

**STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
STATE BOUNDARY COMMISSION**

In the matter of:

Petition Number 19-AR-1

The proposed annexation of land in the Township of Ann Arbor to the City of Ann Arbor,  
Washtenaw County

Agency: Bureau of Construction Codes  
Case Type: Annexation

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Issued and entered

This 11th day of January 2023  
By Orlene Hawks, Director  
Department of Licensing and Regulatory Affairs

**WHEREAS** the petition was presented and found legally sufficient in a public meeting by the State Boundary Commission pursuant to MCL 123.1008 and MCL 123.1009 on April 24, 2019.

**WHEREAS** a public hearing was held on June 24, 2019, in the City Council Chambers at the Ann Arbor City Hall pursuant to MCL 123.1008. Written comments were also received from the public once the petition was found legally sufficient until the close of the public hearing.

**WHEREAS** the State Boundary Commission reopened public comment at the October 6, 2021, public meeting pursuant to MCL 123.1009 as a result of the circuit court of Washtenaw County remanding the decision back to them to clarify and/or explain the following:

- 1) The specific criteria the State Boundary Commission relied upon in reaching its decision.
- 2) Why the petition in 19-AR-3 petition was granted but not this one.
- 3) Whether, and if so to what extent, the historic annexation documents between Appellant and the township have bearing on the State Boundary Commission's decision with respect to the petition.

**WHEREAS** the State Boundary Commission held a special meeting on December 16, 2021, and pursuant to MCL 123.1010 recommends the petition be approved in part and denied in part by the Director of the Department of Licensing and Regulatory Affairs as follows:

## FINAL DECISION AND ORDER

**IT IS ORDERED THAT** the proposed annexation of territory in the Township of Ann Arbor to the City of Ann Arbor as depicted in Petition 19-AR-1, petition numbers 1, 4, 5, 9-11, 13 as described in Exhibit A are **APPROVED**. Petition numbers 2, 3, 6-8, 12 and 15 as described in Exhibit B are **DENIED**.

With respect to the parcels identified in Exhibit B, the State Boundary Commission finds that the petition should be denied in view of the considerations enumerated in section 9 of the State Boundary Commission Act, MCL 123.1009, including specifically:

Section 9(b) of the State Boundary Commission Act includes consideration of “the probable increases in taxes in the area to be [annexed].” Here, it is found that annexation of the parcels identified in Exhibit B would result in property tax increases to the owner-occupied properties without commensurate benefits; conversely, for the parcels identified in Exhibit A, consideration of the tax increases and attendant benefits preponderates in favor of annexation.

Section 9(b) of the State Boundary Commission Act includes consideration of “the need for organized community services[.]” “the present cost and adequacy of governmental services in the area [.]” “the probable future needs for services in the area to be [annexed][,]” and “the practicability of supplying such services in the area to be [annexed].” Here, it is found that the parcels identified in Exhibit B already have access to adequate community and governmental services and the costs to property owners of connecting to city utilities would outweigh the benefits; conversely, for the parcels identified in Exhibit A, consideration of the present and future need of organized community and governmental services in light of the alternatives preponderates in favor of annexation.

Section 9(c) of the State Boundary Commission Act includes consideration of “[t]he general effect upon the entire community of the proposed action.” Here, it is found that, when weighing the effects of annexation of the parcels identified in Exhibit B, and in particular taking into account the concerns of the property owners with respect to the same, annexation would have a significant negative effect on said property owners while not conferring a substantial benefit to the community as a whole; conversely, for the parcels identified in Exhibit A, it is found that annexation would, on balance, have a positive general effect upon the entire community.

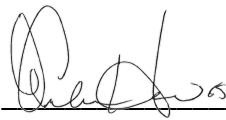
With respect to the State Boundary Commission’s findings and recommendations as to the instant petition versus those at issue in 19-AR-3, it is noted that each was considered on its own merits and that while its findings with respect to each are unique it nevertheless bears noting that the parcels identified in 19-AR-3 were vacant and, as such, did not present similar considerations to those identified in 19-AR-1 as to the “Exhibit B” parcels, especially when taking into account the need for, cost of, and adequacy of current and future services.

