

*Renewal of Little Whitefish Lake Weed Control
Special Assessment District*

**TOWNSHIP OF PIERSON
COUNTY OF MONTCALM, MICHIGAN**

Minutes of a regular meeting of the Township Board of the Township of Pierson, Montcalm County, Michigan, held at the Township Hall in said Township on the 8th day of October 2019, at 7:00 p.m.

PRESENT: Members: Gould, VanTil, Burkholder, Scheuermann

ABSENT: Members: Hyrns

The following resolution was offered by Burkholder and supported by VanTil:

RESOLUTION NO. 2019-19

SPECIAL ASSESSMENT RESOLUTION NO. 4

**DETERMINATION TO MAKE PUBLIC IMPROVEMENTS;
APPROVAL OF PLANS AND ESTIMATE OF COSTS;
FINAL DETERMINATION OF SPECIAL ASSESSMENT DISTRICT;
PREPARATION OF SPECIAL ASSESSMENT ROLL; PREPARATION, FILING AND
CONFIRMATION OF SPECIAL ASSESSMENT ROLL, LIEN PAYMENT AND
COLLECTION OF SPECIAL ASSESSMENT; RATIFICATION AND CONFIRMATION
OF PRIOR ACTIONS AND MATTERS RELATED THERETO**

WHEREAS, the Township Board, pursuant to Act 188 of the Public Acts of Michigan of 1954, as amended ("Act 188"), by resolution adopted August 13, 2019, previously declared its intention to proceed to make certain public improvements consisting of the eradication and control of aquatic weeds and plants in Little Whitefish Lake (the "Improvements") within a special assessment district known as the Little Whitefish Lake Weed Control Special Assessment District in the Township (the "District"); and

WHEREAS, the Township Board held a public hearing at the Township Hall within the Township on September 10, 2019 to consider any objections to the proposed Improvements, the proposed District, the expenditure of funds from the current Little Whitefish Lake Weed Control Special Assessment District, and all other matters relating to said Improvements; and

WHEREAS, pursuant to and in accordance with Act 188, the Township Board provided notice of an October 8, 2019 public hearing by publication on Monday, September 23, 2019, and Monday, September 30, 2019, in the *River Valley Shopper* and by first class mail on or before September 27, 2019; and

WHEREAS, following such public notice, the Township Board conducted a subsequent hearing to consider any objections to the proposed Improvements, the proposed District, the expenditure of funds from the current Little Whitefish Lake Weed Control Special Assessment District, and all other matters relating to said Improvements; and

WHEREAS, the Township Board previously directed the Township Supervisor to prepare a Special Assessment Roll for the District; and

WHEREAS, the Township Supervisor previously prepared the Special Assessment Roll, reported the Roll to the Township Board, and filed the Special Assessment Roll with the Township Clerk; and

WHEREAS, the Township Board previously scheduled a public hearing on the Special Assessment Roll to be held on Tuesday, October 8, 2019, at 7:00 o'clock p.m., or shortly thereafter, at the Pierson Township Hall; and

WHEREAS, pursuant to and in accordance with Act 188 the Township provided notice of such public hearing on the Special Assessment Roll by publication on Monday, September 23, 2019, and Monday, September 30, 2019, in the *River Valley Shopper* and by first class mail on or before September 27, 2019; and

WHEREAS, at said public hearing held on October 8, 2019, the Township Board heard and considered objections to the proposed renewal of the Improvements for a not to exceed five-year period (extending through 2024) for the District, and to all other matters relating to said Improvements and the District; and

WHEREAS, at said public hearing held on October 8, 2019, the Township Board heard and considered objections to the proposed Special Assessment Roll; and

WHEREAS, after hearing all persons interested therein, giving due consideration to all written objections to said special assessment roll filed with the Township Clerk, and after reviewing said special assessment roll and objections to the District, the Township Board has determined that the District and Special Assessment Roll shall be amended in the following manner:

Parcel change: Remove 015-008-056-51, 015-008-069-10 and replace with 015-008-069-20

; and

WHEREAS, the Township Board has deemed said special assessment roll, as so amended, 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 Township Board hereby approves, ratifies and confirms the actions taken by the Township Board on September 10, 2019 including adoption of resolutions with respect to the District and the Improvements, and the scheduling and providing of notices of public hearings related to the District and the special assessment roll.

2. The District is hereby determined to consist of the parcels of land designated by resolution on August 13, 2019, and included in the Notice of Public Hearing mailed to property owners within the District, and as designated, such District is approved, ratified and confirmed.

3. In accordance with the prior resolutions of the Township Board with respect to the District, the District shall continue to remain in existence through and including December 31, 2023.

