

# HOUSE BILL No. 5671

March 23, 2004, Introduced by Reps. Hune, Tabor, DeRoche, Stahl, Brandenburg, Nofs, Wenke, Stakoe, LaJoy, Ward, Plakas and Hoogendyk and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1909 PA 279, entitled  
"The home rule city act,"  
by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9. (1) In the event of a conflict between the  
2 provisions of this act and ~~Act No. 191 of the Public Acts of~~  
3 ~~1968, being sections 123.1001 to 123.1020 of the Michigan~~  
4 ~~Compiled Laws~~ **1968 PA 191, MCL 123.1001 to 123.1020**, regarding  
5 an incorporation or consolidation, the provisions of ~~Act No. 191~~  
6 ~~of the Public Acts of 1968~~ **1968 PA 191, MCL 123.1001 to**  
7 **123.1020**, shall govern. The district to be affected by ~~every~~  
8 ~~such~~ **the** proposed incorporation, consolidation, or change of  
9 boundaries ~~shall be deemed~~ **is considered** to include the whole  
10 of each city, village, or township from which territory is to be  
11 taken or to which territory is to be annexed. ~~However, when~~

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1 When a territory is proposed to be incorporated as a city only  
2 the residents of the territory to be incorporated shall vote on  
3 the question of incorporation. When a petition signed ~~by the~~  
4 ~~state~~ by the appropriate agency designated by the state  
5 administrative board which holds ~~the record~~ legal title to the  
6 entire area of the land in the territory adjacent to the city to  
7 be annexed, is filed with the governing body of the city and  
8 ~~with the township board of the~~ township in which ~~such~~ **the**  
9 territory is situated, ~~such~~ **the** annexation may be accomplished  
10 by the affirmative majority vote of the governing body of ~~such~~  
11 **the** city and the approval of the township board of ~~such~~ **the**  
12 township.

13 (2) Except as provided in subsections (1) and (8), a  
14 petition or resolution for annexation of territory shall be filed  
15 ~~in the Lansing office of~~ **with** the state boundary commission  
16 **created under 1968 PA 191, MCL 123.1001 to 123.1020.** The  
17 commission, after determining the validity of the petition or  
18 resolution, shall hold a public hearing in or reasonably near the  
19 area proposed for annexation. The commission in processing and  
20 approving, denying, or revising a petition or resolution for  
21 annexation shall have the same powers and duties ~~and be in~~  
22 ~~accordance with and subject to the provisions of Act No. 191 of~~  
23 ~~the Public Acts of 1968~~ **as provided under 1968 PA 191, MCL**  
24 **123.1001 to 123.1020,** relating to petitions which propose  
25 incorporations. In addition to providing notice to **[property owners <<**  
26 **located >>** in the area proposed for annexation, the commission shall  
27 also give notice of each public hearing held under this

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1 subsection to [property owners <<located>> within 300 feet of the area  
2 proposed for annexation [by certified mail not less than 30 days before  
the date of the public hearing. Not less than 45 days before the date of  
the public hearing, the local unit of government <<capable of producing  
the information required under this section>> shall provide the state  
boundary commission with a list of the names and addresses of all persons  
the commission is required to provide notice to under this subsection].  
<<The commission is required to provide notice only to the property  
owners included on the list provided by the local unit of government as  
required under this section.>>

3 (3) If an annexation is denied by the commission, the  
4 commission shall send a certified copy of its order to the clerk  
5 of each county, city, village, and township affected.

6 (4) If an annexation is approved, and if on the date the  
7 petition or resolution was filed 100 persons or less resided in  
8 the area approved for annexation, the commission's order shall  
9 not be subject to a referendum. The commission shall send a  
10 certified copy of its order to the clerk of each county, city,  
11 village, and township affected and to the secretary of state.  
12 The annexation shall be effective on a date set forth in the  
13 commission's order.

14 (5) If an annexation is approved, and if on the date the  
15 petition or resolution was filed more than 100 persons resided in  
16 the area approved for annexation, the commission shall send a  
17 certified copy of its order to the clerk of each county, city,  
18 village, and township affected and to the secretary of state.  
19 The commission's order shall become final 30 days after the date  
20 of the order unless within that 30 days a petition is filed with  
21 the commission which contains the signatures of at least 25% of  
22 the registered electors residing in the portion of the territory  
23 approved for annexation, in the annexing city or in the balance  
24 of the township. The commission after verifying the validity of  
25 any referendum petition shall order that a referendum on the  
26 question of annexation be held in each area from which a valid  
27 petition was filed. If a valid petition is not filed within the

1 30 days or if the majority of the electorate voting on the  
2 question in each area in which a referendum was held, voting  
3 separately, approve the annexation, the annexation shall be  
4 effective on a date set by order of the commission, otherwise the  
5 annexation shall not take effect.