**With respect to the “historic annexation documents,” namely the 1994 Policy Statement between the City and Township, the State Boundary Commission finds that such statements are neither dispositive nor binding on the question of whether the parcels may be annexed under the State Boundary Commission Act.**

**IT IS FURTHER ORDERED THAT** the Order shall be effective on the date signed below by the Director of the Department of Licensing and Regulatory Affairs (LARA).

**IT IS FURTHER ORDERED THAT** the State Boundary Commission shall transmit a copy of this Order with the Summary of Proceedings, Findings and Conclusions to the clerks of the Township of Ann Arbor, the City of Ann Arbor and the County of Washtenaw.

Pursuant to MCL 117.9 (12), **IT IS FURTHER ORDERED THAT** the State Boundary Commission shall mail a copy of this Order to each property owner the commission is required to provide notice in MCL 117.9 (2).



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Orlene Hawks, Director  
Michigan Department of Licensing and Regulatory Affairs

1/11/2023

Date

#### **EXHIBIT A: DESCRIPTION OF APPROVED PARCELS**

##### **Petition 1: 1780 Scio Church Road**

Commencing at the West quarter post of Section 31; thence North 89° 53' East 2154.03 feet in East & West quarter line; thence South 0° 14' West 2463.00 feet; thence North 89° 11' 20" East 527.21 feet for a place of beginning; thence North 89° 11' 20" East 137.48 feet; thence South 0° 26' West 233.08 feet; thence South 89° 16' 30" West 137.48 feet in South line of Section 31; thence North 0° 26' East 232.78 feet (233.56 feet record) to place of beginning. Being part of the South half of Section 31, T 2 S R 6 E, Washtenaw County, Michigan.

##### **Petition 4: 2775, 2731, 2737 Newport Road**

Part of the North half of Section 18, Town 2 South, Range 6 East, Township of Ann Arbor, Washtenaw County, Michigan, described as follows: Beginning at the North quarter corner of said Section 18; thence North 89° 32' East 43.16 feet along the North line of said section; thence South 26° 33' 30" East 523.55 feet; thence South 65° 23' West 383.74 feet; thence South 00° 30' West 333.38 feet; thence South 89° 32' West, 618.74 feet; thence North 00° 30' East 587.88 feet; thence North 89° 32' East 192.00 feet; thence North 00° 30' East 373.00 feet;

thence North  $89^{\circ} 32'$  East, 492.82 feet along the North line of said section to the point of beginning.

**Petition 5: 2705 Newport Road**

Commencing at the North quarter corner of Section 18, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence along the North line of said Section 18 and the centerline of Newport Road N  $89^{\circ} 32' 30''$  E 43.16 feet; thence S  $26^{\circ} 33' 30''$  E 976.55 feet for a place of beginning; thence continuing along the centerline of Newport Road S  $26^{\circ} 33' 30''$  E 215.77 feet; thence S  $63^{\circ} 26' 30''$  W 241.00 feet; thence N  $26^{\circ} 33' 30''$  W 215.77 feet; thence N  $63^{\circ} 26' 30''$  E 241.00 feet to the place of beginning. Being a part of the NE quarter of Section 18, T2S, R6E, Ann Arbor Township, subject to the rights of the public over the easterly 33 feet thereof as occupied by Newport Road.

**Petition 9: 1375 Bird Road**

Lot 17, Bowen's Subdivision, Liber 11 of Plats, Page 15, Washtenaw County Records.

**Petition 10: 1429 Bird Road & 2466 Newport Road**

Lots 15 & 16, Bowen's Subdivision, Liber 11 of Plats, Page 15, Washtenaw County Records.

