

Water Special Assessment District No. 11

TOWNSHIP OF PINCONNING

BAY COUNTY, MICHIGAN

Minutes of a special 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 6th day of October, 2010, at 6:30 p.m. Local Time.

PRESENT: Members: Holbrook, Stalsberg, Marin

ABSENT: Members: Trudo

The following preamble and resolution were offered by Member Marin and supported by Member Holbrook.

RESOLUTION NO. 10-12

SPECIAL ASSESSMENT RESOLUTION NO. 4

**CONFIRMATION OF SPECIAL ASSESSMENT ROLL; LIEN;
PAYMENT AND COLLECTION OF SPECIAL ASSESSMENT**

WHEREAS, the Township Board of the Township of Pinconning (the "Township"), pursuant to Act 188 of the Public Acts of Michigan of 1954, as amended ("Act 188"), has resolved its intent to make certain public improvements to the Township's sewer system (the "System") consisting of the acquisition, construction and financing of an extension of the Township's water system and related appurtenances (the "Improvements") to serve Water Special Assessment District No. 11, in the Township; and

WHEREAS, following a public hearing on September 15, 2010, which hearing was duly noticed in accordance with Act 188, the Township Board adopted a resolution to determine the District for the Improvements and directed the Township Supervisor to prepare a Special Assessment Roll for the District; and

WHEREAS, the Township Supervisor made and certified a special assessment roll for the parcels benefitted by said Improvements and contained in the special assessment district

determined for said Improvements, and, in addition, the Township Supervisor reported said roll to the Township Board; and

WHEREAS, after notice duly given by publication on September 22 and September 29, 2010, in the *Pinconning Journal*, and by first class mail on or before Friday, September 24, 2010, pursuant to Act 188, the Township Board held a public hearing to consider a proposed special assessment roll for the District and objections thereto for said Improvements at 6:30 p.m. local time on October 6, 2010, at the Township Hall in the Township; and

WHEREAS, after hearing all persons interested therein, giving due consideration to all written objections to said special assessment roll filed with the Township Clerk, receiving construction bids for the Improvements, and reviewing said special assessment roll, the Township Board determines that it is appropriate to make the following changes:

Action	Parcel Number	Owner	Assessment	Reason
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[insert any necessary changes]

WHEREAS, after such changes, the Township Board deems said special assessment roll, as revised, to be fair, just and equitable, and that each of the assessments contained therein is relative to the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The special assessment roll prepared by the Township Supervisor, reported to the Township Board, and revised as set forth above, in the amount of \$46,000, a copy of which roll is attached hereto as Exhibit B, is hereby confirmed and shall be known and designated for the District as Special Assessment Roll Number 1 (the "Roll").

2. The Township Clerk shall endorse on the Roll the date of this meeting as the date of confirmation of said Roll.

3. The Roll shall be divided into thirty (30) equal annual installments, the first of which installments shall be billed December 1, 2010, and due and payable on or before February 14, 2011, and all subsequent installments shall be billed December 1 and due and payable on or before February 14 of each year thereafter.

4. Interest shall be payable annually on each installment due date at a rate of interest per annum which shall be set by subsequent action of the Township Board at a rate not exceeding one percent (1%) per annum above the average rate of interest borne by the bonds to be issued by the Township for the Improvements (the "Bonds") commencing from the date of delivery of said Bonds to the initial purchaser of the Bonds.

5. Future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full, with interest accrued through the month in which said installments are paid.

6. If an installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to the interest provided in paragraph 4, above, a penalty at the rate of one percent (1%) for each month or fraction of a month that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll.

7. All special assessments contained in the Roll including any part thereof deferred as to payment shall from the date of confirmation of the Roll, pursuant to Act 188, constitute a lien upon the respective parcels of land assessed. Such lien shall be of the same character and effect as the lien created for Township taxes and shall include accrued interest and penalties.

