

## TOWNSHIP OF BEAVER CREEK

ORDINANCE No. VI

The Township of Beaver Creek ordains:

Section 1. Definitions.

(a) Cost: The term "cost" as used in this ordinance when referring to the cost of any local public improvement shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction, legal fees, interest on special assessment bonds for not to exceed one year and all other costs incident to the making of such improvement, the special assessments therefor and the financing thereof.

(b) Local Public Improvement: The term "local public improvement" as used in this ordinance shall mean any public improvement which is of such a nature as to benefit especially any real property or properties within a district in the vicinity of such improvement.

Section 2. Authority to Assess. The whole cost or any part thereof of any local public improvement may be defrayed by special assessment upon the lands specially benefited by the improvement in the manner hereinafter provided.

Section 3. Resolution, What to Contain. When the Township Board of Trustees shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, it shall so declare by resolution, stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessments, and what part, if any, from the general funds of the Township of Beaver Creek and shall designate the district or alnd and presmies upon which the special assessment shall be levied. The Township Board of Trustees may, in its discretion, divide any improvement into parts or sections and provide for the separate construction of such parts or sections, and may establish a special assessment district for each part or section, and may issue bonds against such separate districts. The aforementioned resolution may be adopted in brief form in the official minutes of the Township Board of Trustees by reference to this ordinance.

Section 4. Cost Estimates, Resolution No. 1. Before ordering any public improvement when part or all of the expense is to be defrayed by special assessment, the Township Board of Trustees shall cause plans and cost estimates to be made by the adoption of Standard Resolution No. 1, which shall be in the following form:

WHEREAS, the Township Board of Trustees deems it necessary and proposes to make the following described public improvement:

Establishment of the Beaver Creek Fire District under M.S.A. 41. 801 specifically.

AND WHEREAS, it appears that part or all of the cost and said public improvement shall be defrayed by special assessment:

NOW THEREFORE, BE IT RESOLVED THAT:

1. The matter of said public improvement is referred to the Township Supervisor, who shall prepare or cause to be prepared, plans showing yhe improvement and the location thereof and an estimate of the cost, thereof, and also maps and plans of the work.



2. Upon completion of the same, the same shall be presented to the Township Board of Trustees.

Section 5. Cost to Include What. The cost and expenses of any improvements which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, cost of construction and other costs incurred in making the improvement.

Section 6. Public Hearing, Resolution No. 2. Before ordering any public improvement when any part of the expense is to be defrayed by special assessment, the Township Board of Trustees shall set a date for the review of the necessity for such proposed improvement and shall cause a notice to be given to each owner of an interest in the property to be assessed whose name appears upon the last local tax assessment records, by first-class mail addressed to such owner at the address shown on the tax records at least ten (10) days before the date of such hearing and shall cause a notice to be published once (1) not less than ten (10) days prior to the date set for such review in a newspaper of general circulation in the Township. Public notice of the time, date and place of the meeting shall be given in the manner required by Act 267 of the Public Acts of 1976. Any person objecting to the proposed improvement may file objections thereto in writing with the Township Clerk.

When any special assessment is to be made pro rata upon the lots and premises in any special district according to benefits, the Township Board of Trustees shall direct the same to be made by the Township Supervisor by the adoption of Standard Resolution No. 2, which shall be in the following form:

WHEREAS, the Township Board of Trustees has ordered the Township Supervisor to prepare or cause to be prepared plans showing the improvement and the location thereof and an estimate of the cost thereof, and also maps and plans of the work of the the following described public improvement:

AND WHEREAS, The Township Supervisor has prepared the same and has presented the same to the Township Board of Trustees:

NOW THEREFORE, BE IT RESOLVED THAT:

1. The plans and estimate of the cost of said public improvement in the amount of \_\_\_\_\_ dollars and the other materials pertaining to said public improvement prepared by the Township Supervisor are hereby adopted and approved.

2. The Township Board of Trustees hereby determines and orders that the public improvement described in the preamble hereto shall be made.

3. The Township Board of Trustees determines that \_\_\_\_\_ dollars of the cost of said public improvement shall be defrayed by special assessment to be levied against each and every lot and parcel of land in the Special Assessment District hereinafter set forth.

