

SENATE BILL No. 1080

February 5, 2008, Introduced by Senators BASHAM, BIRKHOLZ and PATTERSON and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending sections 9 and 9b (MCL 117.9 and 117.9b), section 9 as
amended by 2004 PA 137 and section 9b as added by 1982 PA 465, and
by adding sections 9c, 9d, and 9e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) ~~In the event of a conflict between~~ **IF** the
2 provisions of this act and 1968 PA 191, MCL 123.1001 to 123.1020,
3 regarding an incorporation or consolidation **CONFLICT**, the
4 provisions of 1968 PA 191, MCL 123.1001 to 123.1020, shall govern.
5 The district to be affected by the proposed incorporation,
6 consolidation, or change of boundaries is considered to include the
7 whole of each city, village, or township from which territory is to

1 be taken or to which territory is to be annexed. When a territory
2 is proposed to be incorporated as a city only the residents of the
3 territory to be incorporated shall vote on the question of
4 incorporation. ~~When~~

5 (2) IF a petition signed by the appropriate agency designated
6 by the state administrative board which holds legal title to the
7 entire area of the land in the territory adjacent to the city to be
8 annexed, is filed with the governing body of the city and township
9 in which the territory is situated, the annexation may be
10 accomplished by the affirmative majority vote of the governing body
11 of the city and the approval of the township board of the township.

12 (3) ~~(2)~~ Except as provided in subsections ~~(1)~~ (2) and ~~(8)~~ (9),
13 a petition or resolution for annexation of territory shall be filed
14 with the state boundary commission created under 1968 PA 191, MCL
15 123.1001 to 123.1020. The commission, after determining the
16 validity of the petition or resolution, shall hold a public hearing
17 in or reasonably near the area proposed for annexation. The
18 commission in processing and approving, denying, or revising a
19 petition or resolution for annexation shall have the same powers
20 and duties as provided under 1968 PA 191, MCL 123.1001 to 123.1020.
21 ~~, relating to petitions which propose incorporations.~~ In addition
22 to providing notice to property owners located in the area proposed
23 for annexation, the commission shall also give notice of each
24 public hearing held under this subsection to property owners
25 located within 300 feet of the area proposed for annexation by
26 certified mail not less than 30 days before the date of the public
27 hearing. Not less than 45 days before the date of the public

1 hearing, the local unit of government capable of producing the
2 information required under this section shall provide the state
3 boundary commission with a list of the names and addresses of all
4 persons the commission is required to provide notice to under this
5 subsection. The commission is required to provide notice only to
6 the property owners included on the list provided by the local unit
7 of government as required under this section. **EXCEPT AS OTHERWISE**
8 **PROVIDED IN SUBSECTION (8), A COMMISSION ORDER CONCERNING THE**
9 **ANNEXATION OF TERRITORY IN WHICH 100 OR FEWER PERSONS RESIDED ON**
10 **THE DATE THE PETITION OR RESOLUTION FOR ANNEXATION WAS FILED IS**
11 **SUBJECT TO THE PROVISIONS OF SECTION 9C.**

12 (4) ~~(3)~~—If an annexation is denied by the commission, the
13 commission shall send a certified copy of its order to the clerk of
14 each county, city, village, and township affected.

15 ~~—— (4) If an annexation is approved, and if on the date the~~
16 ~~petition or resolution was filed 100 persons or less resided in the~~
17 ~~area approved for annexation, the commission's order shall not be~~
18 ~~subject to a referendum. The commission shall send a certified copy~~
19 ~~of its order to the clerk of each county, city, village, and~~
20 ~~township affected and to the secretary of state. The annexation~~
21 ~~shall be effective on a date set forth in the commission's order.~~

