



Legislation Text

File #: 20-0012, **Version:** 1

Resolution Authorizing Appeals of the Denials of the City's Petitions to the State Boundary Commission to Annex Various Parcels from the Charter Township of Ann Arbor and the Charter Township of Pittsfield

Below is a resolution authorizing the City Attorney's Office and staff to file and pursue appeals of the denials of the City's Petitions to the State Boundary Commission to annex various parcels from the Charter Township of Ann Arbor (19-AR-1) and the Charter Township of Pittsfield (19-AR-2) and take all other actions needed to pursue the appeals, reverse the decisions, and complete the annexation process.

Based on agreements between the City and Ann Arbor, Pittsfield and Scio Townships outlining a common understanding of the ultimate boundaries of the City of Ann Arbor, in September 2011 City Council passed a resolution directing staff to proceed with a process of gradually annexing the township island parcels into the City of Ann Arbor. Staff then developed a process for annexing township island parcels into the City which included establishing criteria to prioritize parcels for city-initiated annexation.

In 2015, the City Council authorized the first round of City-initiated annexations of 20 parcels, and it was approved by the State Boundary Commission through the LARA Director in October 2016. In fact, the State Boundary Commission encouraged the City to proceed with all haste to complete annexations of all Township island parcels.

Staff then began preparing the second round of City-initiated annexations based on the priority criteria. The City held multiple public meetings, published information regarding the process, identified the 89 parcels to be included, and provided the anticipated utility connection costs, as applicable.

The City Council approved the second round of City-initiated annexations on December 3, 2018, and the City filed the annexation petitions with the State Boundary Commission on March 10, 2019. Based on previous comments from State Boundary Commission during the first round of annexations, the parcels were grouped by Township and each Docket Number includes multiple petitions relating to separate areas or groups of contiguous parcels, as follows: Petition 19-AR-1 (Ann Arbor Township); Petition 19-AR-2 (Pittsfield Township); and Petition 19-AR-3 (Scio Township).

Public hearings on the City's Petitions were held on June 24, 2019 and at the State Boundary Commission's request the City submitted Rebuttal responses to oral statements made during the public hearings.

The State Boundary Commission met on October 16, 2019 and recommended denial of Petition 19-AR-1 (Ann Arbor Township) with the exception of 2705 Newport Road and Petition 19-AR-2 (Pittsfield Township) and approval of Petition 19-AR-3 (Scio Township).

On November 18, 2019, consistent with the State Boundary Commission's recommendations, the LARA Director issued Final Decisions denying the City's Petitions as to Ann Arbor Township (with the exception of 2705 Newport Road) and Pittsfield Township and approving as to Scio Township.

The denial decisions as to Petitions 19-AR-1 and 19-AR-2 are contrary to applicable law and are not supported by competent, material, and substantial evidence on the record and should be reversed.

The City Attorneys Office recommends filing claims of appeal on the LARA Director's denial decisions as to Petition 19-AR-1 (Ann Arbor Township) except as to 2705 Newport Road and Petition 19-AR-2 (Pittsfield Township) as allowed by law.

Prepared by: Timothy S. Wilhelm, Senior City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, In 2011, City Council passed a resolution directing staff to proceed with a process of gradually annexing the township island parcels within the City's ultimate service boundary into the City of Ann Arbor;

Whereas, On December 3, 2018, City Council authorized the submission of petitions to the State Boundary Commission for the second round of City-initiated annexations of 89 island parcels from the Charter Township of Ann Arbor, the Charter Township of Pittsfield and Scio Township in accordance with the provisions of the 1909 PA 279 (Home Rule City Act; MCL 117.9), as amended, the provisions of 1983 PA 136 (Charter Township Act; MCL 42.34), as amended, and the provisions of 1968 PA 191 (Boundary Commission Act; MCL 123.1001 to 123.1020), as amended, and authorized staff to proceed with such petitions, to execute all required documents, and to take all other administrative actions necessary to pursue and complete the annexation process;

Whereas, The City filed the second round of City-initiated annexation petitions with the State Boundary Commission on March 10, 2019 which were grouped by Township: Petition 19-AR-1 (Ann Arbor Township); Petition 19-AR-2 (Pittsfield Township); and Petition 19-AR-3 (Scio Township);

Whereas, On June 24, 2019, the State Boundary Commission held public hearings on the City's Petitions;

Whereas, On October 16, 2019, the State Boundary Commission recommended denial of Petition 19-AR-1 (Ann Arbor Township) (with the exception of Petition 5 - 2705 Newport Road) and Petition 19-AR-2 (Pittsfield Township), and it recommended approval of Petition 19-AR-3 (Scio Township);

Whereas, On November 18, 2019, consistent with the State Boundary Commission's recommendations, the LARA Director issued Final Decisions denying Petition 19-AR-1 as to Charter Township of Ann Arbor island parcels with the exception of 2705 Newport Road and Petition 19-AR-2 as to Charter Township of Pittsfield parcels and approving Petition 19-AR-3 as to Scio Township parcels;

Whereas, The State Boundary Commission Act, MCL 123.1018, provides a right of appeal following a final decision on an annexation petition; and

Whereas, The City Attorneys Office recommends appealing the Final Decisions denying Petitions 19-AR-1 and 19-AR-2 on the basis that the Denial Decisions are contrary to applicable law and because

they are not supported by competent, material and substantial evidence on the record;

RESOLVED, That Council authorize the filing of claims of appeal of the LARA Director's Final Decisions denying the City's Petition 19-AR-1 (Charter Township of Ann Arbor) except 2705 Newport and Petition 19-AR-2 (Charter Township of Pittsfield) as provided for under applicable law; and

RESOLVED, That the City Administrator, City Attorney, and City Clerk be authorized to proceed with such appeals, execute all required documents, and take all other actions necessary to pursue the appeals and reversals of the Final Decisions in Petitions 19-AR-1 and 19-AR-2 and to complete the annexation process.

Sponsored by: Mayor Christopher Taylor