

*East Bay Charter Township*

**# 4**

Township wide Road Millage request

***RESOLUTION IN SUPPORT OF AMENDING PUBLIC ACT 188 OF 1954 IN REGARD TO  
ESTABLISHING SPECIAL ASSESSMENT DISTRICTS TO FUND IMPROVEMENTS  
FOR LOCAL COLLECTOR ROADS***

**WHEREAS**, Public Act 188 of 1954(MCL 41.721 et seq) allows townships to create special assessment districts (SADs) in order to pay for certain specified infrastructure improvements; and

**WHEREAS**, PA 188 leaves to the township considering a special assessment to determine the boundaries of the SAD, and Michigan courts have ruled that a special assessment imposed by a township must have a direct benefit to the properties that have been assessed; and

**WHEREAS**, PA 188 can be interpreted to prohibit a property that does not front on a local collector road to be included in a SAD created to fund improvements to that road;

**WHEREAS**, the inability to include non-frontage owners in any SAD to improve a local collector road would result in the frontage owners to successfully object to the SAD, or alternatively, any SAD would not levy sufficient assessments to pay for repairs to said local collector road;

**WHEREAS**, the failure to include non-frontage owners, who would benefit from a road improvement, is unfair to frontage owners and hinders road infrastructure improvements to the many local collector roads throughout the state of Michigan that are in substantial disrepair;

**WHEREAS**, for example, Holiday Road is a heavily traveled two-lane local collector road on the boundary between Acme and East Bay Townships in Grand Traverse County that has fallen into substantial disrepair; Holiday Road serves a number of subdivisions and hundreds of homes, however, only a small percentage of which actually have frontage on Holiday Road.

**NOW, THEREFORE,**

**BE IT RESOLVED** that by amending PA 188 to treat public road SADs for purposes of petition and objection rights identical to the manner in which water and sewer SADs are treated would accomplish the goal of allowing townships to include non-frontage owners in any SAD for improvement of a local collector road, so long as the improvements result in an increase in the value of the land specially assessed.

**BE IT FURTHER RESOLVED** that the Charter Township of East Bay supports amending section 3 of PA 188 of 1954 (MCL 41.723) so that it reads as follows:

MCL 41.723 Written objections; petition; filing; signatures; determining record owners; determining sufficiency of petition; supplement to petition; validity of signatures

(1) The township board may proceed to carry out an improvement as provided in this act unless written objections to the improvement are filed with the township board at or before the hearing provided in section 4 by property owners as follows:

(a) For an improvement under section 2(1)(a), (b), **(c)**, (d), (e), (f), (h), (i), (j), (l), (n), Or (o) by the record owners of land constituting more than 20% of the total land area in the proposed special assessment district.

(b) For an improvement under section 2(1) (g), (k), or (m), by the record owners of land constituting more than 20% of the total frontage upon the **private** road, bicycle path, or sidewalk.

(2) A township board may require the filing of a petition meeting the requirements of subsection (3) before proceeding with an improvement under this act.

(3) If written objections are filed as provided in subsection (1), or if the township board requires a petition before proceeding, the township board shall not proceed with the improvement until there is filed with the board a petition signed as follows:

(a) For an improvement under section 2(1)(a), (b), **(c)**, (d), (e), (f), (h), (i), (j), (l), (n), or (o) by the record owners of land constituting more than 50% of the total land area in the special assessment district as finally established by the township board.

(b) For an improvement under section 2(1) (g), (k), or (m), by the record owners of land constituting more than 50% of the total frontage upon the **private** road, bicycle path, or sidewalk.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent and Excused: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

By: \_\_\_\_\_

Clerk for the Charter Township of East Bay