

CITY OF ANN ARBOR-CHARTER TOWNSHIP OF PITTSFIELD

POLICY STATEMENT

January 15, 1979

Promulgation of Policies

The CITY OF ANN ARBOR, a Michigan municipal corporation, with its main offices located at 100 North Fifth Avenue, Ann Arbor, Michigan 48104 (hereinafter the "City"), and the CHARTER TOWNSHIP OF PITTSFIELD, a Michigan municipal corporation, with its main offices located at 701 West Ellsworth Road, Ann Arbor, Michigan 48104, (hereinafter the "Township"), by their respective governing bodies, for the purpose of furthering their common welfare, do hereby promulgate certain policies and declare their intentions to abide by the same in their exercise of governmental authority insofar as practical and not in conflict with law.

I. ANNEXATION - GENERAL

- A. All land areas in the Township lying west of U.S. 23 Expressway and north of the south line of Ellsworth Road from U.S. 23 to the west line of State Road, thence northerly to the south line of I-94, thence westerly along the southerly right-of way of I-94 to the western boundary of the Township, shall be designated as "The Territory" and shall be eventually annexed to the City in an orderly manner.
- B. It shall be understood that this aforementioned line is the unofficial boundary line until such time as it can be so officially designated.
- C. Inasmuch as the Township and the City have an existing contract for sewer service for portions of the Township, the Township shall not make plans to provide municipal sewer and/or water service to any properties within said

Territory; however, the Township shall maintain all other legal authority and responsibility for Township lands and residents in the Territory until such time as they do become annexed to the City.

- D. Notwithstanding previous policies, decisions and procedures, the City and Township hereby agree that individual properties in the designated area may be annexed to the City even where such annexation may create new islands. Neither the City nor the Township shall interpose in any judicial or other proceeding pertaining to the annexation of any portion of the said Territory an objection to such annexation by reason that the same would create an enclave of Township land within the City.
- E. Neither the City nor the Township shall seek to require annexation to the City of any such enclave of Township land lying within the Territory solely because of its constituting an enclave, whether now existing or hereafter created through the annexation of a portion of the Territory. Nevertheless, upon request to the City by the owner of a property within any said enclave for City water or sewer service to such property, the City may require such property to become annexed to the City as a condition of granting such service.
- F. The Township agrees that, rather than furthering litigation in the case of the Pittsfield islands, it will agree to the Boundary Commission decision of 1973 (File #8322) if the individual review procedure as set forth in paragraph I. H. is applied. Accordingly, the suit appealing that decision will be dismissed.

- G. Through joint resolutions of the City and Township governing bodies, any portion of the Territory within the designated area may be annexed to the City upon the petition therefor signed by the petitioners, as provided by MCLA 117.9(8), in the case of such alternate method of annexation. The legal description of such land shall include the total width of the street or highway adjacent to the land. Property that remains in the Township and is adjacent to a street or highway that has been annexed to the City shall have the curb cut rights of access to City streets that other City properties enjoy.
- H. Upon annexation to the City of properties from said Territory, the City "deferred charges" thereon for benefits conferred by capital improvements made prior to the annexation shall be payable at the property owners option, either in full or in not less than six (6) equal annual installments, provided that the same shall be payable in up to twelve (12) equal annual installments in cases of a property being, and continuing to be, the homestead of an owner/occupant who has special hardship problems or is otherwise adjudged in need of special consideration. Hardship and special considerations may be conferred upon the single owner/occupant at the time of annexation. A Transition Appeals Committee shall be established for the purpose of determining such need. It shall be authorized to make recommendations to City Council for special consideration and shall be comprised of two (2) members appointed from the City and one (1) member appointed from the Township.

II. MUNICIPAL AIRPORT

- A. The City agrees that the pending appeal of the decision of the Washtenaw Circuit Court in the suit of the Township vs. the City (Docket #77-12619) respecting the City's proceedings to annex territories in and about the Municipal Airport and a portion of Eisenhower Boulevard shall be dismissed.

