

**TOWNSHIP OF BIRCH RUN RESOLUTION
APPROVING THE PROJECT, DISTRICT AND
SPECIAL ASSESSMENT ROLL**

The following proceedings took place at a Regular meeting of the Township Board of the Township of Birch Run, Saginaw County, Michigan, held at the Township Center on the 11th day of February, 1997, at 7:00 p.m., Eastern Standard Time:

PRESENT: Harold Johnson, Sheila DiBerardino, Nancy Henige, Cheryl Hadsall, John Jankowski, David Stewart

ABSENT: Edward Magnus

The following preamble and resolution were offered by DiBerardino and seconded by Hadsall :

WHEREAS, on December 17, 1996, the Township Board (the "Board") of the Township of Birch Run, Saginaw County, Michigan (the "Township"), tentatively determined to construct certain improvements to the sanitary sewer system designated as the Birch Run Township Sewer System Improvements (Dixie Highway Extension No. 2) Project (the "Project"); and

WHEREAS, on the same date the Board designated the special assessment district (the "District") against which all or part of the costs thereof are to be specially assessed; and

WHEREAS, the Township Supervisor or assessing officer prepared a special assessment roll setting forth the parcels of land to be assessed and which are benefited by the Project which was duly filed in the office of the Township Clerk on or before January 4, 1997; and

WHEREAS, the Board set January 14, 1997 as the date and 7:00 p.m. the time for a hearing on the special assessment roll (the "Special Assessment Roll") attached hereto as Appendix A to finance the Project; and

WHEREAS, a Notice of the Hearing on the Special Assessment Roll for the Project was published as required by law which first publication was at least ten days prior to the Hearing and such notice was also mailed to the persons with record ownership or interest in property within the District all as required by Act No. 188, Public Acts of Michigan, 1954, as amended ("Act 188:"); and

WHEREAS, the Board has held the Hearing and heard objections to the Project, the Special Assessment District and the Special Assessment Roll, copies of which, if any, are on file with the Township Clerk;

WHEREAS, as a result of the foregoing hearing, the Board believes the Project to be in the best interest of the Township, the District to be the are to be benefited and that the cost thereof should be assessed as set forth in the Special Assessment Roll of the District and has found the assessments in said roll to be correct, just and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF BIRCH RUN, SAGINAW COUNTY, MICHIGAN, as follows:

1. The Special Assessment District described and attached in Appendix A is approved.

2. The formula for making the Special Assessments attached hereto as Appendix B is hereby approved.

3. The special assessment roll for the Project in the aggregate amount of \$205,600.40 is hereby adopted and confirmed, and the Township Clerk is hereby directed to endorse thereon the date of this confirmation. The special assessment roll as adopted and confirmed is attached to this resolution as Appendix C.

4. The special assessments on the roll against each parcel of land shall be payable in twenty installments, according to the schedule attached as Exhibit A, which shall become due and payable on December 1 of each year beginning December 1, 1997 and shall be collectable through December 31 of each such year without penalty. On and after December 31 of each such year, unpaid assessments shall be deemed delinquent, and there shall be collected a penalty at the rate of 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.

5. Special Assessments may be paid in full on or before February 28, 1997. Interest on unpaid assessments shall accrue from March 1, 1997, at a rate equal to 1% above the average interest rate on bonds to be issued under Act 185 to finance the Project (such interest rate to be determined to two decimal places), such interest to be payable annually together with each annual installment then due on the assessments.

6. The Township Clerk is hereby directed to attach his warrant, as required by law and attached as Exhibit B, to the special assessment roll and to deliver the roll to the Township Treasurer commanding the Township Treasurer to collect the assessments in accordance with the terms of this resolution, the warrant, and the statutes of the State of Michigan. Upon receiving the special assessment roll and warrant, the Township Treasurer shall proceed to collect the assessments as the same shall become due.

7. This Resolution shall take effect as soon as the contract between the County of Saginaw and the Township of Birch Run is executed by the County and the Township.

8. All previous resolutions, or parts of previous resolutions of the Board that are inconsistent with this resolution are hereby rescinded.

A vote upon the foregoing resolution was taken, and the results were as follows:

YEAS: Johnson, DiBerardino, Henige, Hadsall, Jankowski, Stewart

NAYS: None

ABSENT: Magnus

THIS RESOLUTION HAS BEEN DECLARED ADOPTED.