6 (6) The commission shall reject a petition or resolution for  
7 annexation of territory ~~which~~ **that** includes all or any part of  
8 the territory which was described in any petition or resolution  
9 for annexation filed within the preceding 2 years and which was  
10 denied by the commission or was defeated in an election ~~pursuant~~  
11 ~~to~~ **under** subsection (5).

12 (7) In addition to the methods for initiating annexation as  
13 provided in this act, a petition or resolution as follows may be  
14 submitted to the state boundary commission in a form and manner  
15 prescribed by ~~it~~ **the commission**:

16 (a) By resolution of the legislative body of the city to  
17 which the area is proposed to be annexed.

18 (b) By petition by the persons, firms, corporations, the  
19 United States government, or the state or any of its subdivisions  
20 who collectively hold equitable title as a vendee under a  
21 recorded land contract or memorandum of land contract, or record  
22 title to 75% or more of the area of the land exclusive of streets  
23 in the territory proposed for annexation at the time of filing  
24 the petition.

25 (c) By petition by 20% of the registered electors who reside  
26 in the area proposed for annexation.

27 (8) Where the territory proposed to be annexed to any city

1 is adjacent to the city and consists of a park or vacant property  
2 located in a township and owned by the city annexing the ~~same~~  
3 **territory**, and there is no one residing ~~thereon, such~~ **in the**  
4 **territory, the** territory may be annexed to the city solely by  
5 resolution of the city council of the city. ~~or in~~ **In** any case  
6 where the territory proposed to be annexed is adjacent to the  
7 city and consists of property owned by the city or consists of  
8 fractional parts of platted subdivision lots, located in an  
9 adjoining city, village, or township, ~~such~~ **the** annexation may  
10 also be accomplished by the ~~affirmative~~ majority vote of the  
11 legislative body of ~~such~~ **the** city and the approval of the  
12 legislative body of ~~such~~ **the** adjoining city, village, or  
13 township. As an alternate method, where there are no qualified  
14 electors residing in the territory proposed to be annexed to the  
15 city, other than the person or persons petitioning, a petition  
16 signed by a person or persons, firms, corporations, the United  
17 States government, or the state or any of its subdivisions who  
18 collectively hold the equitable title as a vendee under a  
19 recorded land contract or memorandum of land contract, or record  
20 legal title to more than 1/2 of the area of the land in the  
21 territory to be annexed is filed with the city council of the  
22 city and with the township board of the township in which ~~such~~  
23 **the** territory is situated, ~~such~~ **the** annexation may be  
24 accomplished by the affirmative majority vote of the city council  
25 of ~~such~~ **the** city and the approval of the township board of  
26 ~~such~~ **the** township. At least 10 days prior to the approval by  
27 the township board, the township treasurer shall notify,

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1 personally or by registered mail with return receipt demanded,  
2 the owners of all real property in the territory to be annexed as  
3 shown on the assessment rolls of the township at the last known  
4 address on file with the township treasurer. ~~This~~ **Except as**  
5 **otherwise provided, this** section shall not be construed ~~so as~~  
6 to give any city the authority ~~to proceed hereunder~~ to attach  
7 territory from any other city unless the question relative  
8 ~~thereto~~ **to the territory** has been voted upon by the voters of  
9 the entire cities affected ~~, except as hereinbefore specifically~~  
10 ~~provided,~~ where the territory proposed to be annexed is adjacent  
11 to a city and consists of property owned by the city or consists  
12 of fractional parts of platted subdivision lots, located in an  
13 adjoining city.

14 (9) The provisions of section 14 shall not be applicable to  
15 an annexation approved by the commission of part of a township or  
16 village to a city except in the event of outstanding bonds or  
17 other evidences of indebtedness of the township or village. In  
18 such event, the commission shall determine and order an equitable  
19 division of assets and liabilities which relate to the bonds or  
20 other indebtedness.

21 (10) The provisions of sections 8 and 8a shall not be  
22 applicable to petitions or resolutions filed with the state  
23 boundary commission.

24 (11) << After March 31, 1971, and so long as ~~Act No. 191 of~~  
25 ~~the Public Acts of 1968~~ **1968 PA 191, MCL 123.1001 to 123.1020, is in**  
26 **effect, annexation**>> of  
27 territory from a township or village to a home rule city shall be  
as provided in this section and no other means of annexation

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1 shall be effective.

[(12) The state boundary commission shall mail a copy of any final order issued under this section to each <<property owner>> the commission is required to provide notice to under subsection (2).]