22 (5) If an annexation is approved, and if on the date the
23 petition or resolution was filed more than 100 persons resided in
24 the area approved for annexation, the commission shall send a
25 certified copy of its order to the clerk of each county, city,
26 village, and township affected and to the secretary of state. ~~The~~
27 **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), THE** commission's

order shall become final 30 days after the date of the order unless within that 30 days a petition is filed with the commission ~~which~~ **THAT** contains 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. ~~The commission after~~ **AFTER** verifying the validity of any referendum petition, **THE COMMISSION** shall order that a referendum on the question of annexation be held in each area from which a valid petition was filed. If a valid petition is not filed within the 30 days or if the majority of the electorate voting on the question in each area in which a referendum was held, voting separately, approve the annexation, **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10)**, the annexation shall be effective on a date set by order of the commission, otherwise the annexation shall not take effect.

(6) The commission shall ~~reject~~ **PROCESS PETITIONS OR RESOLUTIONS FOR ANNEXATION AS FOLLOWS:**

(A) REJECT a petition or resolution for annexation of territory that includes all or any part of the territory ~~which~~ **THAT** was described in any petition or resolution for annexation filed within the preceding 2 years and ~~which~~ **THAT** was denied by the commission or was defeated in an election under subsection (5) **OR (10) OR SECTION 9C.**

(B) IF A NOTICE OF INTENT TO PETITION THE COMMISSION FOR ANNEXATION HAS BEEN PROVIDED BY A CITY, A PROPERTY OWNER, OR QUALIFIED ELECTORS UNDER SECTION 9C(2), FINALLY DISPOSE OF AN ANNEXATION PETITION OF THE CITY, PROPERTY OWNER, OR QUALIFIED ELECTORS THAT HAS BEEN SO NOTICED BEFORE PROCESSING ANY OTHER

PETITIONS THAT DEAL WITH ALL OR ANY PART OF THE SAME TERRITORY.

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

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

(b) By petition by the persons, firms, corporations, the United States government, or ~~the~~ **THIS** state or any ~~of its~~ ~~subdivisions~~ **POLITICAL SUBDIVISION OF THIS STATE** who collectively hold equitable title as a vendee under a recorded land contract or memorandum of land contract, or record title **AS RECORDED FEE OWNER** to 75% or more of the area of the land, exclusive of streets, in the territory proposed for annexation at the time ~~of filing the~~ petition **IS FILED.**

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

~~(8) Where the territory proposed to be annexed to any city is adjacent to the city and consists of a park or vacant property located in a township and owned by the city annexing the territory, and there is no one residing in the territory, the territory may be annexed to the city solely by resolution of the city council of the city. In any case where~~ **NOTWITHSTANDING THE PROVISIONS OF SECTION 9C, IF THE TERRITORY PROPOSED TO BE ANNEXED TO A CITY IS LOCATED IN A TOWNSHIP, HAS NO RESIDENTS, AND IS ADJACENT TO AND OWNED BY THE CITY PROPOSING TO ANNEX THE TERRITORY, THE TERRITORY MAY BE ANNEXED UNDER 1 OF THE FOLLOWING METHODS:**

1 (A) IF A RESOLUTION TO ANNEX THE TERRITORY IS ADOPTED BY THE
2 CITY COUNCIL BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
3 ADDED SECTION 9C, AND THE TERRITORY CONSISTS OF PARK OR VACANT
4 PROPERTY, THE TERRITORY MAY BE ANNEXED SOLELY BY THAT RESOLUTION OF
5 THE CITY COUNCIL.

