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Memorandum

DATE: July 26, 2012

TO: Members of the State Boundary Commission

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

SUBJECT: Legal Sufficiency: Docket #12-I-1 Petition for Incorporation of the Village of Jonesville and land in Fayette Township as a Home Rule City (Hillsdale County)

The petition to request the incorporation of the Village of Jonesville and land in Fayette Township as a Home Rule City, Docket #12-I-1, was filed with the State Boundary Commission on April 20, 2012.

Staff Review of Legal Sufficiency:

1. The signature requirement per 1968 PA 191, MCL 123.1007(2) is met. The total population of the area proposed to be incorporated is 2,558. Five percent of the total population of the area proposed to be incorporated is 128. One-hundred ninety-nine (199) signatures of the 211 signatures contained in the petition have been validated by the Fayette Township clerk as being registered electors and freeholders residing in the area are proposed to be incorporated.
2. The Part I Map submitted with the petition for incorporation is substantially accurate and unambiguous as required by State Boundary Commission Rules 25 and 27. The Part I Map consists of 7 – 11" x 17" sheets and clearly identifies the area proposed to be incorporated. The Part I Map was also the map distributed for signatures and clearly identifies the area proposed to be incorporated with respect to identifiable roads, section lines, existing local government boundaries, and major geographic features.
3. The Part III Legal Description is substantially accurate and consistent with the Part I Map as required by State Boundary Commission Rules 25 and 27.

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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 incorporation of the Village of Jonesville and portions of Fayette Township as a Home Rule City, Docket #12-I-1, meets legal sufficiency. The Commission may consider our review and opinion, along with the petition and other evidence and testimony presented at the August 8, 2012 meeting, when making their decision.

Additional Comments for Consideration:

1. The Part I Map consists of 7 – 11”x17” pages.
 - a. The map and description clearly depict the area of the proposed incorporation. The boundary of the proposed city is based upon the records of Hillsdale County identifying the areas that have been taxed as being in the Village of Jonesville as the boundary of the proposed city. The areas where the tax records conflict with the records of the Office of the Great Seal at the Department of State are delineated by different styles of hatching on the Part I Map.
 - b. Sheet 1 of 7 is a master map of the overall area proposed to be incorporated and includes an index listing the contents of Sheet Nos. 2 through 7. Sheet No. 1 of 7 identifies the proposed city of Jonesville and adjacent areas in Fayette Township. Sheet No. 2 of 7 thru Sheet No. 7 of 7, are 6 break-out sheets that show individual portions of the area proposed to be incorporated at greater detail.
 - c. Sheet 1 of 7 labels the wrong line as the township line between Town 5 South and Town 6 South.
 - d. Sheet 3 of 7 mislabels an additional label with arrows that misrepresents the proposed boundary of the City of Jonesville. The arrowheads point to the current boundary of the Village of Jonesville. However, it is the staff’s opinion that this is a minor typographical error. The correct proposed boundary is clearly delineated by different style hatching in this area.
 - e. The Part III Legal Description, when describing a portion of the north line of the proposed City of Jonesville, describes the distance from the West 1/4 Corner of Section 33, T5S-R3W, to the centerline of M-99 as 1250.48 feet. Sheet 3 of 7 shows this same distance to the west right-of-way line of M-99. However, the Part III description includes all of highway M-99 and the Part I map shows M-99 being within the proposed boundary. In staff’s opinion, this appears to be a minor typographical error wherein the dimension arrows on the Part I map were incorrectly placed. Due to the fact that the area where this error occurs is within the right-of-way for state highway M-99, it is unlikely to have

caused confusion among property owners who signed the petition forms on whether their land was included in the proposed city.

- f. Sheet 2 of 7 mislabels the West $\frac{1}{4}$ Corner of Section 33 as the West $\frac{1}{4}$ Corner of Section 32. However, the proper section number is clearly labeled on this sheet in multiple places. It is staff's opinion that this error was unlikely to have caused confusion among property owners who signed the petition forms on whether their land was included in the proposed city.