

# SENATE BILL No. 849

October 26, 1999, Introduced by Senator EMMONS and referred to the Committee on Local, Urban and State Affairs.

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~~ IF 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 EXISTS, ~~the provisions of Act~~  
6 ~~No. 191 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~~ A proposed incorporation, consolidation, or change of  
9 boundaries shall be ~~deemed~~ CONSIDERED to include the whole of  
10 each city, village, or township from which territory is to be  
11 taken or to which territory is to be annexed. However, ~~when~~ IF

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1 a territory is proposed to be incorporated as a city, only the  
2 residents of the territory to be incorporated shall vote on the  
3 question of incorporation. ~~When~~ IF a petition signed by ~~the~~  
4 ~~state by~~ the appropriate agency designated by the state adminis-  
5 trative board ~~which~~ THAT 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 ter-  
9 ritory is situated, ~~such~~ annexation may be accomplished by the  
10 affirmative majority vote of the governing body of ~~such~~ THE  
11 city and the approval of the township board of ~~such~~ THE  
12 township.

13 (2) Except as provided in subsections (1) and ~~(8)~~ (7), a  
14 petition or resolution for annexation of territory shall be filed  
15 in the Lansing office of the state boundary commission. ~~The~~  
16 ~~commission, after~~ AFTER determining the validity of the petition  
17 or resolution, THE COMMISSION shall hold a public hearing in or  
18 reasonably near the area proposed for annexation. ~~The commis-~~  
19 ~~sion in~~ IN processing and approving, denying, or revising a  
20 petition or resolution for annexation, THE COMMISSION shall have  
21 the same powers and duties and be in accordance with and subject  
22 to ~~the provisions of Act No. 191 of the Public Acts of 1968~~  
23 1968 PA 191, MCL 123.1001 TO 123.1020, relating to petitions  
24 ~~which~~ THAT propose incorporations.

25 (3) If an annexation is denied by the commission, the com-  
26 mission shall send a certified copy of its order to the clerk of  
27 each county, city, village, and township affected.

1 ~~(4) If an annexation is approved, and if on the date the~~  
 2 ~~petition or resolution was filed 100 persons or less resided in~~  
 3 ~~the area approved for annexation, the commission's order shall~~  
 4 ~~not be subject to a referendum. The commission shall send a cer-~~  
 5 ~~tified copy of its order to the clerk of each county, city, vil-~~  
 6 ~~lage, and township affected and to the secretary of state. The~~  
 7 ~~annexation shall be effective on a date set forth in the~~  
 8 ~~commission's order.~~

9 (4) ~~(5)~~ If an annexation is approved, ~~and if on the date~~  
 10 ~~the petition or resolution was filed more than 100 persons~~  
 11 ~~resided in the area approved for annexation,~~ the commission  
 12 shall send a certified copy of its order to the clerk of each  
 13 county, city, village, and township affected and to the secretary  
 14 of state. The commission's order shall become final 30 days  
 15 after the date of the order unless within that 30 days a petition  
 16 is filed with the commission ~~which~~ THAT contains the signatures  
 17 of ~~at least~~ NOT LESS THAN 25% of the registered electors resid-  
 18 ing in the portion of the territory approved for annexation, in  
 19 the annexing city, or in the balance of the township. ~~The com-~~  
 20 ~~mission after~~ AFTER verifying the validity of ~~any~~ A referendum  
 21 petition, THE COMMISSION shall order that a referendum on the  
 22 question of annexation be held in each area from which a valid  
 23 petition was filed. If a valid petition is not filed within the  
 24 30 days or if the majority of the electorate voting on the ques-  
 25 tion in each area in which a referendum was held, voting sepa-  
 26 rately, approve the annexation, the annexation shall be effective

1 on a date set by order of the commission; ~~or~~ otherwise, the  
 2 annexation shall not take effect.

3 (5) ~~(6)~~ The commission shall reject a petition or resolu-  
 4 tion for annexation of territory ~~which~~ THAT includes all or  
 5 ~~any~~ A part of the territory ~~which~~ THAT was described in ~~any~~  
 6 A petition or resolution for annexation filed within the preced-  
 7 ing 2 years and ~~which~~ THAT was denied by the commission or was  
 8 defeated in an election pursuant to subsection ~~(5)~~ (4).

