

AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission
FROM: Jeremy Howard, City Manager
DATE: August 3, 2023
RE: Annexation of City-Owned Property – Vernon Township

For the Agenda of August 7, 2023

Background. During some recent updates being completed by the State Boundary Commission, the City discovered that two parcels of land (18-002-20-015-00 & 18-002-30-016-00) that have long been owned by the City in what is now referred to as Industrial Park #3, were never officially annexed into the City. Further research was completed by the City Clerk and City Attorney to verify this issue (*see att'd memo from City Attorney and Deed of Purchase*). Public Act 279 of 1909 (MCL 117.9(8)) allows that the City may annex owned, vacant property that is adjacent to the City's current boundaries by simple resolution. The City Commission is asked to approve the annexation of this property at this time.

Issues & Questions Specified. Should the City Commission approve the annexation of this owned property and concurrently amend the boundaries of the City of Clare?

Alternatives.

1. Approve the resolution.
2. Deny the resolution.
3. Set the matter aside for consideration and deliberation at a future meeting.

Financial Impact. There is no immediate fiscal impact to the City, as the property is owned by the City (thus it is not taxable). These two parcels are part of the larger property for IP3 that is being marketed for future development.

Recommendations. I recommend that the City Commission approve the annexation of this vacant property by adoption of Resolution 2023-062.

Attachments.

1. Memo from City Attorney.
2. Deed of Purchased Parcels.
3. Resolution 2023-062.

Memo

To: Clerk D. Lyon, City of Clare

From: Jaynie Hoerauf

August 2, 2023

Re: Vernon Township/Clare parcels

Question: Our maps reflect that Parcel 18-002-20-015-00 and 18-002-20-016-00 are inside the city boundaries, but the Boundary Commission does not. Are they annexed?

Short Answer: Not annexed, yet.

When I pull the tax record up on Isabella County GIS, the tax map/descriptions are completely unhelpful. SW ¼ lying west of US-27. The freeway? Or business route?

Backtracking, I find that the City acquired these two parcels from Alma Tice in 2003. See deed. That gives us defensible legal description.

I find nothing reflecting that the two parcels were ever annexed, though. Most of Vernon Township properties came into the City via a “mass annexation” in 1990. These Section 2 parcels are not in that list.

When I check the print-out that Assessor gave me a few years ago, I see them on the City’s tax roll, and that the parcel numbers shifted:

15-002-30-002-00 became 18-002-30-016-00

15-002-40-02-00 became 180002-20-015-00

The only notation about this is “Parcel added by Assessor for 2009, Jurisdiction being researched.” So, they jumped onto the City tax roll, probably all by themselves.

I suspect that they were never annexed. Because they are both city owed and vacant, we can use the Resolution method that we have used before. I enclose, also the necessary resolution. The Attachment would be the Attachment for the deed from Alma Tice.

00610

20030000610
Filed for Record in
ISABELLA COUNTY, MI
SHARON A BROWN
01-10-2003 03:20:18 pm.
WARR DEED 11.00
Liber 1132 Page 702 - 703



MICHIGAN REAL ESTATE TRANSFER TAX
DEPT of TREASURY \$ 670.80
ISABELLA COUNTY, MI
20030000610 10 JAN 2003 \$ 85.80 C
00019302 \$ 385.00 S

20030000610
HUGHES & HOERAUF PC
601 BEECH
POBOX 67
CLARE, MI 48617

WARRANTY DEED

THE GRANTORS: ALMA M. TICE VAN AELST, Trustee of the Alma M. Tice VanAelst Revocable Living Trust u/a/d 7/20/99, of 2220 South Grass Lake, Lake MI 48632;

CONVEYS AND WARRANTS TO: CITY OF CLARE, a Michigan municipal corporation, of 202 West Fifth, Clare MI 48617;

the following described premises situated in the Township of Vernon, County of Isabella, and State of Michigan:

See attached Exhibit "A".

Excepting and reserving unto Grantor one-half of all oil, gas and mineral rights.

The Grantor grants to the Grantee the right to make all divisions of the above-described property under Section 108 of the Land Division Act, Act No. 591 of the Public Acts of 1996, as amended, the above information provided by Grantor. Any split or division of land must be approved by the township and county officials and failure to comply may result in criminal or civil sanctions pursuant to Public Act 591 of 1996.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

for the sum of Seventy-eight Thousand and no/100ths (\$78,000.00) Dollars;

Subject to easements and building and use restrictions of record and further subject to reservations of record.

Dated this 7th day of January, 2003.