4. The plans for the Improvements and the estimate of costs as set forth on the attached Exhibit A are hereby approved.

5. All or part of the total estimated cost of the Improvements shall be paid by special assessments assessed within the District against the property located in the District and benefitted by the proposed Improvements; provided, however, that the amount to be assessed to each parcel shall be subject to a periodic redetermination and adjustment by resolution of the Township Board on or before September 30 each year based upon (1) the approximate or actual cost of the Improvements for that year, and (2) the amount of unexpended funds, including special assessment collections on hand from the previous year.

6. The prior direction by the Township Board to the Township Supervisor to prepare, file and report the Special Assessment Roll for the District is hereby approved, ratified and confirmed. The special assessment roll as prepared and certified by the Supervisor in accordance with the prior direction of the Township Board is set forth in Exhibit B attached hereto.

7. Said special assessment roll, as made and certified by the Township Supervisor, has been reported to the Township Board and filed in the office of the Township Clerk.

8. The Special Assessment Roll prepared by the Township Supervisor and reported to the Township Board for the five-year term of the District, a copy of which roll is attached hereto as Exhibit B, is hereby confirmed and shall be known and designated for the District as Special Assessment Roll No. 1 (the "Roll").

9. The Township Clerk shall endorse on the Roll the date of this meeting as the date of confirmation of said Roll.

10. The Roll shall be divided into five annual installments, the first of which installments shall be billed on or around December 1, 2019, and due and payable on or before February 14, 2020, and all subsequent installments shall be billed on or before December 1 and

due and payable on or before February 14 of each year thereafter; however, each parcel shall be subject to a periodic redetermination as described in paragraph 5. Further, if there are surplus special assessment collections during the term of the District, the Township Board may determine to use the surplus funds to pay the cost of the Improvements in lieu of levying an annual installment of the special assessment for that year. In such case, the determination by the Township Board shall not (a) preclude the Township from assessing properties within the District for a future installment in years following or (b) constitute a waiver of the Township's right to levy future installments of the special assessment for the Improvements.

11. Interest, payable annually on each installment due date, shall be paid on the balance of unpaid installments at the rate of three percent (3%) per annum commencing after March 1, 2020, provided, however, that if the Township issues bonds in anticipation of the unpaid installments of the special assessments, said interest rate shall be adjusted by the Township Board to a rate not exceeding three percent (3%) above the average rate of interest borne by said bonds.

12. 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.

13. 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 11, above, a penalty at the rate of three percent (3%) 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.

14. 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.

15. 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 the Clerk's warrant attached thereto, which 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 C.

16. Upon receiving the Roll and warrant the Township Treasurer shall proceed to collect the several amounts assessed therein as the same shall become due.

17. 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 as Exhibit D, 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.

18. All resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

AYES: Members: Gould, VanTil, Burkholder, Scheuermann

NAYS: Members: 0

RESOLUTION DECLARED ADOPTED.



Sara Burkholder, Clerk
Township of Pierson

EXHIBIT A
TOWNSHIP OF PIERSON
COUNTY OF MONTCALM, MICHIGAN

LITTLE WHITEFISH LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT
DESCRIPTION OF IMPROVEMENTS

The Improvements consist of the eradication and control of aquatic weeds and plants (and related costs) in Little Whitefish Lake (as more particularly described in the May 29, 2019 proposal from Clear Water Lake Management Inc. ("CWLM")).

The estimate of cost for the Improvements for treatment in 2019-2023 is as follows:

	\$ 40,300 Low Estimate	\$ 58,410 High Estimate
Aquatic weed and plant control	\$ 36,000	\$ 54,000
Related costs (including permitting, monitoring and other related costs)	\$800	\$910
Zero gravity aerial mapping	\$3,500	\$3,500
Administration		
Publication	\$1,500	\$2,000
mailing of notices (\$3.00 per parcel) (153)	\$459	\$600
Township administrative		
Clerk	\$1,500	\$1,500
Treasurer	\$1,500	\$1,500
Legal	\$3,500	\$4,500
Total Estimated Costs	\$ 48,759	\$ 68,510

The estimate of cost for the Improvements for 2020 treatment only (to be assessed 12/1/2019) is as follows:

	\$ 20,059 Low Estimate	\$ 27,810 High Estimate
Aquatic weed and plant control	\$ 12,000	\$ 18,000
Related costs (including permitting, monitoring and other related costs)	\$800	\$910
Administration		
Publication	\$1,500	\$2,000
mailing of notices (\$3.00 per parcel)	\$459	\$600

Township administrative		
Clerk	\$1,500	\$1,500
Treasurer	\$300	\$300
Legal	\$3,500	\$4,500
Total Estimated Costs	\$ 20,059	\$ 27,810

All or part of the cost of the Improvements shall be spread by special assessment against benefitted properties located in the Little Whitefish Lake Weed Control Special Assessment District.

A periodic redetermination of the cost of the Improvements may be necessary, without a change in the Special Assessment District boundaries, subject to the requirements of Act 188 of 1954, as amended. The yearly costs are estimated to increase not more than 10% above the maximum annual high cost based on the Project Cost Estimate proposed by CWLM.

