

Water Special Assessment District No. 11

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 14th day of December 2010, at 6:00 p.m. Local Time.

PRESENT: Members: Stalsberg, Kusterer, Holbrook, LaFramboise

ABSENT: Members: Long

The following preamble and resolution were offered by Member Kusterer and supported by Member LaFramboise:

RESOLUTION NO. 10-16

SPECIAL ASSESSMENT RESOLUTION NO. 4B

**CONFIRMATION OF REVISED 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"), previously determined to make certain public improvements to the Township's water system (the "System") consisting of the acquisition, construction and financing of an extension of the Township's System and related appurtenances (the "Improvements") to serve Water Special Assessment District No. 11, in the Township (the "District"); and

WHEREAS, in accordance with Act 188 and following notice and public hearings, the Township Board established the District and confirmed a special assessment roll (the "Roll") for the District; and

WHEREAS, pursuant to the Roll and Resolution No. 10-12, adopted by the Township Board on October 6, 2010 (the "Confirming Resolution"), assessments included on the Roll were to be repaid in 30 annual installments of principal, plus accrued interest, to coincide with the

repayment of the Township's proposed capital improvement bonds, to be issued by the Township to finance the cost of the Improvements, as well as extensions to the System to serve another special assessment district (the "Bonds"); and

WHEREAS, due to economic conditions in Michigan, it was necessary and in the best interest of the Township to shorten the duration in which the Bonds would be outstanding from 30 years to 20 years; and

WHEREAS, it is necessary and in the best interest of the Township to revise the repayment terms for the special assessments included on the Roll; and

WHEREAS, after notice duly given by publication on December 1 and December 8, 2010, in the *Pinconning Journal*, and by first class mail on or before Friday, December 3, 2010, pursuant to Act 188, the Township Board held a public hearing to consider a revised special assessment roll for the District (the "Revised Roll") and objections thereto for said Improvements at 6:00 p.m. local time on December 13, 2010, at the Township Hall in the Township; and

WHEREAS, after hearing all persons interested therein, giving due consideration to all written objections to the Revised Roll, as filed with the Township Clerk, and reviewing the Revised Roll, the Township Board deems the Revised Roll 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 Revised Roll prepared by the Township Supervisor, reported to the Township Board, in the amount of \$46,000, a copy of which roll is attached hereto as Exhibit A, 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 twenty (20) equal annual installments, the first of which installments shall be billed on or before January 1, 2011, 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 of 4.58% per annum, which is a rate not exceeding one percent (1%) per annum above the average rate of interest borne by the Bonds (net of the 45% interest payment subsidy paid to the Township by the U.S. Government pursuant to the American Reinvestment and Recovery Act of 2009 and Section 6431 of the Internal Revenue Code of 1986, as amended. The average rate of interest borne by the Bonds excluding the 45% interest payment subsidy is 6.52%). Interest shall commence 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 his/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 B.

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

AYES: Members: Stalsberg, Kusterer, Holbrook, LaFramboise

NAYS: Members: \_\_\_\_\_

Teresa Kusterer  
Teresa Kusterer, Clerk  
Township of Pinconning

STATE OF MICHIGAN     )  
                                      ) ss.  
COUNTY OF BAY         )

I, Teresa 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 14th day of December, 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 14th day of December, 2010.

Teresa Kusterer  
Teresa Kusterer, Clerk  
Township of Pinconning

**EXHIBIT A**

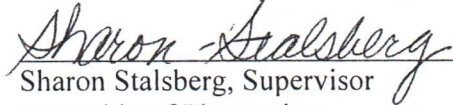
**TOWNSHIP OF PINCONNING  
COUNTY OF BAY, MICHIGAN**

**[Attach Special Assessment Roll]**

### SUPERVISOR'S CERTIFICATE

I, Sharon Stalsberg, Supervisor of the Township of Pinconning, hereby state that the attached Special Assessment Roll (the "Roll") for Water Special Assessment District No. 11 was made pursuant to a resolution of the Township Board adopted on September 21, 2010, and in making such Roll, I have, according to my best judgment, conformed in all respects to the directions contained in such resolution and the statutes of the State of Michigan.

Date: November 23, 2010.

