

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 25th day of August, 2010, at 10:00 a.m. Local Time.

PRESENT: Members: Stalsberg, Holbrook, Morin

ABSENT: Members: Trudo

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

RESOLUTION NO. 10-05

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 Board's determination to make a public improvement authorized by the Act; and

WHEREAS, the Township Board has tentatively determined to make certain public improvements consisting of the acquisition, construction, and financing of an extension of the Township's water system, as described on Exhibit A hereto (the "Improvements"); and

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 its determination 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 Water Special Assessment District No. 11 (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 Wednesday, September 15, 2010, at 7:00 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: Stalsberg, Holbrook, Morin

NAYS: Members: none

JoAnna Morin
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 25th day of August, 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 by official signature this 25th day of August, 2010.

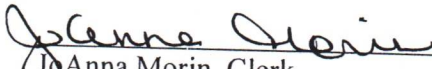

JoAnna Morin, Clerk
Township of Pinconning

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

All or part of this cost shall be spread by special assessment against properties located in Water Special Assessment District No. 11.

MAP OF SPECIAL ASSESSMENT DISTRICT

[MAP TO BE INCLUDED]

Boundary of Water Special Assessment District No. 11

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 Wednesday, September 15, 2010, at 7:00 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: August 25, 2010

JoAnna Morin, Township Clerk