

## CHAPTER 208

## Special Assessments

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## CROSS REFERENCES

Special assessments - see Mich. Const. Art. 9, §6; M.C.L.A. 104.8, 211.741 et seq.

Assessments generally - see CHTR. Ch. X

Village Assessor - see ADM. Ch. 234

**208.01 AUTHORITY OF COUNCIL.**

The Council shall have the power to determine that the whole or any part of the cost of the construction or improvement of highways, streets and alleys within the Village shall be defrayed by a special assessment upon the property especially benefited.  
(Ord. 16. Passed 7-16-62.)

**208.02 INITIATION OF PROCEEDINGS.**

Special assessment proceedings may be initiated by the Council or by a petition of the owners of land within the Village which the improvement petitioned for will benefit. Such a petition shall be only advisory to the Council and shall be on a form approved by the Council. The petition shall be filed with the Village Clerk.  
(Ord. 16. Passed 7-16-62.)

**208.03 DUTIES OF ROAD ADMINISTRATOR RE PLANS AND SPECIFICATIONS, ETC.**

When the Council shall determine the advisability of considering constructing or improving a highway, street or alley and paying therefor by special assessment, the Council shall by resolution direct the Road Administrator to prepare, or cause to be prepared, plans and specifications of the proposed construction or improvement, an estimate of the life of the construction or improvement, the cost thereof and such other information as the Council may direct. (Ord. 16. Passed 7-16-62.)

**208.04 ROAD ADMINISTRATOR'S REPORT.**

The Road Administrator's report provided for in Section 208.03 shall contain the information requested, as well as a description of all properties to be affected by the proposed construction or improvement. This report shall be filed with the Village Clerk. (Ord. 16. Passed 7-16-62.)

**208.05 SETTING OF PUBLIC HEARING ON NECESSITY.**

Either at the time of its direction to the Road Administrator to prepare his or her report, or after the report of the Road Administrator has been filed with the Village Clerk, the Council shall, by resolution, establish a date for a public hearing on necessity, which hearing shall be not less than ten days after notice thereof has been given as hereinafter provided. (Ord. 16. Passed 7-16-62.)

**208.06 NOTICE OF PUBLIC HEARING.**

Notice of hearings held pursuant to this chapter shall be in the form approved by the Council, which form of notice shall specify the names of the highways, streets or alleys to be constructed or improved, in whole or in part, and shall describe by lot and subdivision, by metes and bounds or by boundary streets, or a combination thereof, the special assessment district within which are located the properties especially benefited; provided, however, that such description of the district shall not be required in the notice of the hearing to review the special assessment roll as provided in Section 208.10. Such notice of hearing shall be published once in a newspaper or newspapers published or circulated in the Village.

Notice of hearings held pursuant to this chapter shall also be given to each owner of, or party in interest in, property to be assessed whose name appears upon the last local tax assessment records, by mailing such notice by first class mail addressed to such owner or party at the address shown on the tax records. The last local tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the local Board of Review as supplemented by any subsequent changes in the names or the addresses

of the owners or parties listed thereon.

When any person claims an interest in property, the Township Assessor shall enter on the tax assessment records any changes in the names and addresses of owners or parties in interest filed with him or her and shall at all times keep such tax assessment records current, complete and available for public inspection.

(Ord. 16. Passed 7-16-62.)

#### **208.07 PURPOSE OF PUBLIC HEARING.**

At the time and place specified in the resolution for a public hearing, as provided for in Section 208.05, the Council shall meet and hear any objections to the proposed project or to the special assessment district by any person to be affected by the proposed construction or improvement. The hearing may be adjourned from time to time by announcement and without the necessity for further notice by publication or mail, and the Council may make any changes in the proposed work or the assessment district which shall seem reasonable or proper and in the best interest of the Village; provided, however, that the construction or improvement shall not be enlarged or extended, nor shall the proposed assessment district be enlarged, without another public hearing being held after the giving of notice thereof in the manner as above provided.

(Ord. 16. Passed 7-16-62.)

#### **208.08 COUNCIL DETERMINATION OF NECESSITY.**

After the public hearing provided for in Section 208.05, the Council may by resolution determine to make the construction or improvement and to defray the whole or any part of the cost thereof by assessments upon property especially benefited. Such resolution shall include the approval of the plans and specifications on file with the Village Clerk, shall establish the district which is to be especially benefited and upon which special assessments shall be levied, shall provide for the manner in which the assessment is to be levied by the Township Assessor and shall direct the Assessor to spread the roll. The Council may also provide in such resolution that a portion of the cost of such construction or improvement be paid by the Village at large. Such resolution shall also provide for the number of installments in which each assessment may be paid, provided that the total number of installments shall not exceed fifteen.

