

Judge To Allow Annexation Vote

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It is quite clear that when two villages are combined, the required process is consolidation.

Brennar argued that a State Supreme Court case, Hempel vs. Rogers City, allowed the use of an incorporation election to combine one village with a township.

Ziem observed that in the Rogers City case the Supreme Court specifically pointed out that the case did not involve a consolidation of two villages.

The exact wording of the Supreme Court was: "Neither is it a consolidation of two villages," which Ziem said was an inference that if two villages were involved, incorporation would not be allowed.

IN HIS OPINION, Judge Ziem stressed: "Incorporation and consolidation are separate and distinct proceedings, each having different consequences and different procedures."

In a declaratory statement, Ziem said: "This court has found that the only valid method of creating a new city from the Township of Farmington and its two villages is by means of 'consolidation'."

Ziem also upheld the Boundary Commission in rejecting the petition filed by Robert McConnell of

Farmington Township asking the commission to convert the incorporation petition to a consolidation request.

Among reasons given by Ziem was: "It would appear that the Legislature was aware of the procedural and substantive differences between the process of incorporation and consolidation, and did not intend that the Boundary Commission select between such processes."

THE TOWNSHIP HAD challenged the annexation petition because it included for annexation two separate non-connected areas of the township.

Ziem ruled that the law does not require lands to be annexed to be contiguous to each other but only that the parcels be contiguous to the city.

In the Farmington area case, the southern half of the township to be annexed does not connect because the City of Farmington and Quakertown separate the land proposed to be annexed. But both halves are contiguous to the city.

A **PERSONAL** observation made by Ziem in his ruling was:

"The questions presented are difficult ones upon which reasonable parties could well differ, and in this case the parties do so vigorously."

"The facts of this case certainly illustrate the difficult position that any attorney is put into when he is attempting to advise as to which type of petition ought to be presented."

Ziem explained the "pivotal issue" in the case was whether the Boundary Commission erred in rejecting the original petition for incorporation filed by McConnell last October.

The confusing point, Ziem added, was that state statute indicates combination of one village with unincorporated area (township) would be accomplished through consolidation.

But the Supreme Court in the Rogers City case, Ziem continues, made a decision that one village could be joined through incorporation with a township — but not two villages.

"The Rogers City case has never been cited in a situation other than a case involving one village and unincorporated territory seeking to form a city."

"The Rogers City case should be followed by the trial courts but should be strictly limited to the facts which are distinguishable from the instant (Farmington) case."

"It is, of course, not the province of a trial court to overrule decisions of the State Supreme Court. Ziem also commented on the uniqueness of the Farmington Area boundary lawsuit."

"This issue, of whether a new city may be incorporated from a township and two villages which are part of that township, is an issue of first impression in this state."

Walled Lake Plaza Opened

FARMINGTON Flea markets and antique shows are featured every Sunday from 12 to 5 p.m. at Walled Lake Park Plaza, formerly Walled Lake Amusement Park, at 13 Mile and Novi Road. Admission is free.

The plaza also offers roller skating every day except Sunday from 2-6 p.m. and 7-11 p.m.

Qualifies Farley Given Army Award

FARMINGTON Robert L. Svoboda, son of Mr. and Mrs. Robert L. Svoboda of 24205 Farmington Rd., Farmington, has qualified as a naval aviator, officer candidate at the Naval Air Reserve Training Unit in Norfolk, Va. Upon graduation from North Carolina State University, he will report to the Naval Aviation Schools Command, Pensacola, Fla., for his first phase of training.

The son of Mrs. Elizabeth Farley of 245 Oak Island, Walled Lake, Farley graduated from North Farmington High School in 1967 and attended Oakland Community College.

LIT Taps L. A. Lahr

FARMINGTON Leland A. Lahr of 21310 Birchwood, Farmington, has been appointed director of the school of industrial management at Lawrence Institute of Technology.

Prof. Lahr, 40, has been a member of the industrial management faculty for the past six years. He has taught courses in marketing and management.

He is a native of Lafayette, Ind. He received a bachelor's degree from DePauw University in 1952 and pursued graduate studies at Butler University in Indianapolis and at Indiana University in Bloomington, Ind. He received a master's degree in Business Administration in 1964 from Indiana U. While there he was elected for membership into Beta Beta Beta, honorary business scholarship society.

While on leave from L.I.T., Prof. Lahr completed classroom work for a doctorate in philosophy at Michigan State University. The school of industrial management one of five at L.I.T., has an enrollment of 130 students.



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