

Order

Michigan Supreme Court
Lansing, Michigan

June 3, 2016

Robert P. Young, Jr.,
Chief Justice

151800(37)

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

CLAM LAKE TOWNSHIP and HARING
CHARTER TOWNSHIP,
Appellants,

v

SC: 151800
COA: 325350
Wexford CC: 2014-025391-AA

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS / STATE
BOUNDARY COMMISSION, TERIDEE LLC,
and CITY OF CADILLAC,
Appellees.

On order of the Court, the motion for stay is considered, and it is DENIED.



s0531

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 3, 2016


Clerk

Larry S. Royster
Supreme Court Clerk



Michigan Hall of Justice
P.O. Box 30052
Lansing, Michigan 48909
Phone (517) 373-0120

Michigan Supreme Court Office of the Clerk

June 3, 2016

RE: Amended leave granted orders in MSC No. 151800, *Clam Lk Twp v Dep't of Licensing and Regulatory Affairs*, and MSC No. 153008, *Teridee, LLC v Haring Charter Twp*.

Dear Counselors:

Please find enclosed amended orders granting the applications for leave to appeal MSC No. 151800, *Clam Lk Twp v Dep't of Licensing and Regulatory Affairs*, and MSC No. 153008, *Teridee, LLC v Haring Charter Twp*. It was recently discovered that the original orders, which were entered on April 6, 2016, were not the final versions that the Justices had approved for issuance. The amended orders revise the issues to be addressed slightly but retain the content of the original orders in all other respects.

In light of the restatement of the issues, and the fact that appellants have already submitted their briefs under the original orders, the appellants will be given 28 days from today's date in which to file supplemental briefs addressing the specifics of the revised issues. The appellees will be given 35 days from the filing of the appellants' supplemental briefs or the passing of the 28 days if no supplemental briefs are filed, whichever occurs first, within which to file their briefs. The briefing periods may, of course, be extended upon the filing of proper motions.

I apologize for the confusion and any additional work the amended leave granted orders may cause. If you have any questions or concerns with the amended orders, please feel free to contact me directly. My phone number is listed above and my email address is roysterl@courts.mi.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Larry S. Royster
Supreme Court Clerk

Order

Michigan Supreme Court
Lansing, Michigan

June 3, 2016

Robert P. Young, Jr.,
Chief Justice

151800

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

CLAM LAKE TOWNSHIP and HARING
CHARTER TOWNSHIP,
Appellants,

v

SC: 151800
COA: 325350
Wexford CC: 2014-025391-AA

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS / STATE
BOUNDARY COMMISSION, TERIDEE LLC,
and CITY OF CADILLAC,
Appellees.

AMENDMENT TO ORDER

On order of the Court, this Court's April 6, 2016 order is amended, to correct a clerical error, and reads as follows:

On order of the Court, the application for leave to appeal the May 26, 2015 order of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether *Casco Twp v State Boundary Comm'n*, 243 Mich App 392, 399 (2000), correctly held that the State Boundary Commission (SBC) has the authority to determine the validity of an agreement made pursuant to the Intergovernmental Conditional Transfer of Property by Contract Act, 1984 PA 425, MCL 124.21 *et seq.* (Act 425); (2) if so, whether the SBC in this case properly determined that the appellant townships' Act 425 Agreement was invalid; and (3) whether, despite the language of MCL 117.9(6) and MCL 123.1012(3) (providing a two-year waiting period before resubmission of a petition for annexation), the doctrine of collateral estoppel applied to invalidate the SBC's 2014 approval of the appellee property owner's petition for annexation on the basis of the SBC's denial of the same property owner's petition in 2012.

We further ORDER that this case be argued and submitted to the Court together with the case of *TeriDee LLC v Haring Charter Twp* (Docket No. 153008), at such future

session of the Court as both cases are ready for submission. In light of the joint submission, the time allotted for oral argument shall be limited to fifteen minutes per side in each case. MCR 7.314(B)(1). Motions for permission to file briefs amicus curiae and briefs amicus curiae regarding these two cases should be filed in *Clam Lake Twp v Department of Licensing and Regulatory Affairs* (Docket No. 151800) only and served on the parties in both cases.



s0330t

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 3, 2016

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk

Order

Michigan Supreme Court
Lansing, Michigan

June 3, 2016

Robert P. Young, Jr.,
Chief Justice

153008

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

TERIDEE LLC, JOHN F. KOETJE TRUST,
and DELIA KOETJE TRUST,
Plaintiffs-Appellees,

v

SC: 153008
COA: 324022
Wexford CC: 2013-024803-CH

HARING CHARTER TOWNSHIP and
CLAM LAKE TOWNSHIP,
Defendants-Appellants.

AMENDMENT TO ORDER

On order of the Court, this Court's April 6, 2016 order is amended, to correct a clerical error, and reads as follows:

On order of the Court, the application for leave to appeal the December 8, 2015 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether *Inverness Mobile Home Community v Bedford Twp*, 263 Mich App 241 (2004), applies to the defendant townships' Agreement pursuant to the Intergovernmental Conditional Transfer of Property by Contract Act, 1984 PA 425, MCL 124.21 *et seq.* (Act 425); (2) if so, whether the challenged provisions of the Act 425 Agreement were nevertheless authorized by Section 6(c) of Act 425, MCL 124.26(c); and (3) if the challenged provisions are void, whether the offending provisions of the defendant townships' Act 425 Agreement were severable.

The Michigan Townships Association and the Michigan Municipal League are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.

We further ORDER that this case be argued and submitted to the Court together with the case of *Clam Lake Twp v Department of Licensing and Regulatory Affairs* (Docket No. 151800), at such future session of the Court as both cases are ready for submission. In light of the joint submission, the time allotted for oral argument shall be

limited to fifteen minutes per side in each case. MCR 7.314(B)(1). Motions for permission to file briefs amicus curiae and briefs amicus curiae regarding these two cases should be filed in *Clam Lake Twp v Department of Licensing and Regulatory Affairs* (Docket No. 151800) only and served on the parties in both cases.



s0330t

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 3, 2016

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk

Order

Michigan Supreme Court
Lansing, Michigan

June 3, 2016

Robert P. Young, Jr.,
Chief Justice

153008(46)

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

TERIDEE LLC, JOHN F. KOETJE TRUST,
and DELIA KOETJE TRUST,
Plaintiffs-Appellees,

v

SC: 153008
COA: 324022
Wexford CC: 2013-024803-CH

HARING CHARTER TOWNSHIP and
CLAM LAKE TOWNSHIP,
Defendants-Appellants.

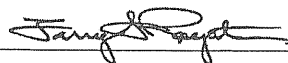
On order of the Court, the motion for stay is considered, and it is DENIED.



s0531

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 3, 2016


Clerk

Order

Michigan Supreme Court
Lansing, Michigan

November 30, 2016

Robert P. Young, Jr.,
Chief Justice

151800(58)

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

CLAM LAKE TOWNSHIP and HARING
CHARTER TOWNSHIP,
Appellants,

v

SC: 151800
COA: 325350
Wexford CC: 2014-025391-AA

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS / STATE
BOUNDARY COMMISSION, TERIDEE, LLC,
and CITY OF CADILLAC,
Appellees.

On order of the Chief Justice, the joint motion of appellees for an additional 15 minutes of oral argument time is DENIED.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 30, 2016

Clerk