

TOWNSHIP OF PINCONNING

BAY COUNTY, MICHIGAN

Minutes of a regular meeting of the Township Board of the Township of Pinconning, Bay County, Michigan, held at the Pinconning Township Hall, 1751 Cody Estey Road, within the Township, on the 15th day of May, 2007, at 4 p.m. Local Time.

PRESENT: Members: Buchalski, Lichow, Naidel, Stelcher

ABSENT: Members: Kuesterer

The following preamble and resolution were offered by Member Naidel and supported by Member Buchalski

RESOLUTION NO. 07-07

SPECIAL ASSESSMENT RESOLUTION NO. 1

**DECLARATION OF INTENT TO MAKE PUBLIC IMPROVEMENTS;
TENTATIVE DESIGNATION OF SPECIAL ASSESSMENT DISTRICT;
NOTICE OF PUBLIC HEARING**

WHEREAS, Section 3 of Act 188 of the Public Acts of Michigan of 1954, as amended ("Act 188") provides that the Township Board may proceed and exercise the powers granted by Act 188 upon the filing with the Township Clerk of petitions signed by record owners of land constituting more than 50% of the total land area in the proposed special assessment district as finally hereafter established by the Township Board; and

WHEREAS, the Clerk has received petitions to make certain public improvements consisting of the acquisition, construction, and financing of sanitary collecting and transmission sewers, as described on Exhibit A hereto (the "Improvements"), and has verified that the petitions have been signed by the record owners of land constituting more than 50% of the total land area in the proposed special assessment district;

WHEREAS, Act 188 provides the means to finance the Improvements; and

WHEREAS, there exists a need for the Improvements in the Township.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The Township Board, exercising its legislative discretion and in furtherance of a governmental function pursuant to Act 188, hereby declares that it is necessary for the protection of the public health, safety and welfare of the Township's residents to undertake the Improvements to the properties located within the District located in the Township (as more particularly described below).
2. The Township Board intends to proceed on the petitions filed pursuant to Act 188 to make the Improvements.
3. The Township Board has authorized the preparation of preliminary plans showing the Improvements and an estimate of the cost thereof.
4. Said plans and estimate, summarized in Exhibit A of this resolution, have been filed with the Township Clerk.
5. All or a portion of the cost of said Improvements shall be assessed against the parcels located within the District.
6. The Township Board hereby tentatively designates a special assessment district known as the Special Assessment District No. S2 (the "District") consisting of certain parcels of land, the descriptions of which are set forth in the Notice of Hearing attached as Exhibit B hereto, which descriptions are incorporated herein by reference for the District, and against which parcels all or a portion of the cost of said Improvements shall be assessed
7. The Township Board shall hold a public hearing on 6-14-, 2007, at 5:30 p.m., at the Township Hall, in said Township, to hear and consider objections to the proposed Improvements, the special assessment district tentatively designated herein, and to all other matters relating to the Improvements.

8. The Township Clerk shall cause to be published a notice of hearing in the *Pinconning Journal*, a newspaper of general circulation within the Township, a total of at least two times prior to the hearing. The first publication shall be at least ten days prior to the time for hearing and a proof of publication of such notice shall be filed with the Township Clerk.

9. The Township Clerk, at least 10 days prior to the date of the hearing, shall send a notice of the hearing by first class mail addressed to each record owner of or party in interest in each parcel of land to be assessed, at the address shown for such record owner or party in interest upon the last Township tax assessment roll for ad valorem tax purposes which was reviewed by the Township Board of Review, as supplemented by any subsequent changes in the names or addresses of the owners or parties listed thereon (except in the case of railroad companies, which shall be mailed a notice of the hearing by registered mail within five days after the first publication of the notice in Paragraph 7, above); provided, that if a record owner's name does not appear on the Township tax assessment records, then the notice required by this paragraph shall be given to the record owner at the address shown by the records of the Bay County Register of Deeds.

10. The form of the notice of the hearing to be mailed and published as set forth herein shall be substantially as set forth in Exhibit B hereto, with such modifications as are deemed necessary by the Township Supervisor to ensure that notice is provided to property owners within the District.

11. All actions heretofore taken by Township officials, employees, and agents with respect to the Improvements and proceedings under Act 188 are hereby ratified and confirmed.

AYES: Members: Buehalske, Leck, Kaitel, Holsberg

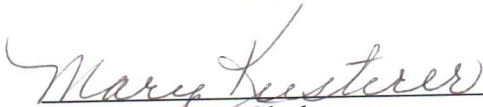
NAYS: Members: 0

Mary Kusterer
Mary Kusterer, Clerk
Township of Pinconning

STATE OF MICHIGAN)
) ss.
COUNTY OF BAY)

I, Mary Kusterer, the duly qualified and acting Clerk of the Township of Pinconning, Bay County, Michigan (the "Township"), do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board of the Township at a regular meeting thereof held on the 15th day of May, 2007, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have affixed by official signature this 16th day of May, 2007.



Mary Kusterer, Clerk
Township of Pinconning

EXHIBIT A

TOWNSHIP OF PINCONNING COUNTY OF BAY, MICHIGAN

DESCRIPTION OF IMPROVEMENTS

SPECIAL ASSESSMENT DISTRICT NO. S2

This project consists of the acquisition, construction and financing of approximately _____ lineal feet of sanitary collection and transmission sewers, valves, controls, and pumps, and related appurtenances thereto to serve properties located within Special Assessment District No. S2.

