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

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DIRECTOR

Memorandum

DATE: November 2, 2012

TO: Members of the State Boundary Commission

FROM: Kevin O'Brien, P.S. *Ko*
Office of Land Survey and Remonumentation (OLSR)

SUBJECT: Docket #12-AP-2 Legal Sufficiency Review
Petition for Annexation of land in Eureka Township to the City of Greenville
(Montcalm County)

The petition to request the annexation of land in Eureka Township to the City of Greenville, Docket #12-AP-2, was filed with the State Boundary Commission on October 18, 2012.

Staff Review of Legal Sufficiency:

1. Documentation provided by the petitioner verifies that the petitioner owns record title to at least 75 percent of the area proposed for annexation as required to file a petition before the Boundary Commission under section 9(7)(b) of the Home Rule City Act, 1909 PA 279, MCL 117.9(7)(b).
2. The petition contains an 11" x 17" Part I Map which is unambiguous as required by State Boundary Commission Rule 25(2). The Part III Legal Description closes mathematically and is substantially accurate and consistent with the Part I Map as required by State Boundary Commission Rules 25 and 27. However, the caption of the Part III Legal Description does not encompass the entire area of the land proposed for annexation in the body of the description. The caption as submitted reads, "Part of the West one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 11, Town 9 North, Range 8 West, Eureka Township, Montcalm County, Michigan." The caption should read, "Part of the Northwest one-quarter of Section 11, Town 9 North, Range 8 West, Eureka Township, Montcalm County, Michigan." We believe this is a minor typographical error and that it does not invalidate the description of the land proposed for annexation.

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3. Based on the documentation provided by the Secretary of State as of October 26, 2012, the territory proposed for annexation in the Part III Description is contiguous with the limits of the City of Greenville.

Staff Opinion on Legal Sufficiency:

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 Eureka Township to the City of Greenville, Docket #12-AP-2, meets legal sufficiency. The Commission may consider our review and opinion, along with the petition and other evidence and testimony presented at the December 12, 2012 meeting, when making their decision.