



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVEN H. HILFINGER
DIRECTOR

**STATE BOUNDARY COMMISSION
BUREAU OF CONSTRUCTION CODES**

Meeting Location:
2501 Woodlake Circle - Conference Room 3/First Floor
Okemos, Michigan 48864

MINUTES
November 17, 2011

DOCKET# 11-AP-2
CLAM LAKE TOWNSHIP
WEXFORD COUNTY

MEMBERS PRESENT

Mr. Dennis Schornack, Chairman
Mr. Cameron Priebe, State Commissioner
Mr. James Stewart, State Commissioner
Mr. Edward Van Alst, Local Commissioner

MEMBERS ABSENT

Mr. Hubert Toupin, Local Commissioner

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS PERSONNEL
ATTENDING

Mr. Kevin O'Brien, P.S., Office of Land Survey and Remonumentation
Mrs. Angela Sanderson, Secretary for the Office of Land Survey and Remonumentation

OTHERS IN ATTENDANCE

Mr. William Fahey, Attorney for Clam Lake Township
Mr. Randall Kraker, Representing petitioners
Mr. Michael Homier, Attorney for City of Cadillac
Mr. Ronald Redick, Attorney for Haring Township

1. CALL TO ORDER AND DETERMINATION OF QUORUM

- a. Chairman Schornack called the meeting to order at approximately 1:50 p.m. and read the Opening Statement. A quorum was determined present at that time.

Providing for Michigan's Safety in the Built Environment

LARA is an equal opportunity employer
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
P.O. BOX 30254 • LANSING, MICHIGAN 48909
www.michigan.gov/bcc • Telephone (517) 241-9302 • Fax (517) 241-9570

2. **DOCKET # 11-AP-2 – ESTABLISHMENT OF LEGAL SUFFICIENCY OF PETITION FILED ON JUNE 3, 2011 FOR THE PROPOSED ANNEXATION OF LAND IN CLAM LAKE TOWNSHIP TO THE CITY OF CADILLAC, IN WEXFORD COUNTY**

a. **Presentations:**

Chairman Schornack explained that the adjudicative session will now examine the legal sufficiency of the petition that was filed with the State Boundary Commission on June 3, 2011.

Kevin O'Brien refers to and reads the Legal Sufficiency Memorandum document prepared by Commission Staff. He explained that OLSR has requested that the State Boundary Commission examine the validity of the 425 agreement between Clam Lake Township and Haring Township following a review of the evidence at the public hearing.

Commission questions/discussion/deliberation: Discussion ensued.

Commissioner Van Alst discussed the supportive documents to the petition and whether or not US131 can be included as a street. Mr. O'Brien answered saying that it is the opinion of the attorneys that it is a street.

Commission questions/discussion/deliberation: Discussion ensued.

b. **Involved Parties:**

Mr. Kraker, representing petitioners, concurred with the recommendation by staff. He then discussed the Part 1 map. He concluded by saying that having met all the requirements, the petition should be deemed legally sufficient.

Mr. Homier, City of Cadillac supported annexation as petitioned and requested that the commission follow staff's recommendation to deem it legally sufficient.

Mr. Fahey, attorney for Clam Lake Township, had an objection regarding the petition meeting the 75% requirement. He discussed the limited access of right of way. His second objection was regarding failure of the legal description and map to match each other. He described a "3 foot gap" discrepancy between the map and one of the runs that is described in the part 3 of legal description.

Mr. O'Brien explained that he believes that the 3 foot discrepancy between the Part III legal description the label on the Part I map is a minor typographical error only. Chairman Schornack further discusses the legal description discrepancy issue.

Commission questions/discussion/deliberation: Discussion ensued.

Mr. Fahey discussed the issue of the 425 agreement. He stated his objection in reference to the intention of the commission staff to look at the 425 agreement at the public hearing for this docket. He argued that a public hearing can't be held on a case where you may not have jurisdiction. He suggested holding the hearing first on the validity of the 425 agreement and then go from there through the process.

Commission questions/discussion/deliberation: Discussion ensued.

c. Public Comment:

Mr. Redick, on behalf of Haring Township, discussed economic development on the land in Haring Township and stated that it does provide its own water and wastewater supply services, even though waste water treatment comes from the City of Cadillac.

Commissioner Stewart had questions/comments to Mr. Redick. He then addressed Mr. Fahey about having the hearing on the validity of the 425 agreement first.

Commission questions/discussion/deliberation: Discussion ensued.

Commissioner Priebe questioned the 3 foot discrepancy issue between the legal description and the label on the Part I Map.

Mr. O'Brien answered saying that he believes that the Part I map has a typographical error in a label of the 3 feet. He explained that when adding up the distances on the map that it equals the correct amount from the section line as described in the legal description and the bearings and distances in the legal description match those shown on the map.

Commission questions/discussion/deliberation: Discussion ensued.

2. COMMISSION ACTION

- a. A **MOTION** was made by Commissioner Stewart and supported by Chairman Schornack in favor of the petition being declared as legally sufficient.

MOTION CARRIED 3-1. Commissioner Priebe voting nay.

A **MOTION** was made by Commissioner Priebe and supported by Commissioner Stewart to recommend dates to hold public hearing for this docket. It was determined that the public hearing will be held on Monday, January 9, 2012 at 4:00 pm.

3. **ADJOURNMENT**

A MOTION was made by Chairman Schornack and supported by Commissioner Priebe to adjourn the session on Wexford County.

MOTION CARRIED UNANIMOUSLY. Meeting adjourned at approximately 2:41 p.m.

APPROVED:

Dennis Schornack, Chairman
State Boundary Commission

Date

DRAFT