

## General Law Village—Annexation

### Introduction

The procedure for annexation of territory to a general law village is outlined in Section 6 of the General Law Village Act (PA 3 of 1895, MCL 74.6). Unlike city annexation which may involve the State Boundary Commission, village annexation is decided by the county board of commissioners. A sample resolution, notice of hearing, petition, and order are attached.

### Procedure

1. Passage of a resolution by the village council stating the determination to alter the village boundaries.
2. Notice by the village clerk of the time and place the petition for the boundary change will be considered by the county board of commissioners to be published in a newspaper published in the village for at least three weeks immediately preceding the presentation. If no newspaper is published in the village, the notice must be posted in at least three of the most public places in the village and in at least three of the most public places in the area to be directly affected. This notice must contain a description of the premises proposed to be annexed.
3. Submission of a petition to the board of commissioners of the county in which the territory of the proposed annexation is located, requesting the change in boundaries. This petition must be signed by the president and clerk and include the following:
  - a. A description by metes and bounds of the proposed boundary change.
  - b. A statement of the reasons for the proposed change.
  - c. A copy of the council's resolution.
4. Hearing before the county board of commissioners where all interested parties may appear and be heard relative to the proposed change in boundaries.
5. Determination of the county board of commissioners whether or not the requested change shall be granted. Whether or not the proposed boundary change will be approved lies solely within the judgment of the board. Under the General Law Village Act, there is no provision for submission of the question to the electors.
6. Entry of Order by the county board of commissioners into its records, at which time the boundaries of the village will be fixed as determined in the order.
7. Transmission of a certified copy of the order to the village clerk by the county clerk and to the Secretary of State. Upon the filing of the order, the boundary adjustment becomes effective.

SAMPLE  
RESOLUTION

Village of \_\_\_\_\_

WHEREAS, it is to the mutual advantage and benefit of the people in the Village of \_\_\_\_\_ to promote business and industrial development and to attract business and industry to create payrolls and improve the general economic condition of the Village of \_\_\_\_\_;

WHEREAS, the \_\_\_\_\_ Area Industrial Development Corporation, a Michigan corporation intended to promote local development, is the owner of land hereinafter described, which is to be promoted for business or industrial development

AND, WHEREAS, it is of great importance for any such business or industrial development to have water lines and sewer lines extended to the site;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of \_\_\_\_\_ in a regular meeting as follows:

1. That the Village Council of \_\_\_\_\_, \_\_\_\_\_ County, Michigan, petitions the Board of Commissioners of the County of \_\_\_\_\_ to annex to the Village of \_\_\_\_\_ the following described land:

(Insert legal description – metes and bounds)

2. That the President and the Clerk of the Village of \_\_\_\_\_ are authorized to sign a petition directed to the Board of Commissioners of \_\_\_\_\_ County and to attach a copy of this resolution to the petition, said petition requesting that the Board of Commissioners hold a hearing and take action on the petition as prayed for in the petition.

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

I hereby certify that the above is a true copy of the resolution passed at a meeting of the Village Council of the Village of \_\_\_\_\_ held in the Village of \_\_\_\_\_, \_\_\_\_\_ County, Michigan on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Village Clerk

<sup>1</sup> This is an example of an appropriate reason for annexation but any valid reason may be set forth in the resolution.

SAMPLE  
NOTICE OF HEARING OF THE PETITION  
OF THE

VILLAGE OF \_\_\_\_\_  
TO ANNEX CERTAIN TERRITORY

TO THE VILLAGE OF \_\_\_\_\_

TO WHOM IT MAY CONCERN:

NOTICE IS GIVEN that the Village Council of the Village of \_\_\_\_\_,  
County, Michigan has petitioned the \_\_\_\_\_ County Board of Commissioners to annex to the  
Village of \_\_\_\_\_, \_\_\_\_\_ County, Michigan, the following described lands  
located in the Township of \_\_\_\_\_, \_\_\_\_\_ County, Michigan, to-wit:

(Insert legal description - metes and bounds)

This notice shall be published in the \_\_\_\_\_, a newspaper published in the Village  
of \_\_\_\_\_, one time each week for three weeks immediately preceding the hearing on  
the petition.

[Or, if no newspaper is published in the Village]

This notice shall be posted in said Village of \_\_\_\_\_ and on the above described  
land in the manner required by law.