4. The Township Board of Trustees hereby determines that the following described lots and parcels of land constitute the Special Assessment District against which the special assessment for said public improvement shall be levied: (See attached descriptions of land)

5. The Township Supervisor is hereby ordered and directed to prepare a







in the Township. Any person objecting to the assessment against lands owned by him by file objections thereto in writing with the Township Clerk. The notice of public hearing shall be issued after the Township Board of Trustees adopts Standard Resolution No. 3, which shall be in the following form:

WHEREAS, the Township Board of Trustees has ordered the Township Supervisor to prepare a Special Assessment Roll for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

AND WHEREAS, the Township Supervisor has prepared said Special Assessment Roll and has reported the same to the Township Board of Trustees with his certificate attached thereto;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed in the office of the Township Clerk and shall be numbered consecutively.
2. The Township Board of Trustees and the Township Supervisor shall meet at the Township Hall on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock for the purpose of hearing any person objecting to the assessment against lands owned by such person.
3. The Township Clerk is hereby ordered to cause notice of the hearing to review the Special Assessment Roll to be published in the (newspaper of record), a newspaper of general circulation in the Township at least once, not less than ten (10) full days prior to the date set for hearing of necessity and for reviewing said Special Assessment Roll and shall cause a notice to be given to each owner of an interest in property to be assessed whose name appears upon the last local tax assessment records by first-class mail to such owner at the address shown on the tax records at least ten (10) days before the date of such hearing.
4. The notice of hearing to review the Special Assessment Roll shall be in substantially the following form:

MEETING TO REVIEW SPECIAL ASSESSMENT ROLL NO. \_\_\_\_\_ AND TO HEAR OBJECTIONS TO SAID SPECIAL ASSESSMENT ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. \_\_\_\_\_ IN THE TOWNSHIP OF BEAVER CREEK, MICHIGAN:

PLEASE TAKE NOTICE that the Township Board of Trustees will meet at the Township Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock p.m. for the purpose of reviewing the necessity of the public improvement and said Special Assessment Roll No. \_\_\_\_\_ and of hearing any and all objections to said Special Assessments made in the matter of construction of the following described improvements:

The Assessment Roll is on file in the office of the Township Clerk for public examination. The Special Assessments therein contained have been assessed according to law against the parcels of land constituting Special Assessment District No. \_\_\_\_\_, which District is described as follows:

The above assessment and all proceedings upon which they are based shall not be contestable, unless suit to contest validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. \_\_\_\_\_.

Section 10. Resolution No. 3 (a). In the case of a deficiency roll Standard Resolution No. 3 (a) shall be adopted and shall be in the following form:

WHEREAS, the Township Board of Trustees has ordered the Township Supervisor to prepare a Special Assessment Roll for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:



Construction of \_\_\_\_\_ in the following district  
and streets to wit:

AND WHEREAS, the Township Supervisor has prepared said Special Assessment Roll and has reported the same to the Township Board of Trustees with his certificate attached thereto:

AND WHEREAS, all other required special assessment procedures have been carried out;

AND WHEREAS, improvements have been completed in said District No. \_\_\_\_\_;

AND WHEREAS, the cost of improvements constructed in said District No. \_\_\_\_\_ has exceeded the original cost estimate of the work by \_\_\_\_\_ leaving a deficiency in special assessment construction fund set up for this district;

AND WHEREAS, the Township Supervisor has prepared a Deficiency Special Assessment Roll to cover the additional costs in said District No. \_\_\_\_\_, and the Township Supervisor has reported the same to the Township Board of Trustees with his certificate attached thereto,

NOW THEREFORE, BE IT RESOLVED THAT:

1. Said Deficiency Special Assessment Roll shall be filed in the office of the Township Clerk and shall be numbered consecutively.
2. The Township Board of Trustees and the Township Supervisor shall meet at the Township Hall on \_\_\_\_\_ at \_\_\_\_\_ o'clock p.m. for the purpose of hearing any person objecting to the deficiency assessment against lands owned by such person.
3. The Township Clerk is hereby ordered to cause notice of a hearing to review the Deficiency Assessment Roll to be published in the (news-  
paper of record), a newspaper of general circulation in the Township at least once, not less than ten (10) full days prior to the date set for reviewing said Special Assessment Roll and shall cause a notice to be given to each owner of an interest in property to be assessed whose name appears upon the last local tax assessment records by first-class mail to such owner at the address shown on the tax records at least ten (10) days before the date of such hearing.
4. The notice of the hearing to review the Deficiency Special Assessment Roll shall be in substantially the following form:

MEETING TO REVIEW DEFICIENCY SPECIAL ASSESSMENT ROLL NO. \_\_\_\_\_  
AND TO HEAR OBJECTIONS TO THE SPECIAL ASSESSMENT ASSESSED  
AGAINST SPECIAL ASSESSMENT DISTRICT NO. \_\_\_\_\_ IN THE TOWNSHIP OF  
BEAVER CREEK, MICHIGAN:

PLEASE TAKE NOTICE that the Township Board of Trustees will meet in the Township Hall \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock p.m. for the purpose of reviewing said Deficiency Special Assessment Roll \_\_\_\_\_ and of hearing any and all objections to the Special Assessments as assessed in said Roll No. \_\_\_\_\_, made in the matter of constructing the following described improvement:

<u>District No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
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The Assessment Roll is on file in the office of the Township Clerk for public examination. The Special Assessments herein contained have been assessed according to law against all the parcels of land constituting the Special Assessment District No. \_\_\_\_\_, which District is described as follows:

The above assessment and all proceeding upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. \_\_\_\_\_.