8. The special assessments made in the Roll are hereby ordered and directed to be collected and the Township Clerk shall deliver the Roll to the Township Treasurer with her Warrant attached thereto, which said Warrant shall command the Township Treasurer to collect

the special assessments in the Roll in accordance with the direction of the Township Board in respect thereto and which Warrant shall further require the Township Treasurer to include as a delinquent tax any unpaid special assessment which is delinquent on the last day of February, and the delinquent taxes returned to the County Treasurer the next day pursuant to Section 55 of the General Property Tax Act, MCL 211.55. The form of said Warrant is attached hereto as Exhibit C.

9. Upon receiving the Roll and Warrant, the Township Treasurer shall proceed to collect the several amounts assessed therein as the same shall become due.

10. The collection of the special assessments, including all interest and penalties thereon, shall be deposited by the Township Treasurer into a separate segregated receiving fund. The funds so deposited shall only be used to pay for the cost of the Improvements, the principal of and interest on the Bonds or such other purposes related to the District, the Roll, the Bonds or the Improvements as shall be authorized by or consistent with the provisions of Act 188 and this Resolution.

11. The Township Clerk shall, as soon as possible but in no event more than seven (7) days after confirmation of the Roll, send notice of special assessment, in the form attached hereto on Exhibit D, to the person responsible for payment of the ad valorem property taxes on, the record owner of, or party in interest in, each parcel of land assessed, at the address shown for such persons upon the last township tax assessment roll for ad valorem tax purposes which was reviewed by the Township Board of Review, subject to any subsequent changes in the names and addresses of the owners or parties listed thereon.

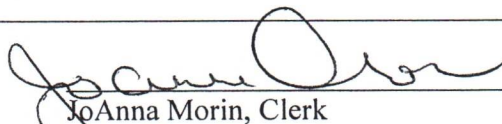
12. All actions heretofore taken by Township officials, employees, and agents with respect to the Improvements and proceedings under Act 188 are hereby ratified and confirmed.

13. The Township Supervisor is hereby authorized and directed to obtain one or more proposals for the sale of the Bonds on a negotiated basis in accordance with the terms of Act 188 and Act 34 of the Public Acts of Michigan of 2001, as amended, and to report the proposals so received to the Township Board for further Township Board action.

14. All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

AYES: Members: Holbrook, Stalsberg, Morin

NAYS: Members: _____


JoAnna Morin, Clerk
Township of Pinconning

STATE OF MICHIGAN)
) ss.
COUNTY OF BAY)

I, JoAnna Morin, 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 special meeting thereof held on the 6th day of October, 2010, 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 my official signature this 6th day of October, 2010.

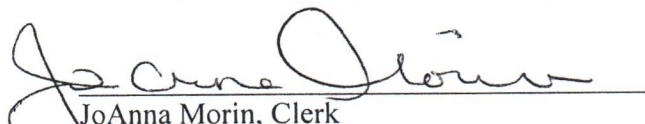

JoAnna Morin, Clerk
Township of Pinconning

EXHIBIT A

TOWNSHIP OF PINCONNING COUNTY OF BAY, MICHIGAN

DESCRIPTION OF IMPROVEMENTS

WATER SPECIAL ASSESSMENT DISTRICT NO. 11

This project consists of the installation of approximately 2,950 lineal feet of 12-inch water main, and related appurtenances, to the west side of the I-75/Pinconning Road interchange to provide adequate service for commercial needs. The water main would be located along the North side of Pinconning Road from the East side of the I-75 interchange to Seven Mile Road just west of the interchange.

The estimated cost of the project is:

Construction	\$101,596
Contingency	\$ 16,000
Engineering, stake-out, observation, contract administration	\$ 21,500
Township Administrative/Publication Costs	\$ 2,904
Legal fees for issuance of special assessment bonds	\$ 4,000
Bond-related fees and costs (includes out-of-pocket expenses for filing and registration fees)	\$ 500
<u>Legal fees for special assessment proceedings</u>	<u>\$ 4,500</u>
Total Estimated Costs	\$151,000

The amount of the special assessment roll is reduced by payments to be made by the Township's Downtown Development Authority, in the amount of \$101,000 (\$3,500 per year for 30 years), resulting in the \$46,000 special assessment roll, which shall be spread by special assessment against properties located in Water Special Assessment District No. 11.