6 (B) IF A RESOLUTION TO ANNEX THE TERRITORY IS ADOPTED BY THE
7 CITY COUNCIL ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
8 THAT ADDED SECTION 9C, AND THE TERRITORY WILL BE USED FOR A PUBLIC
9 PURPOSE FOR A PERIOD THAT BEGINS WITH THE ADOPTION OF THE
10 RESOLUTION AND LASTS NOT LESS THAN 8 YEARS, THE TERRITORY IS
11 ANNEXED BY THAT RESOLUTION OF THE CITY COUNCIL. FOR THE PURPOSE OF
12 THIS SUBDIVISION, TERRITORY IS USED FOR A PUBLIC PURPOSE IF IT IS
13 EXEMPT FROM THE COLLECTION OF TAXES UNDER THE GENERAL PROPERTY TAX
14 ACT, 1893 PA 206, MCL 211.1 TO 211.155. THE TOWNSHIP FROM WHICH
15 PROPERTY IS ANNEXED UNDER THIS SUBDIVISION MAY FILE A PETITION WITH
16 THE COMMISSION AT ANY TIME WITHIN THE 8-YEAR PERIOD BEGINNING WITH
17 THE ADOPTION OF THE RESOLUTION, ALLEGING THAT THE PROPERTY ANNEXED
18 IS NOT BEING USED FOR A PUBLIC PURPOSE. IF THE COMMISSION FINDS
19 AFTER A HEARING ON THE PETITION THAT THE PROPERTY IS NOT BEING USED
20 FOR A PUBLIC PURPOSE, THE COMMISSION SHALL ISSUE AND ENTER IN ITS
21 RECORDS AN ORDER THAT THE PROPERTY BE REATTACHED TO THE TOWNSHIP
22 FROM WHICH IT WAS ANNEXED.

23 (C) BY THE AFFIRMATIVE MAJORITY VOTES OF BOTH THE CITY COUNCIL
24 AND THE TOWNSHIP BOARD.

25 (9) IF the territory proposed to be annexed is adjacent to the
26 A city and consists of property owned by the city or consists of
27 fractional parts of platted subdivision lots, located in an

1 adjoining city, village, or township, the annexation may ~~also be~~
 2 accomplished by the majority vote of the legislative body of the
 3 city and the approval of the legislative body of the adjoining
 4 city, village, or township. As an alternate method, ~~where IF~~ there
 5 are no qualified electors residing in the territory proposed to be
 6 annexed to the city ~~—~~other than the person or persons petitioning,
 7 a petition signed by a person or persons, firms, corporations, the
 8 United States government, or ~~the~~ **THIS** state or any ~~of its~~
 9 ~~subdivisions~~ **POLITICAL SUBDIVISION OF THIS STATE** who collectively
 10 hold the equitable title as a vendee under a recorded land contract
 11 or memorandum of land contract, or record legal title **AS RECORDED**
 12 **FEE OWNER** to more than 1/2 of the area of the land in the territory
 13 to be annexed is filed with the city council of the city and with
 14 the township board of the township in which the territory is
 15 situated, the annexation may be accomplished by the affirmative
 16 majority vote of the city council of the city and the approval of
 17 the township board of the township. At least 10 days prior to the
 18 approval by the township board, the township treasurer shall
 19 notify, personally or by registered mail with return receipt
 20 ~~demanded~~ **REQUESTED**, the owners of all real property in the
 21 territory to be annexed as shown on the assessment rolls of the
 22 township at the last known address on file with the township
 23 treasurer.

24 (10) Except as otherwise provided **IN SUBSECTION (9)**, ~~this~~
 25 ~~section shall not be construed to give any city the authority A~~
 26 **CITY SHALL NOT PROCEED UNDER THIS SECTION** to attach territory from
 27 any other city unless the question ~~relative to the territory OF THE~~

1 ~~ANNEXATION~~ has been ~~voted upon~~ **APPROVED** by the voters of the entire
 2 cities affected. ~~where the territory proposed to be annexed is~~
 3 ~~adjacent to a city and consists of property owned by the city or~~
 4 ~~consists of fractional parts of platted subdivision lots, located~~
 5 ~~in an adjoining city.~~

6 (11) ~~(9)~~ The provisions of section 14 ~~shall~~ **ARE** not be
 7 applicable to an annexation approved ~~by the commission~~ **UNDER THIS**
 8 **SECTION** of part of a township or village to a city except in the
 9 event of outstanding bonds or other evidences of indebtedness of
 10 the township or village. In ~~such~~ **THAT** event, the **STATE BOUNDARY**
 11 commission shall determine and order an equitable division of
 12 assets and liabilities ~~which~~ **THAT** relate to the bonds or other
 13 indebtedness.

