

SENATE BILL No. 727

February 19, 1992, Introduced by Senators HONIGMAN and
EHLERS and referred to the Committee on Local Government
and Urban Development.

A bill to amend sections 1a, 2, 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 assess-
ments, and for the obligation of the township thereon,"

section 1a as added and sections 2 and 3 as amended by Act
No. 180 of the Public Acts of 1986, being sections 41.721a,
41.722, and 41.723 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1a, 2, and 3 of Act No. 188 of the
2 Public Acts of 1954, section 1a as added and sections 2 and 3 as
3 amended by Act No. 180 of the Public Acts of 1986, being sections
4 41.721a, 41.722, and 41.723 of the Michigan Compiled Laws, are
5 amended to read as follows:

1 Sec. 1a. As used in this act: ~~,"record"~~

2 (A) "PARK" MEANS AN AREA OF LAND OR WATER, OR BOTH, DEDI-
3 CATED TO 1 OR MORE OF THE FOLLOWING USES:

4 (i) RECREATIONAL PURPOSES, INCLUDING BUT NOT LIMITED TO
5 LANDSCAPED TRACTS; PICNIC GROUNDS; PLAYGROUNDS; ATHLETIC FIELDS;
6 CAMPS; CAMPGROUNDS; ZOOLOGICAL AND BOTANICAL GARDENS; SWIMMING,
7 BOATING, HUNTING, FISHING, AND BIRDING AREAS; AND FOOT AND BRIDLE
8 PATHS.

9 (ii) OPEN OR SCENIC SPACE.

10 (iii) ENVIRONMENTAL, CONSERVATION, NATURE, OR WILDLIFE
11 AREAS.

12 (B) "RECORD owner" means a person, sole proprietorship,
13 partnership, association, firm, corporation, or other legal
14 entity, possessed of the most recent fee title or a land contract
15 vendee's interest in ~~the~~ land as shown by the records of the
16 county register of deeds.

17 Sec. 2. (1) The following improvements may be made under
18 this act:

19 (a) The construction, improvement, and maintenance of storm
20 or sanitary sewers or combined storm and sanitary sewer systems.

21 (b) The construction, improvement, and maintenance of water
22 systems.

23 (c) The construction, improvement, and maintenance of public
24 roads.

25 (d) The acquisition, improvement, ~~and~~ maintenance, AND
26 OPERATION of public parks.

1 (e) The construction, improvement, and maintenance of
2 elevated structures for foot travel over roads in the township.

3 (f) The collection and disposal of garbage and rubbish.

4 (g) The construction, maintenance, and improvement of bicy-
5 cle paths.

6 (h) The construction, maintenance, repair, or improvement of
7 erosion control structures or dikes.

8 (i) The planting, maintenance, and removal of trees.

9 (j) The installation, improvement, and maintenance of light-
10 ing systems.

11 (k) The construction, improvement, and maintenance of
12 sidewalks.

13 (l) The eradication or control of aquatic weeds and plants.

14 (m) The construction, improvement, and maintenance of pri-
15 vate roads.

16 (N) THE ACQUISITION OR CONSTRUCTION, IMPROVEMENT, MAINTENANCE,
17 AND OPERATION OF PUBLIC PARKING FACILITIES.

18 (2) A road under the jurisdiction of either the state trans-
19 portation department or the board of county road commissioners
20 shall not be improved under this act without the written approval
21 of the state transportation department or the board of county
22 road commissioners. As a condition to the granting of such
23 approval, the state transportation department or the board of
24 county road commissioners may require 1 or more of the
25 following:

1 (a) That all engineering with respect to the improvement be
2 performed by the state transportation department or the board of
3 county road commissioners.

4 (b) That all construction, including the awarding of con-
5 tracts for construction, in connection with the improvement be in
6 accordance with the specifications of the state transportation
7 department or the board of county road commissioners.

8 (c) That the cost of the engineering and supervision OF
9 CONSTRUCTION be paid to the state transportation department or
10 the board of county road commissioners from the funds of the spe-
11 cial assessment district.

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

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

20 (b) For an improvement under section 2(1)(c), (g), (k), or
21 (m), by the record owners of land constituting more than 20% of
22 the total frontage upon the road, bicycle path, or sidewalk.

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

26 (3) If written objections are filed as provided in
27 subsection (1), or if the township board requires a petition

1 before proceeding, the township board shall not proceed with the
2 improvement until ~~a petition~~ THERE is filed with the board
3 ~~which is~~ A PETITION signed as follows:

4 (a) For an improvement under section 2(1)(a), (b), (d), (e),
5 (f), (h), (i), (j), ~~or~~ (l), OR (N), by the record owners of
6 land constituting more than 50% of the total land area in the
7 special assessment district as finally established by the town-
8 ship board.

9 (b) For an improvement under section 2(1)(c), (g), (k), or
10 (m), by the record owners of land constituting more than 50% of
11 the total frontage upon the road, bicycle path, or sidewalk.

12 (4) Record owners shall be determined by the records in the
13 register of deeds' office as of the day of ~~the~~ filing ~~of~~ a
14 petition, or if written objections are filed as provided in sub-
15 section (1), then on the day of the hearing. In determining the
16 sufficiency of the petition, lands not subject to special assess-
17 ment and lands within a public highway or alley shall not be
18 included in computing frontage or an assessment district area.
19 ~~Any~~ A filed petition may be supplemented as to signatures by
20 ~~the~~ filing ~~of~~ an additional signed copy or copies of the
21 petition, and the validity of the signatures on a supplemental
22 petition shall be determined by the records as of the day of
23 filing the supplemental petition.