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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
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DIRECTOR

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DIRECTOR

Memorandum

DATE: July 17, 2013

TO: Boundary Commissioners

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

SUBJECT: **Docket # 13-I-1 Legal Sufficiency Review
Petition for Incorporation of the Village of Ovid as a Home Rule City
(Clinton and Shiawassee Counties)**

The petition to request the incorporation of the Village of Ovid and land in Ovid Township (Clinton County) and Middlebury Township (Shiawassee County) as a Home Rule City, Docket #13-I-1, was filed with the State Boundary Commission on May 22, 2013.

Staff Review of Legal Sufficiency:

1. The signature requirement per 1968 PA 191, MCL 123.1007(2) to incorporate as a fifth class city under MCL 117.7 is met. The total population of the area proposed to be incorporated is 1,603. Five percent of the total population of the area proposed to be incorporated is 81. 171 signatures of the 204 signatures contained in the petition have been validated by the Ovid Township clerk as being registered electors and freeholders residing in the area 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 Rule 37. The Part I Map was also the map distributed for signatures.
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. Common ownership of parcels along the perimeter is not identified on the Part I Map as required by State Boundary Commission Rule 37.

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5. The boundaries of the current Village of Ovid identified on the Part I Map are consistent with boundary history on file with the Secretary of State as required by State Boundary Commission Rule 37.
6. All requirements of State Boundary Commission Rule 37 are met.

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 Ovid and portions of Ovid Township (Clinton County) and Middlebury Township (Shiawassee County) as a Home Rule City, Docket #13-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 13, 2013 meeting, when making their decision.

Additional Comments for Consideration:

1. The Part I Map consists of 2, 8-1/2"x14" pages.
 - a. The map and description clearly depict the area of the proposed incorporation.
 - b. The Part I Map contained in the petition consists of a survey drawing of the proposed city boundary, and a colored drawing showing the streets, existing local governmental boundaries and major geographic features within the proposed city and the adjacent areas.
 - c. Two of the bearings on the survey drawing portion of the Part I Map (labeled N 89°02'06" E and S 00°51'48" E) do not match the bearings shown in the Part III description (N 89° 02' 56" E and S 00° 15' 48" E); however, it is staff's opinion that these minor scrivener's errors are not likely to have created confusion on the part of those who signed the petition forms. These bearings are highlighted on the wall maps for your reference. As allowed by Rule 37, the petitioner was notified of these discrepancies and given an opportunity to revise these minor errors in the Part III legal description. The revised Part III description is in your notebooks.

KMO