

HOUSE BILL No. 4815

April 21, 2009, Introduced by Rep. Calley and referred to the Committee on Intergovernmental and Regional Affairs.

A bill to amend 1954 PA 188, entitled

"An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,"

by amending sections 3 and 5 (MCL 41.723 and 41.725), section 3 as amended by 1995 PA 139 and section 5 as amended by 1998 PA 544.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The township board may proceed to carry out an
2 improvement as provided in this act unless written objections to
3 the improvement are filed with the township board at or before the
4 hearing provided in section 4 by property owners as follows:

5 (a) For an improvement under section 2(1)(a), (b), (d), (e),
6 (f), (h), (i), (j), ~~(l)~~, (n), or (o) by the record owners of land

1 constituting more than 20% of the total land area in the proposed
2 special assessment district.

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

6 **(C) FOR AN IMPROVEMENT UNDER SECTION 2(1)(l), BY 20% OF THE**
7 **RECORD OWNERS OF ALL INDIVIDUAL PARCELS OF PROPERTY WITH DEEDED**
8 **ACCESS TO THE LAKE, POND, RIVER, STREAM, LAGOON, OR OTHER BODY OF**
9 **WATER.**

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

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

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

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

25 **(C) FOR AN IMPROVEMENT UNDER SECTION 2(1)(l), BY 50% OF THE**
26 **RECORD OWNERS OF ALL INDIVIDUAL PARCELS OF PROPERTY WITH DEEDED**
27 **ACCESS TO THE LAKE, POND, RIVER, STREAM, LAGOON, OR OTHER BODY OF**

1 **WATER.**

2 (4) Record owners shall be determined by the records in the
3 register of deeds' office as of the day of the filing of a
4 petition, or if written objections are filed as provided in
5 subsection (1), then on the day of the hearing. In determining the
6 sufficiency of the petition, lands not subject to special
7 assessment and lands within a public highway or alley shall not be
8 included in computing frontage or an assessment district area. A
9 filed petition may be supplemented as to signatures by the filing
10 of an additional signed copy or copies of the petition. The
11 validity of the signatures on a supplemental petition shall be
12 determined by the records as of the day of filing the supplemental
13 petition.

14 Sec. 5. (1) If, after the hearing provided for in section 4,
15 the township board desires to proceed with the improvement, the
16 township board shall approve or determine by resolution all of the
17 following:

18 (a) The completion of the improvement.

19 (b) The plans and estimate of cost as originally presented or
20 as revised, corrected, amended, or changed.

21 (c) The sufficiency of the petition for the improvement if a
22 petition is required. After this determination, the sufficiency of
23 the petition is not subject to attack except in an action brought
24 in a court of competent jurisdiction within 30 days after the
25 adoption of the resolution determining the sufficiency of the
26 petition.

27 (d) The special assessment district including the term of the

1 special assessment district's existence. If the nature of the
2 improvement to be made is such that a periodic redetermination of
3 cost will be necessary without a change in the special assessment
4 district boundaries, the township board shall state that in the
5 resolution and shall set the dates when the redeterminations shall
6 be made. After finally determining the special assessment district,
7 the township board shall direct the supervisor to make a special
8 assessment roll in which are entered and described all the parcels
9 of land to be assessed, with the names of the respective record
10 owners of each parcel, if known, and the total amount to be
11 assessed against each parcel of land, which amount shall be the
12 relative portion of the whole sum to be levied against all parcels
13 of land in the special assessment district as the benefit to the
14 parcel of land bears to the total benefit to all parcels of land in
15 the special assessment district. **A SPECIAL ASSESSMENT FOR AN**
16 **IMPROVEMENT UNDER SECTION 2(1) (I) SHALL BE CALCULATED ON A PER-**
17 **PARCEL BASIS BY MULTIPLYING THE TOTAL EXPENSE OF THE ERADICATION OR**
18 **CONTROL OF AQUATIC WEEDS AND PLANTS BY A FRACTION, THE NUMERATOR OF**
19 **WHICH IS 1 AND THE DENOMINATOR OF WHICH IS THE NUMBER OF ALL**
20 **INDIVIDUAL PARCELS OF PROPERTY WITH DEEDED ACCESS TO THE LAKE,**
21 **POND, RIVER, STREAM, LAGOON, OR OTHER BODY OF WATER.** When the
22 supervisor completes the assessment roll, the supervisor shall
23 affix to the roll his or her certificate stating that the roll was
24 made pursuant to a resolution of the township board adopted on a
25 specified date, and that in making the assessment roll the
26 supervisor, according to his or her best judgment, has conformed in
27 all respects to the directions contained in the resolution and the

1 statutes of this state.

2 (2) After December 31, 1998, an ad valorem special assessment
3 levied under this act shall be levied on the taxable value of the
4 property assessed.

5 (3) If the levy of an ad valorem special assessment on the
6 property's taxable value is found to be invalid by a court of
7 competent jurisdiction, the levy of the ad valorem special
8 assessment shall be levied on the property's state equalized ~~value~~
9 **VALUATION.**

10 (4) As used in this section and section 15b, "taxable value"
11 means that value determined under section 27a of the general
12 property tax act, 1893 PA 206, MCL 211.27a.