Section 11. Review of Special Assessments. At the time and place appointed for the purpose aforesaid, the Township Board of Trustees and Township Supervisor shall meet and there or at some adjourned meeting review the assessments and hear any objection to any assessment which may be made by any person deeming himself aggrieved thereby; and the Township Board of Trustees shall correct the same if necessary, and confirm it as reported or as corrected; or they may refer the assessment back to the Township Supervisor for revision, or annul it and direct a new assessment, in which case the same proceeding shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the Township Clerk shall make an endorsement upon the roll showing the date of confirmation.

Section 12. Confirmation, Resolution No. 4. When any special assessment roll shall be confirmed by the Township Board of Trustees, it shall be final and conclusive. The Township Board of Trustees shall confirm a roll by the adoption of Standard Resolution No. 4, which shall be in the following form:

WHEREAS, the Township Board of Trustees has caused Special Assessment Roll No. \_\_\_\_\_ to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the Township of Beaver Creek, Michigan:

AND WHEREAS, the Township Board of Trustees is satisfied with said Special Assessment Roll as prepared by the Township Supervisor;

NOW THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll No. \_\_\_\_\_ in the amount of \_\_\_\_\_ dollars is hereby confirmed as prepared by the Township Supervisor.
2. Said Special Assessment Roll shall be divided into \_\_\_\_\_ annual installments, the first installment to be due and payable on \_\_\_\_\_, 19\_\_\_\_, and the subsequent installments shall be due and payable on \_\_\_\_\_ of each and every year thereafter.
3. The installments of said Special Assessment Roll shall bear interest at the rate of \_\_\_\_\_ percent per annum, said interest to be payable on the due date of each installment of said Special Assessment Roll and said interest to commence on the due date of the first installment.

Section 13. Resolution No. 4 (A). In the case of a deficiency roll Standard Resolution No. 4 (A) shall be adopted and shall be in the following form:

WHEREAS, the Township Board of Trustees has caused Deficiency Special Assessment Roll No. \_\_\_\_\_ to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the Township of Beaver Creek, Michigan:

AND WHEREAS, The Township Board of Trustees and Township Supervisor have met after due and legal notice and have reviewed said Deficiency Special Assessment Roll and have heard all persons interested in said Deficiency Special Assessment Roll appearing at said hearing;



AND WHEREAS, the Township Board of Trustees is satisfied with said Deficiency Special Assessment Roll as prepared by the Township Supervisor;

NOW THEREFORE, BE IT RESOLVED THAT:

1. Said Deficiency Special Assessment Roll No. \_\_\_\_\_ in the amount of \_\_\_\_\_ is hereby confirmed as prepared by the Township Supervisor.

2. Said Special Assessment Roll shall be divided into \_\_\_\_\_ annual installments, the first installment to be due and payable on \_\_\_\_\_, 19\_\_ and the subsequent installments shall be due and payable on \_\_\_\_\_ of each and every year thereafter.

3. The installments of said Special Assessment Roll shall bear interest at the rate of \_\_\_\_\_ percent per annum; said interest to be payable on the due date of each installment of said Special Assessment Roll and said interest to commence on the due date of the first installment.

Section 14. Incontestable After Thirty Days. Such special assessments and all proceeding upon which such special assessments are based shall be incontestable, unless suit to test the validity thereof is instituted within thirty (30) days after the date of confirmation of such special assessment roll.

Section 15. Payment by Installments. At the same meeting at which the Special Assessment Roll is confirmed by the Township Board of Trustees, the Board shall by resolution, determine the number of annual installments, if any, into which all assessments levied in such roll shall be divided for collection, not exceeding twenty (20) in number, at such time of year as the Board shall determine, with annual interest at the rate of \_\_\_\_\_ percent per annum, provided no interest shall be charged until thirty (30) days after confirmation; provided that no individual principal payment, except the last installment, may be for less than Twenty Dollars (\$20.00). The balance or any additional portion of the assessment may be paid to the Township Treasurer at any time after confirmation with accrued interest thereon.

Section 16. Lands Divided After Assessment. Should lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all installments, the Township Board of Trustees may require the Township Supervisor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division.