RJN.R9-SAG32

APPENDIX A

TOWNSHIP OF BIRCH RUN SEWER SYSTEM IMPROVEMENTS (DIXIE HIGHWAY EXTENSION NO. 2) SPECIAL ASSESSMENT DISTRICT

Lands located in the Township of Birch Run, County of Saginaw described as follows:

Commencing at the Northwest corner of Section 28, T.10 N.-R.6 E., Birch Run Township, Saginaw County, Michigan; thence S.89°-50'-52"E., 1397.97 feet along the North Section line, to the intersection of said Section line with the centerline of the Dixie Highway (formerly Highway US-23); thence S.28°-49'-23"E., 1527.83 feet, along said centerline, to the point of beginning; thence continue S.28°-49'-23"E., 426.93 feet; thence N.89°-41'-03"W., 1251.33 feet, parallel with the East and West 1/4 line of said Section, to the Easterly line of Highway I-75; thence along the arc of a curve to the left, an arc distance of 410.72 feet (said curve having a radius of 5879.65 feet, delta angle 04°-00'-08" and chord bearing and distance of N.24°-26'-20"W., 410.63 feet); thence S.89°-41'-03"E., 1215.39 feet, along the North line of the South 1296.90 feet of the South 1/2 of the Northwest 1/4 of said Section, to the point of beginning.

And Also: Commencing at said intersection of the centerline of the Dixie Highway and the North Section line; thence S.28°-49'-23"E., along the centerline of said Dixie Highway, 509.00 feet to the point of beginning; thence N.61°-10'-37"E., perpendicular to said centerline, 213.00 feet; thence S.28°-49'-23"E., parallel with said centerline, 1036.00 feet; thence S.61°-10'-37"W., perpendicular to said centerline, 213.00 feet to said centerline; thence N.28°-49'-23"W., on said centerline, 1036.00 feet to the point of beginning.

EXHIBIT A

**SPECIAL ASSESSMENT
TOTAL: \$205,600.40**

<u>DATE</u>	<u>PRINCIPAL DUE</u>	(PLUS INTEREST TO BE CALCULATED AFTER BONDS ARE SOLD)
DEC.1, 1997	\$10,280.02	
DEC.1. 1998	\$10,280.02	
DEC.1, 1999	\$10,280.02	
DEC.1, 2000	\$10,280.02	
DEC.1, 2001	\$10,280.02	
DEC.1, 2002	\$10,280.02	
DEC.1, 2003	\$10,280.02	
DEC.1, 2004	\$10,280.02	
DEC.1, 2005	\$10,280.02	
DEC.1, 2006	\$10,280.02	
DEC.1, 2007	\$10,280.02	
DEC.1, 2008	\$10,280.02	
DEC.1, 2009	\$10,280.02	
DEC.1, 2010	\$10,280.02	
DEC.1, 2011	\$10,280.02	
DEC.1, 2012	\$10,280.02	
DEC.1, 2013	\$10,280.02	
DEC.1, 2014	\$10,280.02	
DEC.1, 2015	\$10,280.02	
DEC.1, 2016	\$10,280.02	

EXHIBIT B


WARRANT

TO: **Treasurer**
TOWNSHIP OF BIRCH RUN
Saginaw County, Michigan

I certify that attached to this Warrant is a true copy of the Special Assessment Roll confirmed by the Township Board of the Township of Birch Run on February 11, 1997 for the special assessment district known as Birch Run Township Sanitary Sewer Improvements (the "Confirming Resolution"). You are hereby directed to proceed to collect the amounts due on such roll in accordance with this Warrant, the Confirming Resolution and the statutes of the State of Michigan.

Pursuant to Section 9 of Act No. 188, Public Acts of Michigan, 1954, as amended ("Act 188"), on each September 1 following the date an installment of such roll shall have become due, you shall submit to the Township Board a sworn statement setting forth the name of each person delinquent as to such installment, a description of the parcel or parcels of land upon which there are delinquent assessments and the amount of such delinquency, including accrued interest and penalties computed to September 1 of such year. Thereafter, such amounts shall be reassessed as provided in Section 10 of Act 188.

TOWNSHIP OF BIRCH RUN


Sheila DiBerardino, Clerk

[SEAL]



APPENDIX C

FINAL SPECIAL ASSESSMENT ROLL

**DIXIE HIGHWAY SANITARY SEWER EXTENSION
BIRCH RUN ROAD SOUTH 509' TO 1545'
BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

NOTES: Theater's: Residential Units: 109
 Theater's Connection is computed on 57 Residential Units which is Phase 1
 Assessment is the total of the parcel assessment plus the residential unit assessment.
 Per parcel assessment rate is \$1,000.00
 Per residential unit rate is \$741.67
 Connection Fee is \$1,650.00 per residential unit.

