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EXPERT COUNSEL



REAL SOLUTIONS

Protecting Your Township Boundaries

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Annexation of General Law Townships

- Boundary Commission
 - Resolution by City Council
 - Petition by Residents or Property Owners
- Outside the Boundary Commission
 - Mutual agreement of City and Township
 - Unilateral annexation by City



City Annexation Strategies— General Law Townships

- Piecemeal approach
- Withhold water or sewer without annexation
- Sham land purchases



Annexation of Charter Townships

- Very limited “exemption” from Boundary Commission annexations if Charter Township existed before June 15, 1978, or meets all 7 criteria:
 1. SEV at least \$25 million
 2. 150 persons per square mile (5,400 in typical township)
 3. Fire protection by contract or otherwise
 4. Comprehensive zoning ordinance or master plan
 5. Solid waste disposal by contract, license, or municipal ownership
 6. Water **or** sewer services, by contract or otherwise
 7. Police protection through own department or contract with sheriff
- But even if “exempt” . . . Watch out for a 20% petition!



City Annexation Strategies- Charter Townships

- Encourage and support property owners who use 20% petitions.
- Challenge “exemption” criteria in Boundary Commission.



Township Defenses to Annexation

- Plan for future land uses and needed infrastructure
- Try to win in the Boundary Commission
- Defensive detachment before or after Boundary Commission decision
- “White Knight” Agreements under Act 425
- Charter townships—consider de-chartering?
- Settle with City under Act 425 or Act 108



Planning is the Best Defense

- If development is possible and will require water/sewer, begin now to plan for those services.
- Don't wait until development is on your doorstep to do something about these needed services; by then it will be too late.



Winning in the Boundary Commission

- Attack the legal sufficiency of the petition.
- Address annexation criteria
- Non sewer/water cases (rare)
- Organization and preparation
- Experts (Planners, engineers)
- Maps and exhibits
- Tell your story.



Defensive Detachment

- Reverse of annexation
- Requirements for petition
- Procedures for processing petition
- Procedures for election
- Winning the election



Detachment Case Studies

- Brighton Twp
- Sturgis Twp
- Big Rapids Twp
- Wheatfield Twp



“White Knight” Agreements

- Use Act 425
- Enter into Act 425 Agreement with a different township, city or village.
- This will stop the annexation in its tracks
- Ex: City of Cadillac/Clam Lake Twp/Haring Twp



Charter Townships - De-Charter?

- Requires careful consideration
- If you became a charter township for other reasons (increased millage), de-chartering may not be an option.



Settlements Under Act 425

- Act 425 allows a “conditional transfer”:
 - Up to 50 years plus 50-year renewal
 - Share property taxes and other revenues
 - Share authority over the property during the agreement
 - May stay with city or return to township at the end
 - Very flexible terms, subject to agreement
- Consider a “global” Act 425 Agreement
 - Set an area around the City
 - Establish rules for how residents can voluntarily transfer to get sewer and water



Settlements Under Act 108

- Act 108 is like Act 425, but:
 - The property is annexed immediately and permanently to the city.
 - No time limit for the sharing of taxes
 - Act 108 property can be used as a base for future annexations





Questions?

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