**Petition 11: 2318, 2354 Newport Road**

Lots 12 & 13, Bowen's Subdivision, Liber 11 of Plats, Page 15, Washtenaw County Records.

**Petition 13: 2114, 2118 Victoria Circle, vacant land, Newport Creek Road**

Lots 13, 14, 15, and 16, Jennings Newport Heights, as recorded in Liber 10 of Plats, Page 56, Washtenaw County Records.

**Petition 14: 2108 Newport Road**

Lot 6, Bowens Subdivision, as recorded in Liber 11 of Plats, Page 55, Washtenaw County Records.

**EXHIBIT B: DESCRIPTION OF DENIED PARCELS**

**Petition 2: 1675, 1709, 1717 South State Street**

Commencing at the Southwest corner of Section 33, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, N  $86^{\circ} 39' 10''$  E 116.23 feet to the point of beginning; thence N  $24^{\circ} 11' 20''$  W 206.97 feet; thence N  $86^{\circ} 39' 10''$  E 36.23 feet; thence 154.63 feet in the arc of a circular curve to the right, radius 1392.39 feet, chord N  $09^{\circ} 45' 36''$  W 154.55 feet; thence N  $87^{\circ} 18' 25''$  E 153.68 feet; thence N  $02^{\circ} 41' 50''$  W 50.00 feet; thence N  $87^{\circ} 18' 40''$  E 54.52 feet to a point along the westerly right of way of the Ann Arbor Railroad; thence S  $24^{\circ} 08' 50''$  E 422.14 feet along said mentioned Ann Arbor Railroad Westerly right of way; thence S  $86^{\circ} 39' 10''$  W 303.99 feet to the place of beginning. Being part of the SW quarter of Section 33, T2S-R6E, Washtenaw County, Michigan.

**Petition 3: Vacant Thaler Avenue**

Commencing at the Southeast corner of "Boulevard Manor" as recorded in Liber 8 of Plats, Page 22, of the Washtenaw County Records; thence along the East line of said plat N 04° 49' West 254.32 feet to the point of beginning; thence S 76° 07' 33" W 162.51 feet; thence N 08° 55' 29" W 49.86 feet; thence N 76° 16' 21" E 115.45 feet; thence N 04° 49' W 120.36 feet following the vacated westerly right of way of Carolina Avenue; thence 37.66 feet in the arc of a circular curve to the left, radius 19.99 feet; chord N 62° 20' 52" W 32.33 feet to the Southerly right of way of Thaler Avenue; thence N 48° 15' 54" E 120.85 feet following said southerly right of way of Thaler Avenue; thence N 48° 15' 54" E 120.85 feet following said southerly right of way of Thaler Avenue; thence 46.76 feet in the arc of a circular curve to the left, radius 52.96 feet, chord S 20° 28' 48" W 45.26 feet; thence S 04° 49' E 211.41 feet along the East line of Boulevard Manor to the point of beginning. Being part of the Southwest quarter of Section 30, T2S-R6E, Washtenaw County, Michigan.

