



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

MIKE ZIMMER
DIRECTOR

Memorandum

DATE: September 30, 2015

TO: State Boundary Commission

FROM: Office of Land Survey

SUBJECT: Legal Sufficiency Review – Docket # 15-AR-6
Petition for the annexation of land in the Charter Township of Ann Arbor to the City of Ann Arbor (Washtenaw County)

The petition was filed with the Commission on July 7, 2015 under Section 9(7)(a) of the Home Rule City Act 1909, PA 279, MCL 117.1 to 117.38. MCL 117.9(7)(a) allows a city council to pass a resolution and file a petition for annexation with the Commission.

Staff Review:

1. The petition contains a map of the area proposed for annexation and a certified copy of the resolution passed by the Ann Arbor City Council authorizing the filing of the petition. The City Council resolution contains the description of the area proposed for annexation
2. The map submitted under State Boundary Commission Rule 37 is comprised of a properly orientated scaled drawing on a single 11" x 17" sheet that clearly shows the area proposed for annexation and the surrounding lands. The boundary of the area proposed for annexation is consistent with the Part III Legal Description and the municipal boundaries and are consistent with municipal boundary histories on file with the Secretary of State Office of the Great Seal.
3. The Part III Legal Description is substantially accurate and consistent with the Part I Map as required by State Boundary Commission Rule 37; however, there appears to be a scrivener error in the description as shown below.

Commencing at the west 1/4 post of Section 26; thence N1°05'W 52.45 feet in the west line of Section 26; thence S33°48'W 669.26 feet; thence S56°53'E 584.20 feet in center of road for Place of Beginning; thence along the City of Ann Arbor boundary for the following three courses: thence S56°53'E 184.92 feet; thence S23°31'30"W 177.35 feet; thence N54°22'30"W 208.03 feet; thence ~~along the Ann Arbor Township boundary~~ N30°50'E 165.92 feet to

Point of Beginning; being part of the Southeast 1/4 of Section 27, & Southwest 1/4 of Section 26, Township 2 South, Range 6 East; Contains 0.77 acres of land.

4. Review of the municipal boundary histories on file with the Secretary of State Office of the Great Seal indicates that the area proposed for annexation is contiguous with the limits for the City of Ann Arbor. Moreover, the area proposed for annexation is a freestanding island of the Charter Township of Ann Arbor within the City of Ann Arbor's municipal boundary.

It is the Department's opinion that this petition for annexation is substantially compliant with the filing requirements of the act and its rules. Under Rule 37(11) the apparent scrivener's error noted in the description maybe correct and a revised description provided to the Department.

Additional Comments:

The area proposed for annexation is part of a freestanding island of the Charter Township of Ann Arbor. The island area consists of four parcels with the other three being located adjacent to and westerly of the area proposed for annexation; see the Part VII Map.

The Charter Township Act, 1947 PA 359, specifically MCL 42.34(2) provides that:

... the state boundary commission may, under procedures initiated and conducted under section 9 of the home rule city act, 1909 PA 279, MCL 117.9, order a portion or portions of a charter township to be annexed as necessary to eliminate free standing islands of the township completely surrounded by an annexing city, or to straighten or align the exterior boundaries of the city or village in a manner that the charter township and city or village contain uniform straight boundaries wherever possible.

If the petition is approved as filed, it reduces the size of the freestanding island but does not eliminate it. If the Commission wants to consider annexing lands beyond those described in the petition, they will need to make that decision prior to scheduling the public hearing.

CB