Signed by:

Alma M. Tice Van Aelst

ALMA M. TICE VAN AELST, Trustee
of the Alma M. Tice Van Aelst Revocable
Living Trust u/a/d 7/20/99

STATE OF MICHIGAN)
)ss.
COUNTY OF CLARE)

The foregoing instrument was acknowledged before me this 7th day of January, 2003, by ALMA M. TICE VAN AELST, Trustee of the Alma M. Van Aelst Revocable Living Trust u/a/d 7/20/99.

Suzanne L. Sunday
Suzanne L. Sunday, Notary Public
Clare Co., MI My Commission Expires: 6/29/05

PREPARED BY:
RICHARD W. HUGHES
HUGHES & HOERAUF, P.C.
601 Beech, P.O. Box 67
Clare, MI 48617
Phone: (989) 386-3434

EXHIBIT "A"

18-002-
20-015-00

Part of the Southeast One-quarter of Section 2, T16N, R4W, Vernon Township, Isabella County, State of Michigan, described as: Beginning S 00°34'58" E, along the North-South One-quarter line, 2619.74 feet from the North One-quarter Corner of said Section 2; thence continuing S 00°34'58" E, along said North-South One-quarter line, 1617.82 feet to the Westerly right-of-way line of U.S. 127; thence along said Westerly right-of-way line of U.S. 127 on the following two courses: N 21°56'21" E, 704.26 feet; thence 1030.48 feet along a 11,356.13 foot radius curve to the left, having a long chord bearing of N 19°20'22" E, 1030.13 feet to the East-West One-quarter line; thence S 89°18'22" W, along said East-West One-quarter line, 620.77 feet back to the place of beginning. This property is subject to an easement for the installation and maintenance of public utilities. Containing 12.1 acres and being subject to restrictions, reservations, easements, rights-of-way, zoning, governmental regulations, and matters visible, if any, upon or affecting said lands.

18-002-30-
016-00

Part of the Southeast Quarter of the Southwest Quarter of Section 2, T16N, R4W, Vernon Township, Isabella County, State of Michigan, described as: Beginning S 00°34'58" E, along the North-South One-quarter line, 3939.72 feet from the North One-quarter Corner of said Section 2; thence continuing S 00°34'58" E, along said North-South One-quarter line, 297.84 feet to the Westerly right-of-way line of U.S. 127 access route; thence S 21°56'21" W, along said Westerly right-of-way line of U.S. 127 access route, 361.45 feet to the Easterly right-of-way line of U.S. 127 B.R.; thence 703.68 feet, along said Easterly right-of-way line of U.S. 127 B.R., on a 2649.48 foot Radius Curve to the left, having a Long Chord Bearing of N 26°39'03" W, 701.62 feet to the South One-eighth line; thence N 89°13'37" E, along said South One-eighth line, 446.77 feet back to the place of beginning. This property is subject to an easement for the installation and maintenance of public utilities. Containing 3.5 acres and being subject to restrictions, reservations, easements, rights-of-way, zoning, governmental regulations, and matters visible, if any, upon or affecting said lands.

STATE OF MICHIGAN
COUNTY OF ISABELLA
I HEREBY CERTIFY that there are no tax liens or
taxes held by the state or individuals on the lands
described in the within instrument, and that all
taxes are paid as shown by the records of this
office for five years.

Steven W. Piekens
Treasurer of Isabella County

RESOLUTION 2023-062

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING THE COMPREHENSIVE INDUSTRIAL PROPERTY APPRAISAL AGREEMENT FOR PROFESSIONAL SERVICES WITH MICHIGAN ASSESSING COALITION, INC. (MAC, INC.)

At a meeting of the City of Clare City Commission held on August 7, 2023, a resolution was passed approving this resolution as set forth; and

WHEREAS, the following two parcels of land is owned by the City of Clare, described as upon Attachment A; and

WHEREAS, the street address of this property has no street address, and lies between the US-127 freeway, the US-127 northbound off-ramp, and south of Industrial Drive, Clare, Michigan, said property now located within the Township of Vernon, Clare County, State of Michigan; and

WHEREAS, the property is vacant property with no one residing thereon; and

WHEREAS, the territory to be annexed is adjacent to the City; and

WHEREAS, the territory may be annexed to the City by resolution of the City Commission pursuant to pursuant to MCL 117.9(8), P.A. 1909, No. 279 as amended from time to time; and

WHEREAS, the City Charter reserves all such powers to the City; and

WHEREAS, annexation will allow the City to administer lands consistent with all aspects of local governance.

BE IT THEREFORE RESOLVED THAT pursuant to the powers vested in the City of Clare by the Home Rule Cities Act and its Charter, both as referenced above, the City of Clare hereby has annexed and does include within its boundaries the lands specifically described in paragraphs above.

The Clerk of the City of Clare is hereby directed to file this resolution with the Office of the Great Seal of the State of Michigan as required by Law.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 7th day of August, 2023.

Dated: _____

Diane Lyon, City Clerk

SEAL