The estimated cost of the project is:

Construction	\$
Contingency	\$
Engineering	\$
Easements	\$
Township Administrative/Publication Costs	\$ 3,000
Legal fees for issuance of special assessment bonds	\$ 5,500
Bond-related fees and costs (includes out-of-pocket expenses for filing and registration fees)	\$ 350
<u>Legal fees for special assessment proceedings</u>	<u>\$ 2,000</u>
Total Estimated Costs	\$ _____ *

*Subject to revision prior to confirmation of special assessment roll to reflect results of bids for construction of project.

All or part of this cost shall be spread by special assessment against properties located in Special Assessment District No. S2.

EXHIBIT B

TOWNSHIP OF PINCONNING COUNTY OF BAY, MICHIGAN

NOTICE OF PUBLIC HEARING

SPECIAL ASSESSMENT DISTRICT NO. S2

NOTICE IS HEREBY GIVEN that the Township Board of the Township of Pinconning, Bay County, Michigan, having received petitions to make certain public improvements consisting of the acquisition, construction and financing of approximately 200 lineal feet of sanitary collection and transmission sewers, valves, controls, and pumps, and related appurtenances (the "Improvements") from record owners of land constituting more than 50% of the total land area to be included in the special assessment district described below, has resolved its intention to proceed on the petitions and, pursuant to Act 188 of the Public Acts of Michigan of 1954, as amended, to make said Improvements in the Township.

The Township Board has tentatively determined that all or part of the cost of said Improvements shall be specially assessed against each of the following described lots and parcels of land which are benefitted by the Improvements and which together comprise the following proposed special assessment district:

SPECIAL ASSESSMENT DISTRICT NO. S2

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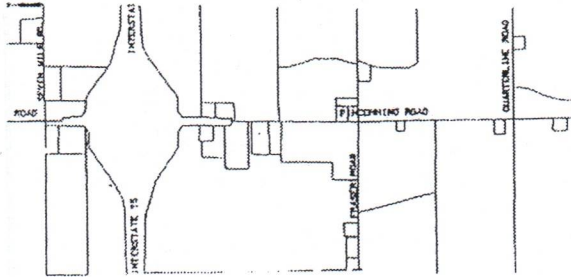
lots and parcels numbered:

09-120-019-400-020-00	09-120-020-300-030-00
09-120-029-100-030-00	09-120-029-100-029-01
09-120-030-200-030-00	09-120-020-400-050-00
09-120-020-400-040-01	09-120-020-400-040-00
09-120-020-400-020-00	09-120-020-400-030-00
09-120-020-400-020-01	09-120-020-400-040-02
09-120-029-200-020-00	09-120-029-200-010-06
09-120-029-200-010-04	09-120-029-200-010-05
09-120-029-200-010-00	09-120-021-400-060-01
09-120-021-300-010-00	09-120-021-300-010-02
09-120-021-400-060-00	09-120-028-200-010-01
09-120-028-100-020-00	

MAP OF SPECIAL ASSESSMENT DISTRICT

[INSERT MAP]

MAP OF SPECIAL ASSESSMENT DISTRICT



TAKE NOTICE that the Township Board of the Township of Pinconning will hold a public hearing at a regular meeting of the Township Board on 6-14, 2007, at 5:30 p.m., at the Pinconning Township Hall, 1751 Cody Estey Road, within the Township, to hear and consider any objections to the petitions filed, the proposed Improvements, the proposed special assessment district, and all other matters relating to said Improvements.

TAKE FURTHER NOTICE that preliminary plans and estimates of cost for the Improvements are on file with the Township Clerk for public examination.

PROPERTY SHALL NOT BE ADDED TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT AND THE ORIGINAL ESTIMATE OF COST SHALL NOT BE INCREASED BY MORE THAN 10% WITHOUT FURTHER NOTICE AND PUBLIC HEARING.

This Notice was authorized by the Township Board of the Township of Pinconning.

Dated: 5-15, 2007

Mary Kusterer, Township Clerk

AFFIDAVIT OF MAILING

State of Michigan

County of Bay

I, Mary Kusterer, being first duly sworn, depose and say that I personally prepared for mailing and mailed by first-class mail on May 29, 2007, a notice of hearing, a true copy of which is attached hereto, to each owner of or party in interest in property located within the special assessment district described in the attached notice, whose name appears upon the last local tax assessment records for ad valorem tax purposes, which has been reviewed by the local Board of Review as supplemented by any subsequent changes in the names or the addresses of such owners or parties listed thereon; that I personally checked each envelope against the list of such owners or parties in interest shown by said tax assessment roll and that each envelope was properly addressed to each such owner or party in interest as shown on said tax assessment roll; that each such envelope had contained therein the appropriate notice of the aforesaid hearing, was securely sealed, with postage fully prepaid thereon for first-class mail delivery and was properly addressed; that I personally placed all of said envelopes in a United States Post Office receptacle in Pinconning Michigan on said date, that the said notice referred to a hearing scheduled for June 14, 2007 before the Pinconning Township Board of Trustees at 5:30 PM.

Township Clerk:

Mary Kusterer

Subscribed and sworn to before me this 29th day of May 2007

Notary Public:

Bay County, Michigan

Joanna Marie Moody

My commission expires:

August 21, 2011

