

**TOWNSHIP OF LYON  
(ROSCOMMON COUNTY, MICHIGAN)**

**RESOLUTION NO. 2023-GLUA-1**

**TENTATIVE DECLARATION OF INTENT TO MAKE PUBLIC IMPROVEMENTS;  
TENTATIVE DESIGNATION OF SPECIAL ASSESSMENT DISTRICT;  
NOTICE OF PUBLIC HEARING**

At a duly scheduled meeting of the Lyon Township Board, Roscommon County, Michigan held at the Lyon Township Hall, 7851 W. Higgins Lake Drive, Roscommon, Michigan 48653, on the 31<sup>st</sup> day of August 2023 at 10: 00 am.

PRESENT: Maduri, Schnell, Grier, Tomak and Carlson

ABSENT: None

The following resolution was offered by Member Carlson and supported by Member Grier.

**WHEREAS**, the Gerrish Lyon Utility Authority (the “GLUA”) was established by the Townships of Lyon and Gerrish each in Roscommon County to explore the possibility of acquiring, owning, improving, enlarging, extending or operating a sewer service or system to address wastewater collection and treatment and declining water quality in or near Higgins Lake;

**WHEREAS**, Higgins Lake is a critical asset to Lyon Township, including its residents and the community at-large. Acting to prevent further decline in the health and water quality of Higgins Lake is critical to protecting the public health, safety, and general welfare of the persons and property in the Township;

**WHEREAS**, pursuant to Act 188 of the Public Acts of Michigan of 1954, as amended (“Act 188”), as well as other statutory authority, the Township Board may initiate and carry out sanitary sewer and water system improvements, and finance the same by the levy of special assessments against benefiting properties within a special assessment district in the Township;

**WHEREAS**, the Township Board received a preliminary plan, dated May 5, 2022, showing proposed sanitary sewer and water system improvements near or around Higgins Lake, and an estimate of the costs of the same at approximately \$35,440,000;

**WHEREAS**, there exists a need for certain public improvements in the Township near or around Higgins Lake as described in *Exhibit A* attached hereto and Act 188 provides the means to finance the improvements;

**WHEREAS**, the Township Board previously adopted Resolution No. 2022-GLUA1 on June 15, 2022, to proceed pursuant to Act 188 to make certain public improvements in the Township near or around Higgins Lake;

**WHEREAS**, the Township Board proceeded to a public hearing in 2022, to hear and consider objections to the proposed improvements and the special assessment district tentatively designated around Higgins Lake;

**WHEREAS**, written objections to the improvements were filed with the Township Board by the record owners of land constituting more than 20% of the total land area in the proposed district consistent with MCL 41.723(1)(a);

**WHEREAS**, in Resolution No. 2022-GLUA1 the Township Board recognized that in the event written objections to the improvements were filed that satisfied the requirements of Act 188, the Township Board would not proceed with the improvements until petitions are filed with the Township Board by record owners of land constituting more than 50% of the total land area in the special assessment district;

**WHEREAS**, on August 30, 2023 the Township received petitions from record owners constituting more than 50% of the total land area in the proposed special assessment district and requesting the



proposed improvements by record owners;

**WHEREAS**, the Township Clerk has checked the signatures on the petitions and the record owners of land within Lyon Township contained within the proposed district, and has reported that the percentage of record owners within the special assessment district as tentatively established by the Township Board in 2022 and as requested in the submitted petitions amounted to land constituting more than 50% of the total land area in the special assessment district;

**WHEREAS**, pursuant to Act 188 and the previous resolution, the Township Board now has authority to proceed with the proposed public improvements, either directly or through the GLUA, pursuant to Act 188 should it so choose to do so; and

**WHEREAS**, the Board has decided to tentatively declare its intention to proceed with the proposed public improvements, either directly or through the GLUA, pursuant to Act 188, all in accordance with the petitions submitted by benefitting property owners.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Board of Lyon Township, Roscommon County, Michigan, as follows:

1. In reliance of the petitions submitted and based on its own determination that the public health, safety and welfare will be greatly benefitted by the improvements proposed, the Township Board intends to proceed pursuant to Act 188 to make the public improvements described in the Notice of Public Hearing attached as *Exhibit A* hereto, showing proposed sanitary sewer and water system improvements near or around Higgins Lake, either directly or through the GLUA, except vacant parcels will be assessed at no assessment, all in accordance with the petitions submitted by benefitting property owners. If vacant property is later developed and permits to build are obtained, owners will be required to pay their portion of the costs of the improvement at that time.
2. The Township Board has authorized the preparation of plans showing the proposed improvements, their location and an estimate of the costs thereof in the amount of \$35,440,000. The preliminary plans and the estimate of costs have been filed with the Township Clerk. The plans and estimate of costs are available for public inspection at the Township Hall, located at 7851 W. Higgins Lake Drive, Roscommon, Michigan 48653, during normal business hours.
3. The Township Board hereby tentatively designates a special assessment district known as the "Lyon Township Sewer Special Assessment District No. 1", consisting of certain parcels of property shown in the Notice of Public Hearing attached hereto as *Exhibit A*, and against which parcels all or a portion of the cost of the proposed improvements shall be assessed.
4. The Township Board shall hold a public hearing on September 22, 2023, at 6:00 p.m. at the Township Hall located at 7851 W. Higgins Lake Drive, Roscommon, Michigan 48653, to hear and consider objections to the proposed improvements and the special assessment district tentatively designated herein.
5. The Township Clerk shall cause to be published a Notice of the Public Hearing, in a form substantially similar to *Exhibit A*, in *The Houghton Lake Resorter*, a newspaper of general circulation within the Township, at least two (2) times prior to the public hearing, with the first publication at least ten (10) days prior to the public hearing. Proofs of publication of such notice shall be filed with the Township Board.
6. The Township Clerk, at least ten (10) days prior to the date of the public hearing, shall send the same Notice of the Public Hearing by first class mail addressed to each record owner of, or party in interest in, each property to be assessed, at the address shown for such owner or party in interest upon the last township tax assessment records (the last assessment roll for ad valorem tax purposes that was reviewed by the Township Board of review), as supplemented by any subsequent changes in the names or addresses of the owners or parties listed therein, except in the case of railroad companies, which shall be mailed a Notice of the Public Hearing by registered mail within five (5) days after the first publication of the notice described in Paragraph 5 above.

If a record owner's name does not appear on the Township tax assessment records, then notice shall be given by first-class mail addressed to the record owner at the address shown by the records of the county register of deeds at least ten (10 days) before the date of the hearing.

7. This resolution is supported by the record owners of land constituting more than 50% of the total land area and therefore the previous objections and petitions objecting to the project are now without force and effect. The petitions, as well as the completed plans and estimates prepared by the Project Engineer, are currently on file with the Township Clerk, and shall remain available for public examination during ordinary business hours and at the public hearing.
8. All resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Schnell, Grier, Carlson, Tomak

NAYS: Maduri

ABSENT: None


RESOLUTION DECLARED ADOPTED.

  
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Doug Schnell, Clerk

#### CERTIFICATION

I, Doug Schnell, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Lyon at a meeting held on August 31, 2023, and that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, including, in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

Dated: August 31, 2023

  
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Doug Schnell, Clerk

# **EXHIBIT A**