EXHIBIT B

**TOWNSHIP OF PINCONNING
COUNTY OF BAY, MICHIGAN**

[Attach Special Assessment Roll]

EXHIBIT D

[To be retyped on Pinconning Township Letterhead]

NOTICE OF SPECIAL ASSESSMENT

TO ALL PROPERTY OWNERS OR PARTIES IN INTEREST IN WATER SPECIAL ASSESSMENT DISTRICT NO. 11 (the "District"):

Following the October 6, 2010 public hearing to consider the special assessment roll, the Township Board confirmed the special assessment roll for the District on October 6, 2010.

A PROPERTY OWNER OR ANY PERSON HAVING ANY INTEREST IN THE REAL PROPERTY ASSESSED ON THE SPECIAL ASSESSMENT ROLL CONFIRMED BY THE TOWNSHIP BOARD ON OCTOBER 6, 2010, MAY FILE A WRITTEN APPEAL OF THE SPECIAL ASSESSMENT WITH THE MICHIGAN TAX TRIBUNAL WITHIN 30 DAYS AFTER CONFIRMATION OF THE SPECIAL ASSESSMENT ROLL, IF THE SPECIAL ASSESSMENT WAS PROTESTED AT THE HEARING ON THE CONFIRMATION OF THE SPECIAL ASSESSMENT ROLL.

You may pay your special assessment in thirty (30) annual installments of principal and interest, or you may avoid interest by prepaying your special assessment in full on or before the closing on the sale of special assessment bonds for the District (anticipated to be on or about December 1, 2010). At any time thereafter, the balance of your special assessment may be prepaid in full, with interest accrued through the month in which the assessment is paid.

The first installment of the special assessment, including principal and accrued interest thereon, will be billed December 1, 2010, and will be due and payable on or before February 14, 2011. Thereafter, each annual installment will be billed on December 1 and due and payable on February 14.

For additional information about the assessment, call Sharon Stalsberg, Pinconning Township Supervisor, at (989) 879-4018.

PINCONNING TOWNSHIP

Permanent Parcel No. _____
Assessment: _____

CERTIFICATE OF CONFIRMATION

I hereby certify that the above Roll was confirmed on October 6, 2010, by resolution of the Township Board of the Township of Pinconning.

Date: October 6, 2010.

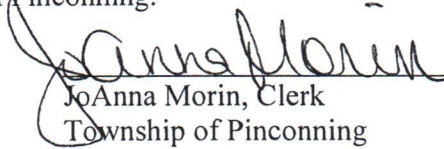
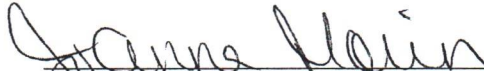

JoAnna Morin, Clerk
Township of Pinconning

EXHIBIT C

WARRANT OF TOWNSHIP CLERK

I, JoAnna Morin, the Township Clerk of the Township of Pinconning, Bay County, Michigan, hereby direct and command you, Troy Trudo, Township Treasurer, to collect the assessments set forth on the attached Water Special Assessment District No. 11, Roll Number 1, in accordance with the directions of the Township Board in respect thereto set forth in a Resolution adopted by the Township Board on October 6, 2010, confirming such special assessment roll of the Township. In particular, you shall include as a delinquent tax any unpaid special assessment which is delinquent on the last day of February, and the delinquent taxes returned to the County Treasurer the next day, pursuant to Section 55 of the General Property Tax Act, MCL 211.55.

DATED: October 6, 2010.


JoAnna Morin, Clerk
Township of Pinconning