

Legislative Analysis



ANNEXATION PUBLIC HEARINGS: NOTIFY NEARBY PROPERTY OWNERS

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House Bill 5671 as enrolled
Public Act 137 of 2004
Sponsor: Rep. Joe Hune
House Committee: Local Government and Urban Policy
Senate Committee: Local, Urban and State Affairs

First Analysis (1-25-05)

BRIEF SUMMARY: The bill would amend the Home Rule City Act to require that property owners within 300 feet of an area proposed for annexation be given 30 days' notice of public hearings.

FISCAL IMPACT: The bill would increase notification costs by an indeterminate amount.

THE APPARENT PROBLEM:

In August 2002, the State Boundary Commission approved a request to annex a 4.76 acre parcel at the southeast corner of M-59 and Michigan Avenue in Howell Township to the City of Howell, both in Livingston County. In the process, the boundary commission 'rounded off' the parcel, and included a strip of land that appeared to be vacant, but was not. The land and the home constructed on the land were owned by Robert and Donna Stansberry.

According to press accounts, the Stansberrys said they did not receive notice their land was to be part of the annexation, and did not wish to have their property included in the City of Howell. They appealed to the boundary commission to repeal its action. In explaining their opposition to the annexation they noted three reasons they wanted their parcel to be returned to the township: they had not received any notice of the annexation; their property taxes would increase as city residents; and they had no need for the city's water and sewer services. The State Boundary Commission reversed its ruling and moved the parcel back to Howell Township at their early fall 2003 meeting.

In order to prevent a similar situation from occurring in the future, legislation was introduced to require notice for all those residing near areas proposed for annexation.

THE CONTENT OF THE BILL:

The bill would amend the Home Rule City Act to require that property owners located within 300 feet of an area proposed for annexation be notified of public hearings.

Currently under the law, a petition or resolution of annexation of territory is filed with the State Boundary Commission. The commission, after determining the validity of the

petition or resolution, holds a public hearing in, or reasonably near, the area proposed for annexation. Under the bill, in addition to providing notice to property owners in the area proposed for annexation, the commission would also be required to give notice of each public hearing to property owners located within 300 feet of the area proposed for annexation. Notification would have to be by certified mail not less than 30 days before the public hearing. Not less than 45 days before the date of the public hearing, the local unit of government capable of providing the ownership information would have to provide the boundary commission with a list of the names and addresses of all persons the commission was required to notify. The commission would be required to notify only those property owners included on the list.

The state boundary commission would be required to mail a copy of any final order to each person it was required to notify of the public hearing.

MCL 117.9

ARGUMENTS:

For:

Currently the State Boundary Commission must hold public hearings near an area of land that is proposed for annexation. However, there is no requirement that all residents nearby receive notice of the hearings, so often they do not know to attend and express their views on the proposed annexation. The bill would prevent situations where property owners find their property has been annexed

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