The hearing on the petition will be a public hearing and all persons for or against the proposed annexation  
may be heard. The hearing will be held in the \_\_\_\_\_ in the Courthouse for the County of  
\_\_\_\_\_, in the City of \_\_\_\_\_, on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_M., EST.

Dates: \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Clerk of the \_\_\_\_\_ County  
Board of Commissioners

\_\_\_\_\_  
Village Clerk

Village of \_\_\_\_\_  
\_\_\_\_\_  
County, Michigan

SAMPLE  
PETITION

Village of \_\_\_\_\_

The Village Council of the Village of \_\_\_\_\_, \_\_\_\_\_ County, Michigan, having heretofore adopted a resolution determining the desirability of annexing to the Village of \_\_\_\_\_, \_\_\_\_\_ County, Michigan, all of the following described lands located in the Township of \_\_\_\_\_, to-wit:

(Insert legal description - metes and bounds)

pursuant to Section 6, Chapter 14, Act 3 of 1895 of the Public Acts of the State of Michigan (MCL 74.6; MSA 5.1470) petitions the Board of Commissioners, \_\_\_\_\_ County, Michigan, to order the annexation in accordance with the resolution and this petition. A copy of the resolution is attached and made a part hereof.

The reasons for the annexation are fully set forth in the resolution of the Village Council of the Village of \_\_\_\_\_, \_\_\_\_\_ County, Michigan, attached hereto. The annexation is necessary to promote the business and economic development of the Village of \_\_\_\_\_.

Petitioner prays that the Board of Commissioners set a date for the hearing of this petition and that on the date of the hearing of the petition, the Board of Commissioners order and determine that the annexation, as proposed, be approved and that the lands above described be annexed and be incorporated within the corporate limits of the Village of \_\_\_\_\_, \_\_\_\_\_ County, Michigan.

Signed at \_\_\_\_\_, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

VILLAGE COUNCIL OF THE VILLAGE OF \_\_\_\_\_

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk

SAMPLE  
ORDER AND DETERMINATION BY THE \_\_\_\_\_ COUNTY  
BOARD OF COMMISSIONERS  
TO ANNEX CERTAIN LANDS TO THE  
VILLAGE OF \_\_\_\_\_, MICHIGAN

WHEREAS, the Village Council of the Village of \_\_\_\_\_ has, by resolution, determined to petition the Board of Commissioners of \_\_\_\_\_ County to annex certain lands as described and also as described in said petition and resolution, to the Village of \_\_\_\_\_, and

WHEREAS, the petition and resolution give as a reason for said proposed annexation that it is necessary to promote the business economy and development of the Village of \_\_\_\_\_, and

WHEREAS, the resolution as presented was duly signed by the President and the Clerk of the Village of \_\_\_\_\_, and

WHEREAS, notice of the hearing to be held by the \_\_\_\_\_ County Board of Commissioners on the question of such proposed annexation was published or posted as required by the statute, as appears by the affidavit of \_\_\_\_\_, Village Clerk, in the files of this matter, and

WHEREAS, the notice also contained a description of the premises to be annexed, and

WHEREAS, all persons interested have been given an opportunity to be heard at a public meeting of the \_\_\_\_\_ County Board of Commissioners, and

WHEREAS, all proceedings pursuant to Section 6, Chapter 14, of Act 3 of the Public Acts of 1895 of the State of Michigan (MCL 74.6; MSA 5.1470), have been complied with,

NOW, THEREFORE, It is ordered and determined that the following described lands in the Township of \_\_\_\_\_, \_\_\_\_\_ County, Michigan:

(Insert legal description - metes and bounds)

are hereby annexed to the Village of \_\_\_\_\_, \_\_\_\_\_ County, Michigan, and the lands shall be considered to be included within the corporate limits of said Village.

IT IS FURTHER ORDERED that a copy of this Order and Determination to annex territory to the Village of \_\_\_\_\_, Michigan, shall be entered on the records of the \_\_\_\_\_ County Board of Commissioners and that a certified copy of this Order and Determination shall be transmitted by the Clerk of the \_\_\_\_\_ County Board of Commissioners to the Clerk of the Village of \_\_\_\_\_ and to the Secretary of State, State of Michigan. This Order and Determination shall be prima facie evidence of the change of boundaries of the Village of \_\_\_\_\_ and of the regularity to such proceedings.