



MAHB Proposed Annexation Revisions

The outline below seeks to strike a balance between municipalities and townships while offering additional protection for property owners against unwanted annexation in areas with populations of less than 100 residents.

MCL 42.34 of the Charter Township Act provides protection from annexation to charter townships which meet its requirements. For all general law townships and all charter townships that do not qualify for protection under MCL 42.34, the Boundary Commission decides petitions for annexation (with exceptions for annexation by agreement or special circumstances). A decision of the Boundary Commission granting annexation is subject to referendum only if the annexed area had a population of 100 or more on the date the petition was filed.

An interrelated mechanism, including an expansion of voting rights which protects the rights of property owners and voters in annexed areas might be fashioned under certain conditions, as explained below.

To protect the rights of property owners and voters in areas of under 100 residents, the MAHB would propose allowing a referendum even when the annexed area has a population of less than 100 on the date the petition is filed subject to the following conditions:

1. A petition is filed with the signatures of at least 25% of the registered electors residing in the portion of the territory approved for annexation, in the annexing city, or in the balance of the township (same percentage as under current law for population over 100). We would put no population limit on this ability.
2. Prior to an annexation election, the annexing city shall provide a plan of development for the annexed area setting forth the utilities and other services to be provided, the zoning, and any other required land use approvals for the annexed area, together with the costs (including taxes) to the property owners, as well as any other taxes (e.g., income taxes). This development plan shall be made a public document.
3. An annexation election shall be held with all areas (city, area to be annexed, remainder of township) voting separately on the annexation. If the annexation is disapproved by either the city or the annexed area, the annexation is defeated.
4. If the annexation is approved by the city and the annexed area, but disapproved by the remainder of the township, the township board shall 45 days to either approve the annexation, negotiate a "425" or "Urban Cooperation" agreement with the city, or to agree to put into effect the plan of development for the annexed area proposed by the annexing city. This means the township will provide the same utilities and services,

MAHB ANNEXATION COMPROMISE PROPOSAL

- 1) Allow referendum on vacant land under conditions proposed in the package when the "primary use" of the property to be annexed is industrial and/or commercial.
- 2) No referendum on vacant land when "primary use" is residential. Petition goes before Boundary Commission as is current practice.
- 3) Township automatically continues to receive millage on primarily residential projects only.
- 4) The "primary use" of vacant land is considered to be residential if 60% or more of the area of property which is the subject of the annexation is intended to be used for residences, their accessory structures and infrastructure and if there is no industrial usage proposed for the property. A golf course is not considered to be a residential use.
- 5) Property owner or property owner's agent will be a party to the negotiations and the property owner will have the same right to commence an action to enforce the duty to negotiate in good faith, including the right to intervene in an action filed by the city, village or township as the governmental units.
- 6) Petitions must be signed by 25 percent of the registered voters in each individual precinct in the township in order for a vote on the annexation to occur.



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MICHIGAN HOUSE OF REPRESENTATIVES

LAUREN HAGER
 STATE REPRESENTATIVE
 81ST DISTRICT

COMMITTEES:
 LOCAL GOVERNMENT AND
 URBAN AFFAIRS (VICE CHAIR)
 EDUCATION
 FAMILY AND CHILDREN SERVICES
 INSURANCE AND FINANCIAL SERVICES

FRAMEWORK OF ANNEXATION/DETACHMENT LEGISLATION

May 24, 2001

ANNEXATION

- An automatic township vote occurs if the area proposed to be annexed has township water and sewer. Approval required for annexation unless the township board agrees.
- If the area to be annexed files signatures of 25 registered voters or 25% of registered voters, whichever is greater, within 30 days, a referendum occurs in the area to be annexed and an affirmative vote is required for annexation to occur. A vote in balance of the township is triggered if signatures of 25% registered voters are filed with 30 days. Approval is required for annexation to occur.

- * → • Where there is vacant land, city or privately owned and the landowner petitions have been filed for an annexation. A template will be followed for annexation to occur. Expedited timeline and ~~shared~~ mileage to be included. *TOWNSHIP RECEIPTS*
- *If the area does not have 25 registered voters, a vote in the entire township occurs if signatures of 25% of ~~MLL~~ registered voters are filed within 30 days. An affirmative vote is required for annexation to occur. (MLL)*

DETACHMENT

- A three-way vote occurs in the detaching areas, balance of the city, and the township. Votes are counted separately in each area with passage in all three required for detachment to occur.
- *No detachments could occur in areas with water and sewer or utilities. (MTA) ~~Amended~~ PRIOR TO 1991?*
- An area being detached must have been annexed at least 3 years before the date of detachment.

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Lauren M. Hager

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