

Resolution #95-14

**TOWNSHIP OF BIRCH RUN**

At a regular meeting of the Township Board of the Township of Birch Run, Saginaw County, Michigan, held at the Township Hall on November 7, 1995, beginning at 7:00 o'clock p.m., Eastern Standard Time, there were

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

ABSENT: Larry Russell, Joanne Strahm

The following preamble and resolution were moved for adoption by DiBerardino, and the motion was supported by St. Charles:

**RESOLUTION  
REGARDING CERTAIN PROPOSED SANITARY SEWER IMPROVEMENTS  
AND RELATED SPECIAL ASSESSMENT DISTRICT**

WHEREAS, the Township Board (the "Board") of the Township of Birch Run, Saginaw County, Michigan (the "Township"), has entered into a Contract or will do so for the construction of a sanitary sewer system with the County of Saginaw (the "County") pursuant to Act No. 185 of the Michigan Public Acts of 1957, as amended; and

WHEREAS, Bartow & King Engineers, Bay City, Michigan, has prepared and submitted to the Township preliminary plans describing the Project and its location in the Township (the "Plans") and a preliminary estimate of the cost of the Project (the "Cost Estimate"); and

WHEREAS, after reviewing the Contract, the Plans and the Cost Estimate, the Board desires to proceed with the Project, to levy special assessments against the lands specially benefitted by the Project and to cause the County to borrow money and issue bonds of the County therefor in anticipation of the contract payments from the Township to defray all or part of the cost of the Project, all pursuant to and as authorized by Act No. 185, Michigan Public Acts of 1957, as amended ("Act 185"); and

WHEREAS, the Township Supervisor is preparing and will certify a proposed special assessment roll (the "Roll") for Birch Run Township Sanitary Sewer Improvements Special Assessment District (the "District"), and the Roll will be filed with the Township Clerk at least 10 days prior to December 12, 1995;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Plans and the Cost Estimate are accepted, approved and ordered filed with the Township Clerk, and the summary thereof attached to this resolution as EXHIBIT A is hereby approved and made a part of this resolution.

2. The Board hereby declares its intention to cause the County to construct the Project and designates the special assessment district named and described in EXHIBIT B against which all or part of the cost of the Project is to be assessed (the "District").

3. The Board instructs the Township Supervisor to certify that (a) the Roll was prepared in accordance with the Township Board's direction, and (b) the Roll was prepared in accordance with the laws of the State of Michigan, including the Act, and the Supervisor shall file the Roll with the Township Clerk not later than December 2, 1995.

4. The Hearing on the Project, the Special Assessment District and Special Assessment Roll for the Birch Run Township Sanitary Sewer Improvements shall be at 7:00 p.m., Eastern Standard Time, on December 12, 1995, at the Township Hall and the Board at such meeting shall conduct a public hearing to hear objections to the Project, the District, and the Roll as required by law. The form of notice attached hereto as EXHIBIT B is hereby approved as and for the form of notice for such hearing. The Clerk shall cause notice of such hearing, in the form hereby approved to be given as follows:

- (a) To each record owner of, or party in interest in, land in the District whose name appears on the last Township tax assessment records (as defined below), by first-class mail addressed to such owner or party at such address, at least 10 days before the date of the hearings, provided, however, that if a record owner's name does not appear in the last Township tax assessment records, such notice shall be given by first-class mail addressed to the record owner at the address shown by the records of the address shown by the records of the Saginaw County Register of Deeds within the time provided in this subparagraph (a);
- (b) By publishing such notice twice in a newspaper circulating in the Township, the first such publication in each newspaper to be at least 10 days before the date of the hearings; and

- (c) To each person (if any) whose name and address has been filed with the Secretary of State of the State of Michigan as a person upon whom may be served notice of any proceedings under Act 185, by registered mail addressed to such person at such address, or personally, within five days after the first publication of notice pursuant to subparagraph (b) of this paragraph.

As used in subparagraph (a) of this paragraph, the term "last Township tax assessment records" means the last 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 the addresses of the owners or parties listed on such roll.