14 (12) ~~(10)~~ The provisions of sections 8 and 8a ~~shall~~ **ARE** not be
 15 applicable to petitions or resolutions filed with the state
 16 boundary commission.

17 (13) ~~(11)~~ After March 31, 1971, and so long as 1968 PA 191,
 18 ~~MCL 123.1001 to 123.1020, is in effect, annexation~~ **ANNEXATION** of
 19 territory **FROM A VILLAGE, OR OF TERRITORY WITH MORE THAN 100**
 20 **RESIDENTS** from a township, ~~or village~~ to a home rule city shall be
 21 as provided in this section and no other means of annexation ~~shall~~
 22 ~~be~~ **IS** effective.

23 (14) **TERRITORY MAY BE ANNEXED TO A CITY FROM A TOWNSHIP ONLY**
 24 **IF THE TERRITORY TO BE ANNEXED DOES NOT CONTAIN ANY REAL PROPERTY**
 25 **OWNED BY THE TOWNSHIP, EXCEPT FOR UTILITIES AND OTHER FACILITIES**
 26 **THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.**

27 (15) **THE INCORPORATION AS A CITY BY A VILLAGE IS NOT AN**

1 **ANNEXATION UNDER THIS ACT.**

2 (16) ~~(12)~~ The state boundary commission shall mail a copy of
 3 any final order issued under this section to each property owner
 4 the commission is required to provide notice to under subsection
 5 ~~(2)~~ (3) .

6 Sec. 9b. (1) ~~In addition to the detachment procedures~~
 7 ~~otherwise authorized by this act, territory~~ **TERRITORY** may be
 8 detached from a city **TO ANOTHER CITY OR VILLAGE ONLY** if all of the
 9 following conditions are met:

10 (a) The territory to be detached was annexed to the city after
 11 the city was incorporated.

12 (b) The territory to be detached is to be reattached to the
 13 municipality from which that territory was annexed.

14 (c) The city does not provide water or sewer service in the
 15 territory to be detached.

16 (d) The council of the city from which the territory is being
 17 detached approves a resolution authorizing the detachment of the
 18 territory and confirming an agreement relating to the detachment.

19 (e) The legislative body of the municipality from which the
 20 territory to be detached was annexed approves a resolution
 21 authorizing detachment of the territory and confirming an agreement
 22 related to the detachment.

23 (2) The city and municipality involved in a detachment under
 24 ~~this section~~ **SUBSECTION (1)** may enter into an intergovernmental
 25 agreement ~~which~~ **THAT** imposes conditions on the detachment. The
 26 conditions may include, but need not be limited to, building
 27 restrictions and zoning within the territory to be detached.

(3) Territory detached under ~~this section~~ **SUBSECTION (1)** is immediately reannexed to the detaching city if any of the following occurs:

(a) The city can and agrees to provide water and sewer services, the city certifies these facts to the state boundary commission, and the state boundary commission finds that the city can provide water and sewer services to this territory.

(b) The municipality to which the territory was reattached fails to comply with the intergovernmental agreement, the city certifies that fact to the state boundary commission, and the state boundary commission finds that the municipality is not in compliance.

(4) Reannexation pursuant to subsection (3) ~~shall~~ **IS** not be subject to the annexation requirements and restrictions of this act ~~; Act No. 191 of the Public Acts of 1968, being sections 123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359 of the Public Acts of 1947, being sections 42.1 to 42.34 of the Michigan Compiled Laws~~ **OR ANY OF THE FOLLOWING:**

(A) 1968 PA 191, MCL 123.1001 TO 123.1020.

(B) THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.

(5) All or part of territory detached under ~~this section~~ **SUBSECTION (1)** shall not be subject to annexation.