Section 17. Report to Township Supervisor. Whenever any special assessment shall be confirmed and be payable, the Township Board of Trustees may direct the Township Clerk to report to the Township Supervisor a description of such lots and premises as are contained in said roll with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made, and direct said Township Supervisor to levy the several sums so assessed respectively. The Township Supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed and against the person chargeable therewith as a tax in the general tax roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said tax roll shall be enforced and collected with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the Township Treasury.



Section 18. Collection From Assessment Roll. Whenever any special assessment roll shall be confirmed, the Township Board of Trustees, instead of requiring the assessments therein to be reported to the Township Supervisor as provided in Section 16, may direct the said assessments to be collected directly from the special assessment roll, together with any interest which may become due thereon; and thereupon the Clerk shall attach his warrant to said special assessment roll, commanding the Treasurer to collect the amount of money assessed against each lot, premises or parcel of land described in said roll, together with any interest which may become due thereon, at such times and in such manner as prescribed by the law and by resolution of the Township Board of Trustees. Said warrant shall further require the Township Treasurer on the first day of April following when such assessments or any installments thereof have become due to submit to the Township Board of Trustees, a sworn statement setting forth a description of the lots, premises, and parcels of land, including accrued interest computed to April 1st of such year.

Section 19. Collection by Treasurer. Upon receiving said special assessment roll and warrant, the Treasurer shall proceed to collect the amount assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the Treasurer shall seize and levy upon any personal property found within the Township or elsewhere within the State of Michigan belonging to such person and sell the same at public auction, first giving sixty (60) days notice of the time and place of such sale by posting such notice in three (3) public places in the Township or County where such property may be found. The proceeds of such sale or so much thereof as may be necessary for that purpose shall be applied to the payment of the assessment, the costs and expenses of seizure and sale, and the surplus, if any, shall be paid to the person entitled thereof.

Section 20. Report of Delinquent Assessments. The Township Treasurer shall report delinquent assessments or installments thereof as required in the warrant of the Township Supervisor, who shall re-assess the same on the next annual Township Tax roll in a column headed "Special Assessments", with interest to April 1st of such year and an additional penalty of \_\_\_\_\_ percent of such amount, and such total amount, when so re-assessed upon said tax roll shall be collected in all respects as provided for the collection of Township taxes. Unpaid special assessments re-assessed upon the Township tax roll shall be returned to the County Treasurer for collection at the same time and in the same manner as Township taxes.

Section 21. Delay Due to Contest. Should any of the proceedings authorized to be taken under the provisions of this ordinance be delayed by reason of any suit or action to contest the validity thereof, then such proceedings shall be taken as soon as such delay has been ended.

Section 22. Intent to Issue Bond. When the Township Board of Trustees intends to issue bonds they shall adopt the Standard Resolution: Notice of Intent, which shall be in the following form:

WHEREAS, the Township Board of Trustees of the Township of Beaver Creek, Michigan intends to authorize the issuance and sale of special assessment bonds in the amount of \_\_\_\_\_ dollars in anticipation of special assessments to be levied for the purpose of defraying the Special Assessment District's share of the following described public improvements:

AND WHEREAS, Section 5 (g) of Act 279, Public Acts of Michigan 1909, as



amended, requires that Notice of Intent to Issue Bonds be published at least thirty (30) days prior to the adoption of any resolution authorizing the issuance and sale of bonds:

NOW THEREFORE, BE IT RESOLVED THAT the Township Clerk of the Township of Beaver Creek, is hereby directed to cause Notice of Intent to Issue Bonds to be published in the (newspaper of record), a newspaper of general circulation in the Township of Beaver Creek, within ten (10) days from the date of adoption of this resolution, said notice to be in substantially the following form:

NOTICE OF INTENT TO ISSUE BONDS  
BY THE TOWNSHIP OF BEAVER CREEK,  
COUNTY OF CRAWFORD, MICHIGAN

TAKE NOTICE THAT the Township Board of Trustees of the Township of Beaver Creek, County of Crawford, Michigan, intends to adopt a resolution authorizing the issuance and sale of the following described bonds:

Special Assessment Bond- \$ \_\_\_\_\_

Said Bonds are to be issued for the purpose of defraying the Special Assessment District's portion of the following described public improvements:

Said Special Assessment Bonds shall be payable from special assessments and shall also be general obligations of the Township of Beaver Creek.

This notice is given pursuant to Section 5(g), Act 279, Public Acts of Michigan 1909, as amended.

Moved By Paul Hill

Supported By Gerald Annis

Ayes 5 Nays 0

Passed at a Regular Township Meeting this 12th day of July, 1982