5. In addition to the notices required by paragraph 3 of this resolution, public notice of the meeting referred to compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended).

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

A roll-call vote on the foregoing resolution was taken and was as follows:

YES: Magnus, DiBerardino, Henige, St. Charles, Stewart

NO: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

**CLERK'S CERTIFICATE**

The undersigned, being the duly qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a regular meeting held on November 7, 1995, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

*Sheila DiBernardino*  
Birch Run Township Clerk



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EXHIBIT A

DESCRIPTION OF THE PROJECT

The proposed project involves the purchase of capacity in the Genesee County Sewage Disposal System and the rights to use its Sanitary Sewage Transmission lines.

The cost are estimated as follows:

Cost of Purchase and Capacity	\$272,000
Financing Costs	17,000
Contingency	<u>11,000</u>
TOTAL	<u>\$300,000</u>

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EXHIBIT B

NOTICE OF PUBLIC HEARING  
TOWNSHIP OF BIRCH RUN, SAGINAW COUNTY

TO: ALL RECORD OWNERS OF, AND PARTIES IN INTEREST IN, LAND  
IN THE PROPOSED SPECIAL ASSESSMENT DISTRICT DESCRIBED  
HEREIN

NOTICE IS HEREBY GIVEN that the Township Board of the Township of Birch Run, Saginaw County, Michigan (the "Township"), will meet beginning at 7:00 p.m., Eastern Standard Time, on December 12, 1995, at the Township Hall, 8411 Main St., Birch Run, Saginaw County, Michigan, and during such meeting will conduct a public hearing to hear objections to a sanitary sewer project (the "Project"), the cost thereof, the special assessment district therefore, and the special assessment roll therefor for the construction of sanitary sewer improvements as follows:

BIRCH RUN TOWNSHIP  
SANITARY SEWER IMPROVEMENTS

DESCRIPTION OF THE PROJECT

The proposed project involves the purchase of capacity in the Genesee County Sewage Disposal System and the rights to use its Sanitary Sewage Transmission lines.

in the special assessment district described herein, and to hear objections to the following special assessment district tentatively designated by the Township Board as the district against which the cost of the Project is to be assessed:

BIRCH RUN TOWNSHIP  
SPECIAL ASSESSMENT DISTRICT

[INSERT LEGAL DESCRIPTION OF DISTRICT]

PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within thirty (30) days after confirmation of the special assessment roll. However, appearance and protest at the public hearing on the special assessment roll are required in order to appeal the special assessment to the Michigan Tax Tribunal. An owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment, or (2) file his or her appearance or protest by letter before the close of the hearing. The Township Clerk shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded shall be considered to have protested the special assessment in person.

BY ORDER OF THE TOWNSHIP BOARD,  
Sheila DiBerardino, Clerk

Dated: \_\_\_\_\_, 1995

Publish: \_\_\_\_\_

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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.





NOTICE IS HEREBY FURTHER GIVEN that preliminary plans describing the Project and its location in the Township and a preliminary estimate of the cost of the Project, and the Special Assessment District, prepared by Bartow & King Engineers, Bay City, Michigan, are on file with the Township Clerk, 8411 Main St., Birch Run, Michigan, for public examination during regular business hours.

NOTICE IS FURTHER GIVEN that, in order to provide for such special assessments, a special assessment roll (the "Special Assessment Roll") has been prepared and is on file in the office of the Township Clerk for public examination during the hours the Township Hall is regularly open to the public for business.

NOTICE IS FURTHER GIVEN that the Township Board will hold a public hearing on the 12th day of December, 1995, at 7:00 p.m., Eastern Standard Time, at the Township Hall, 8411 Main St., Birch Run, Saginaw County, Michigan for the purpose of reviewing and hearing any objections to the Project, the Special Assessment District or the Special Assessment Roll. Any person objecting to the Special Assessment District or the Special Assessment Roll shall file his or her objections in writing before the close of the public hearing or within such further time, if any, as the Township Board may grant.

