

ELK RAPIDS TOWNSHIP  
RESOLUTION 2021-18  
CONFIRMING SPECIAL ASSESSMENT ROLL

Cairn Highway Sanitary Sewer Special Assessment District No.1

At a special meeting/public hearing of the Township Board of Elk Rapids Township, Antrim County, Michigan (the "Township"), held in said Township on Tuesday, December 14, 2021, there were:

PRESENT: **D. Amos, S. Boisvert, M. Szymanski, M. Soper, and R. Hults**

ABSENT: **0**

The following resolution was offered by Member **Hults** and seconded by Member **Soper**:

WHEREAS, Public Act 188 of 1954 ("Act 188") was enacted, in part, to provide for the making of certain improvements by townships, to provide for the levying of taxes, and to provide for assessing the whole or a part of the cost of improvements against property benefited. Further, Act 188 provides that the cost of engineering services and all expenses incident to the proceedings for the making and financing of the improvement shall be deemed to be part of the cost of the improvement;

WHEREAS, Section 1 of Act 188 provides that the sums required for the construction, improvement, and maintenance of storm or sanitary sewers may be defrayed by special assessment on the lands and premises in the township or townships to be benefited;

WHEREAS, Section 2(1) of Act 188 specifically authorizes the construction, improvement, and maintenance of storm or sanitary sewers;

WHEREAS, the Township Board has received petitions of owners of more than 50% of the land area of the proposed Special Assessment District requesting the construction of certain public improvements;

WHEREAS, the Township Board has previously determined to make the following necessary public improvement in the Township and determined the character of the improvement proposed to be made as follows: CAIRN HIGHWAY SANITARY SEWER SPECIAL ASSESSMENT DISTRICT NO. 1 (the "Special Assessment District"): Pressure sewer to service properties in the Cairn Highway area beginning at parcel number 05-06-010-014-20 and 05-06-010-014-10 and proceeding south down Cairn Highway to the Elk Rapids Township line at parcel number 05-06-015-036-00, and also all the properties along Spirea Drive. The term of the Special Assessment District has been determined to be 20 years;

WHEREAS, the Acting Township Supervisor completed the special assessment roll for the Special Assessment District and reported the same to the Township Board and the same was on file with Township Clerk;

WHEREAS, in accordance with the provisions of Act 188 of the Michigan Public Acts of 1954, as amended, a public hearing was held on Tuesday, December 14, 2021 at 6:00 p.m., local time, to review the following special assessment roll and to hear any objections thereto: CAIRN HIGHWAY SANITARY SEWER SPECIAL ASSESSMENT DISTRICT NO. 1,

WHEREAS, at said public hearing, the Township Board heard all persons who desired to be heard in connection with said special assessment roll and has considered the comments and objections made at said public hearing; and

WHEREAS, it appears that said special assessment roll is proper in its present form and in accordance with the statutes in such case made and provided.

NOW, THEREFORE, BE IT RESOLVED, that the said special assessment roll be and the same hereby is confirmed in the amount of \$16,525 per parcel.

BE IT FURTHER RESOLVED, that said special assessment roll is designated as the CAIRN HIGHWAY SANITARY SEWER SPECIAL ASSESSMENT DISTRICT NO. 1. Roll shall be divided into 20 equal annual installments of principal with the first installment to be due on or before December 1, 2022 and the following installments to be due on or before the 1<sup>st</sup> day of the same month of each and every year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest beginning March 1, 2022 payable annually on each installment due date at the rate of one (1%) percent above the interest per annum borne by the Special Assessment Bonds issued by the Township in anticipation of all or part of the unpaid installments commencing on the first installment due date hereinbefore set forth. Any payments made before March 1, 2022 shall not bear any such interest.

Future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with the Michigan Public Act 188 of 1954, as amended. If any installment of a Special Assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of one (1%) percent for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township Tax Roll, also in accordance with said PA 188.

BE IT FURTHER RESOLVED, all special assessments contained in said special assessment roll shall, from the date of this Resolution, constitute a lien upon the respective parcels of property assessed, such lien having the same character and effect as a lien created for township taxes and shall include accrued interest and penalties.

BE IT FINALLY RESOLVED, that the Township Clerk is hereby directed to deliver to the Township Treasurer said special assessment roll, to which shall be attached the Township Clerk's endorsement of the date of confirmation thereof and a warrant directing the Township

Treasurer to collect the assessments therein in accordance with the terms of this resolution and the statutes of the State of Michigan.

Upon a vote for the adoption of said resolution, the vote was:

AYES: **R. Hults, M. Soper, M. Szymanski, S. Boisvert**

NAYS: **0**

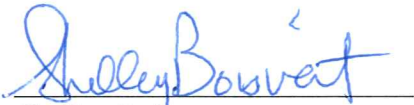
RECUSED: **1 (D. Amos)**

The resolution was thereupon declared adopted.

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Elk Rapids Township, Antrim County, Michigan, at a special meeting/public hearing held on Tuesday, December 14, 2021, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan of 1976, including in the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

Dated: December 14, 2021



Shelley Boisvert  
Elk Rapids Township Clerk