  
Sharon Stalsberg, Supervisor  
Township of Pinconning

019-400-020-00  
Vantol, Ronald F  
5775 N. Mackinaw Rd  
Pinconning MI 48650

020-300-030-00  
Foster, John Real Estate LL  
69245 Burke Drive  
Richmond MI 48062

029-100-020-01  
Juarez, Angela & Salgat, Wa  
604 S. Kiesel  
Bay City MI 48706

029-100-030-00  
Galen E. Wilson Petroleum C  
P.O. BOX 5829  
Saginaw MI 48603

030-200-030-00  
Helm, Danny J Sr & Theresa  
3903 N. 7 Mile Rd  
Pinconning MI 48650

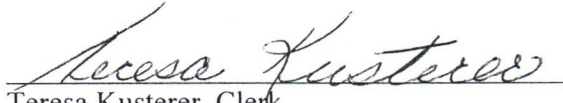


**EXHIBIT B**

**WARRANT OF TOWNSHIP CLERK**

I, Teresa Kusterer, the Township Clerk of the Township of Pinconning, Bay County, Michigan, hereby direct and command you, Luanne Long, 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 December 14, 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.

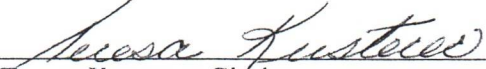
DATED: December 14, 2010.

  
Teresa Kusterer, Clerk  
Township of Pinconning

### CERTIFICATE OF CONFIRMATION

I hereby certify that the above Roll was confirmed on December 14, 2010, by resolution of the Township Board of the Township of Pinconning.

Date: December 14, 2010.

  
Teresa Kusterer, Clerk  
Township of Pinconning

## EXHIBIT C

[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 December 13, 2010 public hearing to consider the revised assessment roll, the Township Board confirmed the revised special assessment roll for the District on December 14, 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 twenty (20) 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 15, 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 on or before January 1, 2011, 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. The assessments may be paid in 20 annual payments of principal, plus accrued interest.

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

PINCONNING TOWNSHIP

Permanent Parcel No. \_\_\_\_\_  
Assessment: \_\_\_\_\_

AMORTIZATION TABLE FOR PINCONNING TOWNSHIP  
 SPECIAL ASSESSMENT: 11 I-75 WD. YEAR STARTED: 2011  
 INFO FOR 019-400-020-00, DECLINING BALANCE METHOD  
 CURRENT PRINCIPAL: 9,200.00, APR INTEREST: 4.8500000  
 2011 BEGINNING PRINCIPAL LEFT: 9,200.00, APR INTEREST: 4.8500000

District #11  
 30 years

Period	Payment	Toward Interest	Toward Principal	Outstanding
2011	752.87	446.20	306.67	8,893.33
2012	738.00	431.33	306.67	8,586.66
2013	723.12	416.45	306.67	8,279.99
2014	708.25	401.58	306.67	7,973.32
2015	693.38	386.71	306.67	7,666.65
2016	678.50	371.83	306.67	7,359.98
2017	663.63	356.96	306.67	7,053.31
2018	648.76	342.09	306.67	6,746.64
2019	633.88	327.21	306.67	6,439.97
2020	619.01	312.34	306.67	6,133.30
2021	604.14	297.47	306.67	5,826.63
2022	589.26	282.59	306.67	5,519.96
2023	574.39	267.72	306.67	5,213.29
2024	559.51	252.84	306.67	4,906.62
2025	544.64	237.97	306.67	4,599.95
2026	529.77	223.10	306.67	4,293.28
2027	514.89	208.22	306.67	3,986.61
2028	500.02	193.35	306.67	3,679.94
2029	485.15	178.48	306.67	3,373.27
2030	470.27	163.60	306.67	3,066.60
2031	455.40	148.73	306.67	2,759.93
2032	440.53	133.86	306.67	2,453.26
2033	425.65	118.98	306.67	2,146.59
2034	410.78	104.11	306.67	1,839.92
2035	395.91	89.24	306.67	1,533.25
2036	381.03	74.36	306.67	1,226.58
2037	366.16	59.49	306.67	919.91
2038	351.29	44.62	306.67	613.24
2039	336.41	29.74	306.67	306.57
2040	321.44	14.87	306.57	0.00
16,116.04		6,916.04	9,200.00	

\*\* THIS AMORTIZATION TABLE DISPLAYS A SCHEDULE OF PAYMENTS BASED ON THE NUMBER OF YEARS,  
 \*\* STARTING YEAR, AND INTEREST RATE OF SPECIAL ASSESSMENT DISTRICT 11 (I-75 WD).  
 \*\* IT DOES NOT TAKE INTO CONSIDERATION PAYOFFS OR ADVANCE PAYMENTS