SEC. 9C. (1) THE ANNEXATION OF ANY TERRITORY WITH 100 OR FEWER RESIDENTS TO A CITY FROM A TOWNSHIP FOR WHICH A PETITION IS FILED WITH THE COMMISSION ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION IS SUBJECT TO THE PROCEDURES AND CONDITIONS SET FORTH IN THIS SECTION, EXCEPT AS PROVIDED IN

1 SECTION 9D.

2 (2) A CITY, PROPERTY OWNER, OR REGISTERED ELECTORS THAT INTEND
3 TO PETITION THE STATE BOUNDARY COMMISSION FOR ANNEXATION OF
4 TERRITORY WITH 100 OR FEWER RESIDENTS TO A CITY FROM A TOWNSHIP
5 SHALL PROVIDE WRITTEN NOTICE OF THAT INTENT BY CERTIFIED MAIL,
6 RETURN RECEIPT REQUESTED, TO THE CLERK OF ANY CITY OR TOWNSHIP THAT
7 IS AFFECTED BY THE PROPOSAL AND TO THE STATE BOUNDARY COMMISSION.

8 (3) THE CITY AND TOWNSHIP MAY NEGOTIATE AN AGREEMENT
9 CONCERNING THE ANNEXATION OF THE TERRITORY THAT INCLUDES, BUT IS
10 NOT LIMITED TO, AN AGREEMENT NOT TO CONTEST THE ANNEXATION PETITION
11 BEFORE THE COMMISSION, THE SHARING OF TAX REVENUES, THE FUTURE LAND
12 USE OF THE TERRITORY, AND ANY OTHER FACTORS OR TERMS THAT MAY BE
13 CONSIDERED OR PROVIDED FOR IN A CONTRACT NEGOTIATED UNDER 1984 PA
14 425, MCL 124.21 TO 124.30, OR AN INTERLOCAL AGREEMENT NEGOTIATED
15 UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL
16 124.501 TO 124.512.

17 (4) FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE UNDER
18 SUBSECTION (2), IF NO AGREEMENT HAS BEEN REACHED UNDER SUBSECTION
19 (3) BETWEEN THE CITY AND THE TOWNSHIP CONCERNING THE PROPOSED
20 ANNEXATION, A PETITION FOR ANNEXATION OF TERRITORY MAY BE FILED
21 WITH THE STATE BOUNDARY COMMISSION. ON THE SAME DAY THAT THE
22 PETITION IS FILED, THE PETITIONER SHALL SEND A COPY OF THE PETITION
23 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE CLERKS OF BOTH
24 THE CITY AND THE TOWNSHIP IN WHICH THE TERRITORY IS LOCATED.

25 (5) IF NO AGREEMENT IS REACHED WITHIN 45 DAYS AFTER RECEIPT OF
26 THE NOTICE UNDER SUBSECTION (2), THE CITY OR THE TOWNSHIP MAY FILE
27 A CLAIM NOT LATER THAN 10 DAYS AFTER THE EXPIRATION OF THAT PERIOD

1 IN THE CIRCUIT COURT ASSERTING THAT THE OTHER PARTY DID NOT
2 PARTICIPATE IN NEGOTIATIONS IN GOOD FAITH. IF THE COURT FINDS THAT
3 THE CITY OR TOWNSHIP DID NOT PARTICIPATE IN NEGOTIATIONS IN GOOD
4 FAITH, IT MAY PROVIDE APPROPRIATE EQUITABLE RELIEF, INCLUDING, BUT
5 NOT LIMITED TO, PROHIBITING THE ANNEXATION FOR A PERIOD OF NOT MORE
6 THAN 2 YEARS OR PROHIBITING THE REFERENDUM PROVIDED FOR IN
7 SUBSECTION (6).

