



RICK SNYDER  
GOVERNOR

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

STEVE ARWOOD  
DIRECTOR

# Memorandum

**DATE:** October 3, 2013

**TO:** Boundary Commissioners

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

**SUBJECT: Docket # 13-AP-1 Legal Sufficiency Review  
Petition for Annexation of land in Indianfields Township to the City of Caro  
(Tuscola County)**

The petition was filed with the Commission on May 10, 2013 under Section 9(7)(b) of the Home Rule City Act 1909 PA 279, MCL 117.9(7)(b) which allows an entity to file an annexation petition with the Commission if it holds title to at least 75% of the land exclusive of streets in the area proposed for annexation.

## **Staff Review of Legal Sufficiency:**

1. The petition contains a copy of a survey of the area proposed for annexation and is signed by the Township officials of Indianfields Township. Upon request from staff for supporting documentation to prove ownership of the statutorily required 75% of the land, the petitioner has provided a copy of an "Affidavit of Interest in Real Property" representing that the area has been owned and operated as a public cemetery since at least 1947. OLSR has verified that the legal description shown on said affidavit is identical to the Part III description.
2. The Part I Map submitted with the petition clearly shows the area proposed for annexation as required by State Boundary Commission Rule 37.
3. The Part III Legal Description is substantially accurate and consistent with the Part I Map as required by State Boundary Commission Rule 37.
4. Based on the documentation provided by the Secretary of State as of June 19, 2013, the territory proposed for annexation is contiguous with the limits for the City of Caro as required by State Boundary Commission Rule 37.

*Providing for Michigan's Safety in the Built Environment*

**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 Indianfields Township to the City of Caro, Docket 13-AP-1, meets legal sufficiency. The Commission may consider our review and opinion, along with the petition and other evidence and testimony presented at the October 9, 2013 meeting, when making their decision.

**Additional Comments for Consideration:**

1. The Part I Map is comprised of an 8 1/2"x14" sheet.
  - a. The map and description clearly depict the area of the proposed annexation.
  - b. The Part I Map contained in the petition consists of a survey drawing of the proposed annexation area and the nearest adjacent existing local governmental boundaries.
  - c. One of the bearings on the survey drawing portion of the Part I Map (labeled S00°00'48"E) does not match the bearing shown in the Part III Legal description (S00°00' 48"W); however, it is staff's opinion that this minor scrivener error is not likely to have created confusion on the part of those who signed the petition. These bearings are highlighted on the wall map and description for your reference. This difference causes a discrepancy of 0.15' (approximately 2 inches) in the east-west direction. As allowed by Rule 37, the petitioner was notified of these discrepancies and given an opportunity to revise this minor discrepancy between the Part I Map and the Part III legal description. The revised description and map is also shown on the wall and can be found in your notebooks.

KMO