**Petition 6: 2612, 2600, 2580, 2601, 2577, 2675, 2540 Newport Road**

Commencing at the East quarter corner of Section 18, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N 89° 53' 30" W 1327.84 feet along the E-W quarter line of said section and the centerline of Bird Road; thence N 19° 08' 30" W 340.67 feet along the centerline of Newport Road; thence N 25° 16' 30" W 90.38 feet for the place of beginning; thence N 25° 16' 30" W 209.71 feet; thence S 63° 28' 06" W 480.95 feet; thence N 26° 31' 54" W 330.00 feet; thence N 22° 45' 37" W 330.12 feet; thence N 63° 29' 06" E 463.30 feet; thence N 26° 32' 30" W 161.38 feet; thence S 63° 27' 30" W 241.00 feet; thence N 26° 32' 30" W 210.00 feet; thence N 63° 27' 30" E 241.00 feet; thence S 26° 32' 30" E 210.00 feet; thence N 63° 27' 30" E 505.78 feet; thence S 26° 32' 30" E 281.67 feet; thence S 49° 31' 00" W 25.00 feet; thence S 43° 27' 30" E 73.07 feet; thence S 63° 27' 30" W 25.03 feet; thence S 11° 39' 11" E 141.83 feet; thence S 56° 38' 19" W 167.19 feet; thence S 63° 16' 47" W 275.36 feet; thence S 26° 32' 30" E 116.62 feet; thence S 25° 16' 30" E 102.00 feet; thence N 39° 50' 00" E 94.29 feet; thence S 42° 58' 00" E 329.24 feet; thence 122.49 feet in the arc of a circular curve to the left, radius 396.72 feet, chord S 55° 51' 00" W 122.00 feet; thence S 64° 43' 30" W 65.00 feet to the place of beginning.

**Petition 7: 1406, 1434 Warrington Drive**

Lots 7 & 8, Huron River Acres, Liber 16 of Plats, Page 18, Washtenaw County Records.

**Petition 8: 1439, 1463, 1475 Warrington Drive; 1336, 1376, 1463 Bird Road**

Commencing at the East quarter corner of Section 18, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence South 89° 36' 30" West 336.00 feet along the East West quarter line of said section and the centerline of Bird Road to the place of beginning; thence along the last described course 430.00 feet; thence North 00° 23' 30" West 33.00 feet to the Northerly right of way line of Bird Road; thence along said right of way South 89° 36' 30" West 538.90 feet; thence North 20° 08' 30" West 319.08 feet along the Easterly right of way of Newport Road; thence North 25° 46' 30" West 26.00 feet along said right of way of Newport Road; thence 236.07 feet in the arc of a circular curve to the right, radius 826.43 feet, chord North 72° 24' 29" East, 235.27 feet; thence 13.94 feet in the arc of a circular curve to the left,

radius 892.58 feet, chord North 80° 10' 44" East, 13.94 feet; thence South 11° 55' 30" East, 32.34 feet; thence 249.36 feet in the arc of a circular curve to the left, radius 100.22 feet, chord South 83° 20' 28" East 189.83 feet; thence South 60° 11' 30" East 259.77 feet; thence North 89° 36' 30" East 430.00 feet; thence South 00° 23' 30" East 243.00 feet to the centerline of Bird Road and the place of beginning. Being a part of the Northeast quarter of said Section 18, Ann Arbor Township, Washtenaw County, Michigan.

**Petition 12: 2315, 2375, 2445, 2453, 2477, 2511 Newport Road**

Part of the Southeast quarter of Section 18, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, described as: Commencing at the center of said Section 18; thence S 89° 56' 00" E 262.59 feet to the place of beginning; thence continuing S 89° 56' 00" E 609.14 feet along said line; thence N 00° 04' 12" E 155.80 feet; thence S 89° 55' 48" E 409.01 feet to the centerline of Newport Road; thence continuing along said centerline of Newport Road S 19° 27' 36" E 165.28 feet; thence N 89° 56' 00" 1.06 feet; thence S 00° 37' 16" W 170.01 feet along the centerline of Newport Road; thence S 00° 37' 16" W 663.23 feet; thence N 89° 44' 44" W 512.00 feet; thence N 00° 37' 16" E 280.00 feet; thence S 89° 44' 45" E 50.18 feet; thence N 00° 13' 16" E 383.49 feet; thence N 89° 55' 44" W 606.99 feet; thence N 00° 28' 16" E 319.92 feet to the place of beginning.

**Petition 15: 630, 642, 648, 654, 662, 670, 680 Hampstead Lane**

Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, Ganzhorn Hills, as recorded in Liber 7 of Plats, Page 34, Washtenaw County Records, and also Hampstead Lane (50 feet wide) as shown in said plat.