8 (6) IF, WITHIN 30 DAYS AFTER RECEIPT BY THE CLERK OF THE
9 TOWNSHIP OF THE PETITION FOR ANNEXATION, A PETITION FOR A
10 REFERENDUM ON THE QUESTION OF ANNEXATION IS FILED WITH THE COUNTY
11 ELECTION COMMISSION THAT CONTAINS THE SIGNATURES OF AT LEAST 25% OF
12 THE REGISTERED ELECTORS IN THE AFFECTED TOWNSHIP, BASED ON THE MOST
13 RECENT CERTIFICATION OF THE NUMBER OF REGISTERED ELECTORS MADE BY
14 THE TOWNSHIP CLERK TO THE COUNTY CLERK, THE COUNTY ELECTION
15 COMMISSION SHALL CERTIFY THAT THE REFERENDUM PETITION MEETS THE
16 REQUIREMENTS FOR PETITIONS UNDER THE MICHIGAN ELECTION LAW, 1954 PA
17 116, MCL 168.1 TO 168.992, AND CALL A SPECIAL ELECTION FOR THE
18 REFERENDUM TO BE HELD IN THE TOWNSHIP WITHIN WHICH THE TERRITORY
19 PROPOSED FOR ANNEXATION IS LOCATED. IF A TOWNSHIP REFERENDUM
20 PETITION IS CERTIFIED, THE GOVERNING BODY OF THE CITY MAY ALSO
21 SCHEDULE A REFERENDUM ON THE ANNEXATION TO BE HELD IN THE CITY ON
22 THE SAME DAY AS THE TOWNSHIP REFERENDUM. UP TO 30 DAYS AFTER THE
23 REFERENDUM PETITION IS FILED, THE GOVERNING BODY OF THE CITY OR
24 TOWNSHIP MAY ADOPT A RESOLUTION TO DELAY THE SCHEDULING OF THE
25 REFERENDUM TO ALLOW TIME FOR THE CITY AND TOWNSHIP TO CONTINUE
26 NEGOTIATIONS CONCERNING THE ANNEXATION. UPON ADOPTION OF A
27 RESOLUTION BY THE GOVERNING BODY OF THE CITY OR TOWNSHIP, THE

1 SCHEDULING OF THE REFERENDUM SHALL BE DELAYED UNTIL 90 DAYS AFTER
2 THE DATE ON WHICH THE REFERENDUM PETITION IS CERTIFIED. THE COUNTY
3 ELECTION COMMISSION SHALL NOT MEET TO SCHEDULE THE REFERENDUM UNTIL
4 30 DAYS AFTER THE PETITION IS FILED. THE SPECIAL ELECTION SHALL BE
5 HELD NOT LESS THAN 60 DAYS OR MORE THAN 90 DAYS AFTER THE COUNTY
6 ELECTION COMMISSION MEETS TO SCHEDULE THE ELECTION UNDER THIS
7 SUBSECTION, UNLESS A PRIMARY OR REGULAR ELECTION, OR A SPECIAL
8 ELECTION CALLED FOR ANOTHER PURPOSE, OCCURS NOT LESS THAN 60 DAYS
9 OR MORE THAN 90 DAYS AFTER THE REFERENDUM PETITION IS FILED. IN
10 THAT EVENT, THE REFERENDUM SHALL BE SUBMITTED AT THAT PRIMARY,
11 REGULAR, OR SPECIAL ELECTION AND AN ADDITIONAL SPECIAL ELECTION
12 SHALL NOT BE CALLED.

13 (7) IF A PETITION CONTAINING SUFFICIENT VALID SIGNATURES FOR A
14 REFERENDUM ON THE QUESTION OF ANNEXATION IS NOT FILED WITH THE
15 COUNTY ELECTION COMMISSION UNDER SUBSECTION (6), THE STATE BOUNDARY
16 COMMISSION SHALL PROCEED TO PROCESS THE ANNEXATION PETITION UNDER
17 SECTION 9.

