township was not approached with a request for a zoning change.
- The contents of the Inter-Local Agreement, signed by both the city and the township.

5. ADJOURNMENT

A **MOTION** was made by Commissioner Doyle and seconded by Commissioner Jarvis to adjourn this session on Docket #15-AP-3. **MOTION CARRIED UNANIMOUSLY**. The meeting was adjourned at 2:30 p.m.

APPROVED:

Dave Doyle, Chairman
State Boundary Commission

Date