

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

RESOLUTION NO. 2023-GLUA-2

DETERMINATION TO MAKE PUBLIC IMPROVEMENTS NEAR HIGGINS LAKE

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 18th day of October, 2023 at 7:00 pm.

PRESENT: Maduri, Schnell, Grier, Carlson and Tomak

ABSENT: None

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

WHEREAS, the Gerrish Lyon Utility Authority (the “GLUA”) was established by the Townships of Lyon and Gerrish to explore the possibility of acquiring, owning, improving, enlarging, extending or operating a sewer service or system to address wastewater treatment, failing septic systems, declining water quality in or near Higgins Lake, and potential negative consequences for water wells, and for other reasons;

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 Township’s persons and property;

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 previously adopted Resolution No. 1 to initiate sewer improvements in cooperation with Gerrish Township; and

WHEREAS, the project contemplated by the Township Board includes the participation of Gerrish Township to provide sanitary sewer service to properties in both townships near the waters of Higgins Lake; and

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

WHEREAS, the Board is sensitive to its residents’ concerns concerning the affordability of the project and the special assessment on benefited properties in light of the estimated costs thereof, and the Board desires to enable the improvements to be made in a reasonably priced manner so as not to impose an unreasonable hardship on the benefited properties;

WHEREAS, pursuant to Resolution No. 2023-GLUA-1, the Board tentatively determined that there is a need for the proposed public improvements, either directly or through the GLUA, pursuant to Act 188, within the proposed special assessment area;

WHEREAS, the Township Board previously set a time, date, and place for the Township Board to hold a public hearing to hear any objections to the petitions submitted requesting the Township to pursue the project, the proposed improvements, the estimate of costs, and the special assessment district; and

WHEREAS, notice of the public hearing was given by publication twice prior to such hearing in *The Houghton Lake Resorter*, the first publication being at least ten days prior to the time of the hearing; and

WHEREAS, notice of the public hearing was given by first class mail to all owners of land in the proposed special assessment district at the address shown on the last Township tax assessment roll, at least ten (10) days before the date of such public hearing; and

WHEREAS, the Township Board conducted a public hearing on September 22, 2023, at the Lyon Township Hall to hear any objections to the petitions, proposed improvements, estimate of costs, and special assessment district; and

WHEREAS, after hearing objections and comments regarding the proposed improvements, estimate of costs, and special assessment district, the Township Board directed the Clerk to examine the petitions, specifically including 25 petitions questioned at the hearing;

WHEREAS, after review, on September 22, petitions requesting the project from properties representing 52.92% of the total land area in the proposed district supported the resolution, two additional petitions in favor were received September 29, increasing the petitions requesting the project from properties in the land area in the proposed district to 53.01%;, and 10 of the identified 25 petitions had defects warranting rejection of those petitions because they were either no longer owned by the petition signer or had missing or inaccurate signatures, and no defect or deficiency was found in the remaining 15 petitions;

WHEREAS, after the review, 52.52% of the total land area in the proposed district supported the resolution. After September 29, five of the petitions under review were re-submitted in favor of the project and two additional in favor petitions were received pursuant to MCL 41.723(4). After all adjustments and consideration of the objections raised as of the public hearing, the petitions constituting the land area in the proposed district supporting the resolution and project totals 52.86%;

WHEREAS, no special assessment will be levied or collected before a final assessment roll is prepared and a public hearing held thereon. Further, the determination of the amount of any assessment set forth in a final assessment roll requires additional engineering, bidding, and contract proceedings prior to construction; and

WHEREAS, the Townships and GLUA are seeking additional state and federal funding to supplement the funds that would be collected by special assessment in an effort reduce the portion of costs to be assessed against benefitted properties; and

WHEREAS, state and federal grants or other additional funding will be used to reduce the professional, engineering, construction, and other project costs, which thereby reduces the assessment.

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

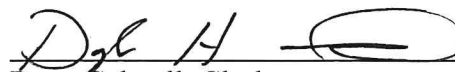
1. The Township Board hereby approves the petitions as legally sufficient and containing sufficient signatures of property owners within the district approved by this resolution.
2. The Township Board hereby approves the plans and estimated cost in the sum of \$35,440,000 in Lyon Township, as prepared and presented by the Project Engineer, as represented in attached **Exhibit A**, and hereby determines that the sum of \$35,440,000 shall be paid by grants, funding, or special assessments against the benefiting properties within the special assessment district within Lyon Township.
3. The Township Board hereby determines, creates and defines a special assessment district that shall consist of land described in the attached **Exhibit B**, which shall be known as the Lyon Township Sewer Special Assessment District No. 1.
4. The Township Clerk and assessing officer are hereby directed to make a special assessment roll in which shall be described all of the parcels of land to be assessed as above set forth, with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be such relative portion of the whole sum to be levied against all parcels of land in the assessment district as the benefit to such parcel bears to the total benefit of all parcels of land in the special assessment district.
5. When the assessment roll is completed, the assessing officer shall affix thereto a certificate stating that said roll was made pursuant to this resolution and that in making the assessment roll he or she has, according to their best judgment, conformed in all respects to the directions contained in this resolution and the statutes of the State of Michigan, and they shall then report the special assessment roll with an attached certificate to the Township Board.

YEAS: Schnell, Grier, Carlson and Tomak

NAYS: Maduri

ABSENT: None

RESOLUTION DECLARED ADOPTED.



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 October 18, 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 publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Dated: October 18, 2023



Doug Schnell, Clerk