18 (8) IF AN AGREEMENT UNDER SUBSECTION (3) IS REACHED 30 DAYS
19 BEFORE THE DATE OF AN ELECTION SCHEDULED UNDER SUBSECTION (6), THE
20 REFERENDUM SHALL NOT BE HELD. IF NO AGREEMENT IS REACHED, THE
21 REFERENDUM SHALL BE HELD AS ORDERED BY THE COUNTY ELECTION
22 COMMISSION. THE ANNEXATION SHALL BE ALLOWED TO OCCUR ONLY IF A
23 MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE TOWNSHIP WITHIN
24 WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS LOCATED, AND IN THE
25 CITY IF IT HOLDS AN ELECTION UNDER SUBSECTION (6), COUNTED
26 SEPARATELY, VOTE FOR THE ANNEXATION.

27 (9) IF A MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE

1 TOWNSHIP WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS
2 LOCATED, AND IN THE CITY IF IT HOLDS AN ELECTION UNDER SUBSECTION
3 (6), VOTE FOR THE ANNEXATION, AND THE COMMISSION APPROVES THE
4 ANNEXATION UNDER SECTION 9(3), THE COMMISSION SHALL SEND A
5 CERTIFIED COPY OF ITS ORDER TO THE CLERK OF EACH COUNTY, CITY, AND
6 TOWNSHIP AFFECTED AND TO THE SECRETARY OF STATE. THE ANNEXATION
7 SHALL BE EFFECTIVE ON A DATE SET FORTH IN THE COMMISSION'S ORDER.

8 (10) AS USED IN THIS SECTION, "COMMISSION" MEANS THE STATE
9 BOUNDARY COMMISSION ESTABLISHED UNDER 1968 PA 191, MCL 123.1001 TO
10 123.1020.

11 SEC. 9D. IF THE GOVERNING BODIES OF A CITY AND TOWNSHIP
12 APPROVE BY RESOLUTION AN AGREEMENT TO ANNEX, OR NOT TO CONTEST THE
13 ANNEXATION OF, TERRITORY IN THE TOWNSHIP WITH 100 OR FEWER
14 RESIDENTS BEFORE A PETITION FOR ANNEXATION IS FILED WITH THE
15 COMMISSION, THE PROVISIONS OF SECTION 9C DO NOT APPLY AND A
16 PETITION FOR ANNEXATION MAY BE FILED AT ANY TIME. IF THE TERRITORY
17 MEETS THE REQUIREMENTS OF SECTION 9(9), THE ANNEXATION MAY PROCEED
18 UNDER SECTION 9(9).

19 SEC. 9E. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT,
20 TERRITORY MAY BE DETACHED FROM A CITY TO A TOWNSHIP ONLY IF ALL OF
21 THE FOLLOWING CONDITIONS ARE MET:

22 (A) THE TERRITORY TO BE DETACHED DOES NOT CONTAIN ANY REAL
23 PROPERTY OWNED BY THE CITY, EXCEPT FOR UTILITIES AND OTHER
24 FACILITIES THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

25 (B) THE TERRITORY TO BE DETACHED WAS NOT ANNEXED WITHIN THE
26 PREVIOUS 2 YEARS, CALCULATED FROM THE DATE THAT THE MOST RECENT
27 ANNEXATION OF THAT TERRITORY, IF ANY, WAS COMPLETED.

1 (C) THE DETACHMENT IS APPROVED BY A MAJORITY VOTE OF THE
2 QUALIFIED ELECTORS RESIDING IN EACH OF THE FOLLOWING, COUNTED
3 SEPARATELY:

4 (i) THE TERRITORY PROPOSED TO BE DETACHED FROM THE CITY.

5 (ii) THE REMAINING PORTION OF THE CITY.

6 (iii) THE TOWNSHIP TO WHICH THE TERRITORY WILL BE ATTACHED.

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 94th Legislature are
9 enacted into law:

10 (a) Senate Bill No. 1082.

11
12 (b) Senate Bill No. 1083.

13
14 (c) Senate Bill No. 1079.

15
16 (d) Senate Bill No. 1081.

17
18 (e) Senate Bill No. 1078.