

RESOLUTION 95-15

TOWNSHIP OF BIRCH RUN
RESOLUTION CONFIRMING 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 12th day of December, 1995, at 7:00 p.m., Eastern Standard Time:

PRESENT: Edward Magnus, Sheila DiBerardino, Nancy Henige, Larry Russell,
Gary St. Charles, David Stewart

ABSENT: Joanne Strahm

The following preamble and resolution were offered by St. Charles and seconded by Stewart:

WHEREAS, a hearing was held on December 12, 1995 by the Township Board of the Township of Birch Run (the "Township") on a special assessment district and the special assessment roll in the amount of \$300,000 made to defray part of the cost of a sanitary sewer project serving the Township (the "Project") in a special assessment district created by the Township known as the Birch Run Township Sanitary Sewer Improvements.

WHEREAS, the Township desires to proceed with the special assessment pursuant to the provisions of Act No. 185 of the Michigan Public Acts of 1957, as amended, and to make assessments for the Project according to the general procedures in Act No. 188 of the Michigan Public Acts of 1954, as amended ("Act 188"):

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 \$300,000 is hereby adopted and confirmed, as amended, 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, 1996 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.

Interest on unpaid assessments shall accrue from January 1, 1996, 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.

5. 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.

6. 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.

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

YEAS: Magnus, DiBerardino, Henige, St. Charles, Stewart
ABSTAIN: Russell
NAYS: None
ABSENT: Strahm

THIS RESOLUTION HAS BEEN DECLARED ADOPTED.

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APPENDIX A

1995 SANITARY SEWER PROJECT
SPECIAL ASSESSMENT DISTRICT
LEGAL DESCRIPTION

Commencing at the South 1/4 corner of Section 21, T10N, R6E, Birch Run Township, Saginaw County, Michigan; Thence North 300 feet to the Point of Beginning; thence West 260 feet; thence South 170 feet to the Northerly line of Birch Run Road; thence West 901.29 feet; thence North $59^{\circ}32'40''$ West 295.61 feet to the centerline of Dixie Highway; thence North $28^{\circ}46'15''$ West 432.45 feet; thence East 1625.08 feet; thence South 354.91 feet to the Point of Beginning, containing 16.56 Acres, more or less.

Also, Part of the Northwest 1/4 of Section 28, T10N, R6E, Birch Run Township, Saginaw County, Michigan, being further described as commencing at the Northwest corner of said section; thence South $89^{\circ}50'52''$ East 1397.97 feet along the North section line, to the intersection of said line with the centerline of Dixie Highway (formerly Highway US-23); thence South $28^{\circ}49'23''$ East 274.33 feet, along said centerline, to the Point of Beginning; thence continue South $28^{\circ}49'23''$ East 1253.49 feet, along said centerline; thence North $89^{\circ}41'03''$ West 1215.39 feet to the Northeasterly line of I-75 (US-23) Expressway; thence along the arc of a curve to the left, an arc distance of 767.69 feet, said curve having a radius of 5879.65 feet and a chord bearing and distance of North $30^{\circ}10'50''$ West 767.14 feet; thence South $89^{\circ}50'52''$ East 422.31 feet; thence North $00^{\circ}31'41''$ East 431.00 feet, parallel with the West section line; thence South $89^{\circ}50'52''$ East 570.44 feet to the Point of Beginning, containing 25.35 Acres, more or less.

APPENDIX B

Special Assessment Formula:

The Assessments are based on acreage. The cost of the project is divided by the acres in each parcel to determine the total assessment for each parcel.

APPENDIX C

**BIRCH RUN TOWNSHIP SEWER
SEWER CONNECTION FEE
1995 ASSESSMENT ROLL**

| <u>PARCEL NUMBER</u> | <u>NAME</u> | <u>ADDRESS</u> | <u>ACRES</u> | <u>ASSESSMENT</u> |
|----------------------|--------------------|--|--------------|-------------------|
| 05-10-6-21-3019-000 | Bailer, Don Etal | 9555 E. Birch Run Birch Run, MI 48415 | 16.56 | \$118,539.73 |
| 05-10-6-28-2008-000 | Letterman, R. Etal | 12126 Dixie Hwy. Birch Run, MI 48415 | 25.35 | \$181,460.27 |
| | Totals | | 41.91 | \$300,000.00 |

EXHIBIT A

SPECIAL ASSESSMENTS DUE ANNUALLY

| <u>Date Due</u> <u>December 1</u> | <u>Total Amount of</u> <u>Assessment Due</u> | <u>Date Due</u> <u>December 1</u> | <u>Total Amount of</u> <u>Assessment Due</u> |
|--------------------------------------|---|--------------------------------------|---|
| 1996 | \$15,000 | 2006 | \$15,000 |
| 1997 | 15,000 | 2007 | 15,000 |
| 1998 | 15,000 | 2008 | 15,000 |
| 1999 | 15,000 | 2009 | 15,000 |
| 2000 | 15,000 | 2010 | 15,000 |
| 2001 | 15,000 | 2011 | 15,000 |
| 2002 | 15,000 | 2012 | 15,000 |
| 2003 | 15,000 | 2013 | 15,000 |
| 2004 | 15,000 | 2014 | 15,000 |
| 2005 | 15,000 | 2015 | 15,000 |

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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 December 12, 1995 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]

