

STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

STATE BOUNDARY COMMISSION

In the matter of:

**State Boundary Commission
Docket # 12-AP-1**

**The proposed annexation of land in
Lodi Township to the City of Saline
Washtenaw County.**

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

SUMMARY OF PROCEEDINGS

1. On June 28, 2012, a petition was filed with the State Boundary Commission requesting that the land owned by Keystone Community Church be annexed to the City of Saline from Lodi Township. The stated purpose of this request was to access the City of Saline's municipal water and sewer for a proposed expansion of the church building. The site currently has on-site well and septic which the proposed expansion would eliminate and there is not enough room to accommodate the proposed expansion and a replacement septic system. The legal description of the area proposed for annexation is described in "Attachment A".
2. On October 3, 2012, the State Boundary Commission staff issued its comments to the commission after reviewing the petition for legal sufficiency. Staff stated "Based upon our review of the content of the petition, we are of the opinion that the petition to request the annexation of land in Lodi Township to the City of Saline, Docket #12-AP-1, meets legal sufficiency."
3. On October 10, 2012, at an adjudicative meeting, the State Boundary Commission examined the petition for legal sufficiency at a meeting held in Okemos. Local Commissioner Prater moved, and State Commissioner Stewart seconded, the motion that the petition be found as legally sufficient. The Commissioners present voted unanimously to declare this petition legally sufficient and expanded the area proposed for annexation for public comment. The expanded

area included the area in Lodi Township to the east of the church's property, which would be an "enclave" of Township land if the petition was granted as proposed, as well as an existing "enclave" of Lodi Township land along Ann Arbor-Saline Road southeast of the Keystone Church property. The Commission also scheduled the public hearing in Saline for December 5, 2012.

4. On December 5, 2012, the Commission held a public hearing in Saline. The 30-Day comment period expired on January 4, 2013; and the 7-Day rebuttal period opened on January 23, 2013, and expired on January 29, 2013.
5. On April 17, 2013, at an adjudicative meeting in Okemos, the State Boundary Commission voted 5-0 to recommend that the Director of the Department of Licensing and Regulatory Affairs deny the petition requesting the annexation of land in Lodi Township to the City of Saline.

FINDINGS OF FACT

1. The State Boundary Commission finds that the petition, if approved as submitted, would create an "enclave" of land under Lodi Township's jurisdiction that would be completely surrounded by land under the jurisdiction of the City of Saline. In *Township of Plymouth v. State Boundary Commission*, Ingham County Circuit Court Docket No. 76-18718 AA, the court reversed a decision by the State Boundary Commission where they had created an "enclave" of land. The State Boundary Commission's decision left a land area that was under the Township's jurisdiction but surrounded by land under the jurisdiction of the City, the land area had no contiguity to other lands under the Township's jurisdiction. The Circuit Court cited Michigan Supreme Court and Court of Appeals cases as precedent in its decision.
2. There is opposition to the "expanded" area being included in the annexation. A majority of the property owners residing in the "expanded" area provided verbal opposition at the public hearing and in written form during the comment period. They were opposed for many reasons including the significant increase in taxes and the requirement to pay hook-up and usage fees for water and sewer services.
3. At its December 17, 2012 meeting, the City Council of Saline reaffirmed its commitment to having only those parcels within the City's boundaries receive City services.
4. The existing "enclave" of Lodi Township land along Ann Arbor-Saline Road currently receives municipal water and sewer services but are billed at a rate three times higher than City residents are. These services and billing rate were established in the 1970's.
5. The area of the proposed annexation is tax-exempt.

6. City water and sewer services are available near the boundary of the Keystone Community Church property.

CONCLUSIONS OF LAW

The State Boundary Commission has considered the criteria stipulated under Section 9 of 1968 PA 191, and the testimony and information contained within the record of this docket, and has come to the conclusion that this information supports its unanimous decision to recommend that the proposed annexation of land in Lodi Township to the City of Saline be denied by the Director of the Department of Licensing and Regulatory Affairs.

Pursuant to Executive Reorganization Order 1996-2, this approval is contingent on the concurrence of the Director of the Department of Licensing and Regulatory Affairs.

Dennis Schornack, Chairman
State Boundary Commission

Date

DRAFT

ATTACHMENT A

PART III ANNEXATION BY AT LEAST 75% OF LAND LEGAL DESCRIPTION FOR ANNEXATION

PART OF SECTION 36, T3S, R5E, LODI TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE WEST 1/4 POST OF SAID SECTION 36; THENCE S89° 17' 34"E 625.00 FEET; THENCE S02° 10' 56"W 531.94 FEET TO THE NORTH LINE OF BRECONSHIRE CONDOMINIUM, ACCORDING TO AMENDMENT NO. 1 OF THE MASTER DEED THEREOF IN LIBER 4396, PAGE 934, WASHTENAW COUNTY RECORDS, AND ALSO THE CORPORATE LIMITS OF THE CITY OF SALINE; THENCE N89° 17' 34"W 625.04 FEET ALONG SAID NORTH LINE AND CORPORATE LIMITS TO THE WEST LINE OF SAID SECTION 36; THENCE N02° 11' 13"E 531.94 FEET ALONG SAID WEST SECTION LINE TO THE POINT OF BEGINNING. CONTAINING 7.63 ACRES, MORE OR LESS. BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33 FEET OF SALINE-WATERWORKS ROAD. ALSO BEING SUBJECT TO THE EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.