

THE FOURTH CLASS CITY ACT (EXCERPT)
Act 215 of 1895
Chapter XXIVA
SPECIAL ASSESSMENTS.

104A.1 Special assessment for local public improvement or repair; resolution.

Sec. 1.

The council may determine that the whole or part of the expense of a local public improvement or repair shall be defrayed by special assessments upon the property specially benefited and so declare by resolution.

History: Add. 1974, Act 345, Imd. Eff. Dec. 21, 1974

104A.2 Special assessment procedure; ordinance.

Sec. 2.

The complete special assessment procedure to be used, including the time when special assessments may be levied, the kinds of local public improvements for which a hearing is required on the resolution levying the special assessments; the preparing of plans and specifications; estimated costs; the preparation, hearing, and correction of the special assessment roll; the collection of special assessments; the assessment of single lots or parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid, in whole or in part, and shall provide for the refund of excess assessments; however, if the excess is less than 5% of total cost as defined by ordinance, it may be placed in the general fund of the city.

History: Add. 1974, Act 345, Imd. Eff. Dec. 21, 1974

104A.3 Special assessment and interest thereon as lien and debt; delinquency.

Sec. 3.

After the date of confirmation of any roll levying a special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the premises subject thereto and that amount shall also be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent city property taxes or by a suit against the person.

History: Add. 1974, Act 345, Imd. Eff. Dec. 21, 1974

104A.4 Action to contest or enjoin collection of special assessment; notice; time limitation; effect of illegality in assessment roll.

Sec. 4.

An action of any kind shall not be instituted for the purpose of contesting or enjoining the collection of any special assessment unless, within 45 days after the confirmation of the special assessment roll, written notice is given to the council indicating an intention to file such an action and stating the grounds on which it is claimed that

the assessment is illegal and unless that action is commenced within 90 days after the confirmation of the roll. If a portion of an assessment roll is determined to be illegal, in whole or in part, the council may revoke its confirmation, correct the illegality, if possible, and reconfirm it. Property which is not involved in the illegality shall not be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

History: Add. 1974, Act 345, Imd. Eff. Dec. 21, 1974

104A.5 Bonds.

Sec. 5.

The city council may borrow money and issue bonds of the city therefor in anticipation of the payment of special assessments in 1 or more special assessment districts, which bonds may be an obligation of the special assessment district or may be both an obligation of the special assessment district and a general obligation of the city. The city council may issue general obligation bonds to defray that portion of the cost and expense of any local public improvement chargeable to the city at large.

History: Add. 1974, Act 345, Imd. Eff. Dec. 21, 1974