EXHIBIT B

LITTLE WHITEFISH LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT

ROLL NO. 1

Lots and Parcels Numbered:

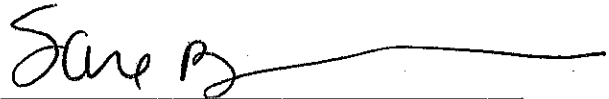
015-007-003-00	015-008-072-00	015-440-015-00	015-500-026-00	015-660-029-00
015-007-005-50	015-008-073-00	015-440-017-00	015-580-001-00	015-660-030-00
015-007-009-21	015-008-076-00	015-440-018-00	015-580-002-00	015-660-031-00
015-007-009-31	015-420-001-00	015-440-021-00	015-580-003-00	015-660-032-00
015-007-009-60	015-420-002-00	015-440-022-00	015-580-004-00	015-660-033-00
015-008-023-10	015-420-004-10	015-440-023-00	015-580-005-00	015-660-034-00
015-008-024-00	015-420-006-10	015-440-025-00	015-580-006-00	015-660-035-00
015-008-025-00	015-420-007-00	015-440-026-00	015-580-007-00	015-660-037-00
015-008-026-00	015-420-008-00	015-440-028-00	015-580-008-00	
015-008-027-00	015-420-009-00	015-440-029-00	015-580-009-00	
015-008-029-00	015-420-011-00	015-440-029-50	015-580-010-00	
015-008-030-00	015-420-014-10	015-440-031-00	015-580-011-00	
015-008-031-00	015-420-015-00	015-440-033-00	015-660-001-00	
015-008-039-00	015-430-001-00	015-440-034-00	015-660-001-50	
015-008-040-02	015-430-002-00	015-440-035-00	015-660-003-00	
015-008-041-00	015-430-003-00	015-440-036-00	015-660-005-00	
015-008-042-00	015-430-004-00	015-440-037-00	015-660-007-00	
015-008-043-00	015-430-006-00	015-440-038-00	015-660-008-00	
015-008-044-10	015-430-007-00	015-440-039-00	015-660-009-00	
015-008-045-10	015-430-008-00	015-500-001-00	015-660-010-00	
015-008-046-00	015-430-009-00	015-500-002-00	015-660-011-00	
015-008-047-00	015-430-010-00	015-500-003-00	015-660-012-00	
015-008-048-00	015-430-011-00	015-500-004-00	015-660-013-00	
015-008-051-00	015-430-012-00	015-500-005-00	015-660-014-00	
015-008-051-10	015-430-013-00	015-500-006-00	015-660-016-00	
015-008-052-00	015-430-016-00	015-500-007-00	015-660-018-00	
015-008-053-01	015-430-017-00	015-500-008-00	015-660-019-00	
015-008-056-00	015-440-001-00	015-500-009-01	015-660-020-00	
015-008-057-00	015-440-003-00	015-500-011-01	015-660-021-00	
015-008-057-50	015-440-005-00	015-500-013-00	015-660-022-00	
015-008-058-00	015-440-006-00	015-500-015-00	015-660-023-00	
015-008-066-00	015-440-007-00	015-500-020-00	015-660-024-00	
015-008-067-00	015-440-009-00	015-500-021-00	015-660-025-00	
015-008-068-00	015-440-011-00	015-500-022-00	015-660-026-01	
015-008-069-20	015-440-012-00	015-500-023-10	015-660-027-00	
015-008-071-00	015-440-014-00	015-500-023-30	015-660-028-00	

EXHIBIT C

WARRANT OF TOWNSHIP CLERK

I, Sara Burkholder, the duly qualified and acting Clerk of the Township of Pierson, Montcalm County, Michigan, hereby direct and command you, Kathy Hyrns, Township Treasurer, to collect the assessments set forth on the attached Little Whitefish Lake Weed Control Special Assessment District No. 1, 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 October 8, 2019, 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: October 8, 2019



Sara Burkholder, Clerk
Township of Pierson

EXHIBIT D

[To be retyped on Pierson Township Letterhead]
NOTICE OF SPECIAL ASSESSMENT

LITTLE WHITEFISH LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT

TO ALL PROPERTY OWNERS OR PARTIES IN INTEREST IN LITTLE WHITEFISH LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT (the "District"):

Following the October 8, 2019 public hearing to consider the special assessment roll, the Township Board confirmed the special assessment roll for the District on October 8, 2019.

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 8, 2019, 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 a maximum of five annual installments, the first of which is due on or before February 14, 2020, and such amount may be paid without interest or penalty up to and including February 14, 2020, after which interest and penalty will apply. At any time, the balance of your special assessment may be prepaid in full.

For additional information about the assessment, call Sara Burkholder, Township Clerk, at (616) 636-8570.

TOWNSHIP OF PIERSON

Permanent Parcel No. _____

Annual Installment (First Year only): \$ 182.96