

## **Annexation to Eliminate Free Standing Islands**

The state boundary commission can order annexation of portions of both general and charter townships to eliminate free standing islands. For charter townships (Pittsfield and Ann Arbor Townships), MCL 42.34(2) provides:

Notwithstanding subsection (1), 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.

MCL 117.9, referenced in MCL 42.34(2), covers the basic procedure for annexing property and also applies to the annexation of properties from a general township. Following is an outline of the basic procedures, found in MCL 117.9(2):

1. The city will start the process by filing a petition or resolution of annexation with the state boundary commission for the annexation.
2. The commission will give notice to property owners in the affected area and property owners within 300 feet of the area by certified mail not less than 30 days before a public hearing that the commission will hold;
3. Not less than 45 days before the public hearing, the city will provide the commission with a list of all the names and addresses of all persons to whom the commission is required to provide notice;
4. The commission will conduct a public hearing in or near the area proposed for annexation; and
5. The commission then makes its decision and issues its order.

If the area contains fewer than 100 persons and is approved for annexation, then the commission's order is not subject to referendum and is effective immediately. MCL 117.9(4). However, if the area contains more than 100 persons and is approved for annexation, and if within 30 days after the commission's order 25 percent of the electors in the area to be annexed file a petition with the commission, then the commission will order a referendum. MCL 117.9(5).

## **Boundary Adjustment by Mutual Resolutions**

MCL 42.34(8) provides that the common boundary between a city and a charter township can be changed if both the city and charter township agree by resolutions of both governing bodies following a public hearing conducted by the governing body. This procedure requires that both governing bodies "give 90 days' notice to property owners in the area proposed for the boundary adjustment, and the governing bodies conduct a public hearing on the proposed boundary adjustment."

Notice of the two resolutions would be sent to the State for review. Upon notice from the State that the boundary change is accepted (and resulting annexations) would be final. This procedure does not involve the State Boundary Commission.

This procedure is not available to adjust the boundary with a general township.