- B. The Township agrees to cooperate with the City in the establishment of an Airport land use plan which recognizes the compatibility of light industrial, warehousing, gravel mining and other uses on Airport lands. The Township will review and comment on the plan before City adoption. It is further understood that any private construction on Airport lands will require approval under Township zoning and site plan requirements, as well as Township Building and Safety Department permit requirements. Plans for municipal construction on Airport lands must be submitted to the Township for review and comment.

- C. The Township agrees to establish a land use plan for the environs of the Airport which recognizes only land uses which are compatible to Airport operations from a safety and environmental point of view. The City will review and comment on the plan before adoption by the Township.

- D. It is further agreed that gravel mining may take place only for use on City of Ann Arbor roads and public works projects and for use on Pittsfield Township roads and public works projects. In addition, it is agreed that a gravel processing plan, a restoration plan and a soil erosion plan be filed and approved by the Township.

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- E. Excepting as exempt by law, the Township shall assess for taxes the real and personal properties of and upon the Airport lands.
- F. The Township agrees to provide capacity for City sanitary sewage usage to the Airport as a direct City customer. The actual construction cost of future interceptor and major trunkline sewers designed to serve the City and the Township shall be apportioned in accordance with the design capacity provided in the sewers and shall be prorated among the properties served.

III. LANDFILL

- A. The City desires to expand its landfill operations to the west on property known as the Derck, Nielsen, and McCalla parcels.
- B. The Township agrees to actively support and assist in land acquisition negotiations for such expansion on the conditions that:
 - 1. A land use and restoration plan be developed for long-range use of the landfill area.
 - 2. That a reasonable strip of land in accordance with state law, but not less than 200 feet immediately east of Stone School Road, as well as along the southern and northern perimeters, shall be used for landscape buffering. Under state law such buffers must be a part of the landfill but cannot be used for landfill purposes. When landfill use of land is completed, the buffer strip may be available for private uses. The buffering shall include an earthen berm

which is separated from the perimeter by plant materials. All legal instruments for the purchase of the land shall require such landscape buffering.

- C. A Landfill Expansion Advisory Committee composed of four (4) persons appointed by the City and three (3) persons appointed by the Township shall be created to advise the City on environmental and operational plans.
- D. The Township agrees that it be given preferred customer consideration by the City in the use of the landfill or offered an opportunity for proportionate investment equity if the landfill is to be expanded in this location for landfill or shredding operations or a transfer station.
- E. The Township shall not adopt any ordinance, rule or regulation which prevents the City's use of the unannexed landfill for disposal of refuse materials or for park purposes.
- F. The City and Township agree to be continuing partners in seeking additional sites within the Township for solid waste disposal needs.

IV. SEWER/WATER SERVICES

- A. Upon acceptance and execution of this position paper, the City agrees to immediately approve the Township's request for sewer service limited to the Township Hall and the State Road frontage of a proposed commercial development at Ellsworth and State Roads in accordance with procedures established in Paragraph I-A of the Ann Arbor-Pittsfield sewer service agreement dated September 30, 1975. It is understood State Department of Natural Resources approval will be sought eagerly by the City.

B. The sewer service will be provided at 103% of City rates in accordance with the aforementioned agreement.

Dated this 27th day of February, 1979.

IN THE PRESENCE OF:

CHARTER TOWNSHIP OF PITTSFIELD,
a Michigan municipal corporation

James P. Friend

By Robert A. Lillie
Robert A. Lillie
Its Township Supervisor

Guthrie C. Kibler

By Perry E. Brown
Perry E. Brown
Its Township Clerk

CITY OF ANN ARBOR, a Michigan
municipal corporation

James P. Friend

By Louis D. Belcher
Louis D. Belcher
Its Mayor

Guthrie C. Kibler

By E. F. Vollbrecht
E. F. Vollbrecht
Its City Clerk

Approved by the Council for the City of Ann Arbor January 15, 1979.