

HOUSE BILL No. 5831

May 29, 1990, Introduced by Rep. Nye and referred to the Committee on Transportation.

A bill to amend sections 1 and 3 of Act No. 188 of the Public Acts of 1954, entitled as amended

"An act to provide for the making of certain public improvements by townships; to provide for paying for the same by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of public improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of such special assessments, and for the obligation of the township thereon,"

as amended by Act No. 180 of the Public Acts of 1986, being sections 41.721 and 41.723 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 3 of Act No. 188 of the Public
2 Acts of 1954, as amended by Act No. 180 of the Public Acts of
3 1986, being sections 41.721 and 41.723 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 1. The township board ~~has the power to~~ MAY make an
6 improvement named in this act, ~~to~~ provide for the payment of an

1 improvement by the issuance of bonds as provided in section 15,
 2 and ~~to~~ determine that the whole or any part of the cost of an
 3 improvement shall be defrayed by special assessments against the
 4 property especially benefited by the improvement. The cost of
 5 engineering services and all expenses incident to the proceedings
 6 for the making and financing of ~~the~~ AN improvement shall be
 7 ~~deemed~~ CONSIDERED to be a part of the cost of the improvement.
 8 IN THE CASE OF THE CONSTRUCTION, IMPROVEMENT, OR MAINTENANCE OF A
 9 PUBLIC OR PRIVATE ROAD, LAND THAT FRONTS THE PORTION TO BE CON-
 10 STRUCTED, IMPROVED, OR MAINTAINED AND LAND THAT FRONTS ANY OTHER
 11 PORTION OF SAME ROAD OR ANY OTHER ROAD, PUBLIC OR PRIVATE, AND
 12 THAT IS ACCESSIBLE ONLY BY TRAVERSING THE PORTION TO BE CON-
 13 STRUCTED, IMPROVED, OR MAINTAINED SHALL BE CONSIDERED TO BE ESPE-
 14 Cially BENEFITED BY THE IMPROVEMENT.

15 Sec. 3. (1) The township board may proceed to carry out an
 16 improvement as provided in this act unless written objections to
 17 the improvement are filed with the township board at or before
 18 the hearing provided in section 4 by property owners as follows:

19 (a) For an improvement under section 2(1)(a), (b), (d), (e),
 20 (f), (h), (i), (j), or ~~(i)~~ (l), by the record owners of land
 21 constituting more than 20% of the total land area in the proposed
 22 special assessment district.

23 (b) For an improvement under section ~~2(1)(c), (g), (k), or~~
 24 ~~(m)~~ 2(1)(G) OR (K), by the record owners of land constituting
 25 more than 20% of the total frontage upon the ~~road,~~ bicycle path
 26 ~~—~~ or sidewalk.

1 (C) FOR AN IMPROVEMENT UNDER SECTION 2(1)(C) OR (M), BY THE
 2 RECORD OWNERS OF LAND CONSTITUTING MORE THAN 20% OF THE TOTAL OF
 3 ALL OF THE FOLLOWING:

4 (i) FRONTAGE UPON THE PORTION OF THE ROAD TO BE CONSTRUCTED,
 5 IMPROVED, OR MAINTAINED.

6 (ii) FRONTAGE, NOT DESCRIBED IN SUBPARAGRAPH (i) BUT UPON
 7 THE SAME ROAD, OF LAND THAT IS ACCESSIBLE ONLY BY TRAVERSING THE
 8 PORTION OF THAT ROAD TO BE CONSTRUCTED, IMPROVED, OR MAINTAINED.

9 (iii) FRONTAGE UPON ANY OTHER ROAD, PUBLIC OR PRIVATE, OF
 10 LAND THAT IS ACCESSIBLE ONLY BY TRAVERSING THE PORTION OF THE
 11 ROAD TO BE CONSTRUCTED, IMPROVED, OR MAINTAINED.

12 (2) A township board may require the filing of a petition
 13 meeting the requirements of subsection (3) before proceeding with
 14 an improvement under this act.

15 (3) If written objections are filed as provided in subsec-
 16 tion (1), or if the township board requires a petition before
 17 proceeding, the township board shall not proceed with the
 18 improvement until a petition is filed with the board ~~which~~ THAT
 19 is signed as follows:

20 (a) For an improvement under section 2(1)(a), (b), (d), (e),
 21 (f), (h), (i), (j), or ~~(l)~~ (l), by the record owners of land
 22 constituting more than 50% of the total land area in the special
 23 assessment district as finally established by the township
 24 board.

25 (b) For an improvement under section ~~2(1)(c), (g), (k), or~~
 26 ~~(m)~~ 2(1)(G) OR (K), by the record owners of land constituting

1 more than 50% of the total frontage upon the ~~road~~, bicycle path
2 ~~—~~ or sidewalk.

3 (C) FOR AN IMPROVEMENT UNDER SECTION 2(1)(C) OR (M), BY THE
4 RECORD OWNERS OF LAND CONSTITUTING MORE THAN 50% OF THE TOTAL OF
5 ALL OF THE FOLLOWING:

6 (i) FRONTAGE UPON THE PORTION OF THE ROAD TO BE CONSTRUCTED,
7 IMPROVED, OR MAINTAINED.

8 (ii) FRONTAGE, NOT DESCRIBED IN SUBPARAGRAPH (i) BUT UPON
9 THE SAME ROAD, OF LAND THAT IS ACCESSIBLE ONLY BY TRAVERSING THE
10 PORTION OF THAT ROAD TO BE CONSTRUCTED, IMPROVED, OR MAINTAINED.

11 (iii) FRONTAGE UPON ANY OTHER ROAD, PUBLIC OR PRIVATE, OF
12 LAND THAT IS ACCESSIBLE ONLY BY TRAVERSING THE PORTION OF THE
13 ROAD TO BE CONSTRUCTED, IMPROVED, OR MAINTAINED.

14 (4) Record owners shall be determined by the records in the
15 register of deeds' office as of the day of the filing of a peti-
16 tion, or if written objections are filed as provided in subsec-
17 tion (1), then on the day of the hearing. In determining the
18 sufficiency of the petition, lands not subject to special assess-
19 ment and lands within a public highway or alley shall not be
20 included in computing frontage or an assessment district area.

21 ~~Any~~ A filed petition may be supplemented as to signatures by
22 the filing of an additional signed copy or copies of the peti-
23 tion, and the validity of the signatures on a supplemental peti-
24 tion shall be determined by the records as of the day of filing
25 the supplemental petition.