(Ord. 16. Passed 7-16-62.)

#### **208.09 PREPARATION OF ASSESSMENT ROLL.**

Pursuant to Section 208.08, the Township Assessor shall prepare a special assessment roll, including all parcels of land within the special assessment district designated by the Council, and shall assess to each parcel of land such portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefit to

all lands in the district. Upon completion of such roll, the Assessor shall attach thereto his or her certificate to the effect that the assessments have been made pursuant to the resolution of the Council and the provisions of this chapter. He or she shall thereupon file said roll with the Village Clerk. (Ord. 16. Passed 7-16-62.)

**208.10 SETTING OF HEARING ON ASSESSMENT ROLL.**

Upon the filing of an assessment roll, as provided in Section 208.09, the Council shall by resolution fix the time and place of a hearing when it will meet and review such roll, which hearing shall be held not less than ten days after notice thereof has been given as provided in Section 208.06. (Ord. 16. Passed 7-16-62.)

**208.11 COUNCIL DETERMINATION ON ASSESSMENT ROLL.**

At the hearing provided for in Section 208.10, the Council shall review the assessment roll and may confirm it with such corrections as may have been made, if any, may refer it back to the Township Assessor for revision or may vote to abandon any further proceedings in connection therewith. If, at or prior to the hearing on the confirmation of any special assessment roll, written objections to such special assessments are made by the owners of property which will bear fifty percent of the cost of the proposed construction or improvement, the same shall not be made and the special assessment roll shall not be confirmed unless approved by at least four of the members elect of the Village Council, exclusive of the President. After the confirmation, the special assessment roll and all assessments thereon shall be final and conclusive unless attacked in a court of competent jurisdiction within thirty days after the date of confirmation. (Ord. 16. Passed 7-16-62.)

**208.12 INSTALLMENT PAYMENTS.**

The first installment of any special assessment shall become due thirty days after the adoption of the resolution confirming the roll, and one installment shall be due every twelve months thereafter, provided that assessments totaling less than ten dollars (\$10.00) shall become due thirty days after the confirmation of the assessment roll.

(Ord. 16. Passed 7-16-62.)

**208.13 INTEREST, FEES AND PENALTIES.**

The unpaid part of any special assessment shall bear interest at the rate of six percent from the due date of the first installment until said assessment shall have been paid in full. The same penalty and fee shall be collected on delinquent special assessments and upon delinquent installments of such special assessments as are provided for the collection of delinquent taxes.

(Ord. 16. Passed 7-16-62.)

#### **208.14 REASSESSMENTS AND REFUNDS.**

Upon the completion of any project, the Road Administrator shall compile the actual cost of making such construction or improvement and, if the amount assessed shall not be sufficient to pay that portion of the cost of the construction or improvement which the Council has determined shall be assessed against private property, the Council may make an additional assessment upon all the property in the special assessment district in the same ratio as the original assessments. If the assessments levied are more than five percent larger than necessary to defray the cost of the construction or improvement, then the Council shall, by resolution, order such excess over actual cost to be refunded to the then owner of any property which has been assessed for the construction or improvement, provided that refunds shall not be made to any owner whose share of the refund is less than ten dollars (\$10.00). If any assessment is declared void or invalid by the Council or a court of competent jurisdiction, a reassessment against the property may be made.  
(Ord. 16. Passed 7-16-62.)

#### **208.15 SPECIAL ASSESSMENTS AS LIENS.**

Special assessments and all interest, penalties and charges thereon from the date of confirmation of the assessment roll shall be and remain a lien upon the property assessed of the same character and effect as a lien created by general law for State and County taxes or by the Village Charter for Village taxes until paid. The failure of the owner to receive any notice required to be sent under this chapter shall not invalidate any special assessment or any special assessment roll, if such notice was in fact published and mailed as herein provided. Any failure to give notice as required in this chapter shall not invalidate an entire assessment roll, but only the assessment on property affected by the lack of notice. In no case shall any special assessment be declared invalid as to any property if the owner or party in interest thereof has actually received notice, has waived notice or has paid any part of the assessment.  
(Ord. 16. Passed 7-16-62.)