9 (6) ~~(7)~~ In addition to the methods for initiating annexa-  
 10 tion ~~as~~ provided in this act, ~~a petition or resolution as~~  
 11 ~~follows~~ ANY OF THE FOLLOWING may be submitted to the state  
 12 boundary commission in a form and manner ~~prescribed by it~~ THAT  
 13 IT PRESCRIBES:

14 (a) ~~By~~ A resolution of the legislative body of the city OR  
 15 TOWNSHIP to which the area is proposed to be annexed.

16 (b) ~~By~~ A petition by the persons, firms, corporations, the  
 17 United States government, or the state or any of its subdivisions  
 18 ~~who~~ THAT collectively hold equitable title as a vendee under a  
 19 recorded land contract or memorandum of land contract, or record  
 20 title to NOT LESS THAN 75% ~~or more~~ of the area of the land  
 21 exclusive of streets in the territory proposed for annexation at  
 22 the time of filing the petition.

23 (c) ~~By~~ A petition by 20% of the registered electors who  
 24 reside in the area proposed for annexation.

25 (7) ~~(8) Where~~ IF the territory proposed to be annexed to  
 26 ~~any~~ A city is adjacent to the city and consists of a park or  
 27 vacant property located in a township and IS owned by the

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

1 assessment rolls of the township at the last known address on  
 2 file with the township treasurer. This section ~~shall not be~~  
 3 ~~construed so as to~~ DOES NOT give ~~any~~ A city the authority to  
 4 proceed ~~hereunder to attach~~ UNDER THIS SUBSECTION TO ANNEX ter-  
 5 ritory from ~~any other~~ ANOTHER city, VILLAGE, OR TOWNSHIP unless  
 6 the question relative ~~thereto has been voted upon by the voters~~  
 7 ~~of the entire cities affected~~ TO THE ANNEXATION HAS BEEN VOTED  
 8 UPON AND APPROVED BY A MAJORITY OF THE VOTERS IN THE ANNEXING  
 9 CITY, THE VOTERS, IF ANY, IN THE TERRITORY PROPOSED FOR ANNEXA-  
 10 TION, AND THE VOTERS OF THE BALANCE OF EACH CITY, VILLAGE, OR  
 11 TOWNSHIP IN WHICH THE TERRITORY PROPOSED TO BE ANNEXED IS  
 12 LOCATED, ALL VOTING SEPARATELY, except as ~~hereinbefore~~  
 13 ~~specifically~~ OTHERWISE provided IN THIS SECTION, ~~where~~ IF the  
 14 territory proposed to be annexed is adjacent to a city and con-  
 15 sists of property owned by the city or consists of fractional  
 16 parts of platted subdivision lots ~~—~~ located in an adjoining  
 17 city. THE ANNEXATION SHALL BE CONSIDERED DEFEATED IF A MAJORITY  
 18 OF THE VOTERS VOTING ON THE ISSUE IN THE ANNEXING CITY, IN THE  
 19 TERRITORY PROPOSED FOR ANNEXATION, OR IN THE BALANCE OF A CITY,  
 20 VILLAGE, OR TOWNSHIP IN WHICH THE TERRITORY PROPOSED TO BE  
 21 ANNEXED IS LOCATED VOTE AGAINST THE ANNEXATION. OTHERWISE, IT  
 22 SHALL BE CONSIDERED APPROVED AND EFFECTIVE ON THE DATE SET BY THE  
 23 STATE BOUNDARY COMMISSION.

24 (8) ~~(9) The provisions of section~~ SECTION 14 ~~shall not be~~  
 25 ~~applicable~~ DOES NOT APPLY to an annexation approved by the com-  
 26 mission of part of a township or village to a city ~~except in the~~  
 27 ~~event of~~ UNLESS THERE ARE outstanding bonds or other evidences

1 of indebtedness of the township or village. In such event, the  
2 commission shall determine and order an equitable division of  
3 assets and liabilities ~~which~~ THAT relate to the bonds or other  
4 indebtedness.

5 (9) ~~(10) The provisions of sections~~ SECTIONS 8 and 8a  
6 ~~shall not be applicable~~ DO NOT APPLY to petitions or resolu-  
7 tions filed with the state boundary commission.

8 (10) ~~(11) After March 31, 1971, and so long as Act No. 191~~  
9 ~~of the Public Acts of 1968~~ IF 1968 PA 191, MCL 123.1001 TO  
10 123.1020, is in effect, annexation of territory from a CITY,  
11 township, or village to a home rule city shall be ~~as provided~~  
12 in ACCORDANCE WITH this section and no other means of annexation  
13 shall be effective.