<u>Parcel No.</u>	<u>Name</u>	<u>Assessment per Parcel</u>	<u>Residential Units</u>	<u>Assessment for RU</u>	<u>Sub-Total Assessment</u>	<u>Connection Fee</u>	<u>Total Assessment</u>
Section 28							
2001-A00	Totten, M. & V.	\$1,000.00	1	\$741.67	\$1,741.67	\$1,650.00	\$3,391.67
2004	Basner, R.L. Etal	\$1,000.00	1	\$741.67	\$1,741.67	\$0.00	\$1,741.67
2011	Cinema Theater	\$1,000.00	109	\$80,842.03	\$81,842.03	\$94,050.00	\$175,892.03
2013	Renner, L.	\$1,000.00	1	\$741.67	\$1,741.67	\$0.00	\$1,741.67
2014	Dodak, T.M. & P.K.	\$1,000.00	1	\$741.67	\$1,741.67	\$1,650.00	\$3,391.67
2016	Schian, H. & V.	\$1,000.00	1	\$741.67	\$1,741.67	\$1,650.00	\$3,391.67
2017	Basner, R.L. Etal	\$1,000.00	2	\$1,483.34	\$2,483.34	\$3,300.00	\$5,783.34
2033	Carpenter, L.	\$1,000.00	1	\$741.67	\$1,741.67	\$0.00	\$1,741.67
2037	Kapala, D.J.	\$1,000.00	1	\$741.67	\$1,741.67	\$1,650.00	\$3,391.67
2038	Zobel, D.& J.	\$1,000.00	1	\$741.67	\$1,741.67	\$0.00	\$1,741.67
2040	Finch, D. & R.	<u>\$1,000.00</u>	<u>1</u>	<u>\$741.67</u>	<u>\$1,741.67</u>	<u>\$1,650.00</u>	<u>\$3,391.67</u>
TOTALS		\$11,000.00	120	\$89,000.40	\$100,000.40	\$105,600.00	\$205,600.40

SPICER ENGINEERING COMPANY
 February 10, 1997
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APPENDIX B

SPECIAL ASSESSMENT ROLL

DIXIE HIGHWAY SANITARY SEWER EXTENSION
BIRCH RUN ROAD SOUTH 509' TO 1545'
BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN

NOTES: Theater's Residential Units: 109
 Theater's Connection is computed on 57 Residential Units which is Phase 1
 Assessment is the total of the parcel assessment plus the residential unit assessment.
 Per parcel assessment rate is \$1,000.00.
 Per residential unit rate is \$908.33
 Connection Fee is \$1,650.00 per residential unit.

Project Data

Special Assessment	\$219,600.00
Total Number Parcels:	11

SPICER ENGINEERING COMPANY
 March 31, 1997
 96382\AST.xls\kat

Amended
 3-31-97

APPENDIX C

SPECIAL ASSESSMENT ROLL

DIXIE HIGHWAY SANITARY SEWER EXTENSION
BIRCH RUN ROAD SOUTH 509' TO 1545'
BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN

*Amended
3-31-97*

NOTES: Theater's Residential Equivalent Units: 109
Theater's Connection is computed on 57 Residential Units which is Phase 1
Assessment is the total of the parcel assessment plus the residential unit assessment.
Per parcel assessment rate is \$1,000.00
Per residential unit rate is \$858.33
Connection Fee is \$1,650.00 per residential unit.
Connection Fee is not part of the assessment roll.
Total project is sum of assessment plus connection fee.

Parcel No.	Name	Assessment per Parcel	Residential Units	Assessment for RU	Total Assessment	Connection Fee	Total Sanitary Sewer Project
Section 28							
2001-A00	Totten, M. & V.	\$1,000.00	1	\$858.33	\$1,858.33	\$1,650.00	\$3,508.33
2004	Basner, R.L. Etal	\$1,000.00	1	\$858.33	\$1,858.33	\$0.00	\$1,908.33
2011	Cinema Theater	\$1,000.00	109	\$93,557.97	\$94,557.97	\$94,050.00	\$188,607.97
2013	Renner, L.	\$1,000.00	1	\$858.33	\$1,858.33	\$0.00	\$1,858.33
2014	Dodak, T.M. & P.K.	\$1,000.00	1	\$858.33	\$1,858.33	\$1,650.00	\$3,508.33
2016	Schian, H. & V.	\$1,000.00	1	\$858.33	\$1,858.33	\$1,650.00	\$3,508.33
2017	Basner, R.L. Etal	\$1,000.00	2	\$1,716.66	\$2,716.66	\$3,300.00	\$6,016.66
2033	Carpenter, L.	\$1,000.00	1	\$858.33	\$1,858.33	\$0.00	\$1,858.33
2037	Kapala, D.J.	\$1,000.00	1	\$858.33	\$1,858.33	\$1,650.00	\$3,508.33
2038	Zobel, D. & J.	\$1,000.00	1	\$858.33	\$1,858.33	\$0.00	\$1,858.33
2040	Finch, D. & R.	<u>\$1,000.00</u>	1	<u>\$858.33</u>	<u>\$1,858.33</u>	<u>\$1,650.00</u>	<u>\$3,508.33</u>
TOTALS		\$11,000.00	120	\$103,000.00	\$114,000.00	\$105,600.00	\$219,600.00