



## Answers to Frequently Asked Questions about Public Improvements by Special Assessments

This document is intended to answer frequently asked questions about special assessments. We hope you find it informative. Please read it carefully since your question may be answered within.

We will try to keep this information updated. Changes in procedures or applicable law could occur prior to an update of this publication and full compliance with existing laws and procedures is required.

### **WHAT IS A SPECIAL ASSESSMENT?**

The term "Special Assessment" usually refers to a legally enforceable debt against property used to pay for public improvements which primarily benefit the particular taxpayers against whose property they are imposed.

The Charter Township of Clinton permits property owners to follow provision of Public Act 188 of 1954, as amended, to provide public improvements such as water, sewer, drainage and paving. This is a process authorized by state statute which utilizes policies adopted by the Board of Trustees of the Charter Township of Clinton. The following is a brief description of each step:

**FIRST** - A person obtains a request form available from the office of the Township Clerk and completes the form.

**SECOND** - The form is reviewed by the Township Engineer to determine if the improvement as proposed is possible or if changes are necessary. The Engineer prepares a map of the proposed district indicating benefited parcels with a description and estimate of costs. This is returned to the Township Clerk.

**THIRD** - The Township Engineer invites the petitioner to a preliminary meeting and, if necessary, a representative of the Water and Sewer Department and/or Department of Public Services who will further explain procedures.

**FOURTH** - If the results of the preliminary meeting indicate a favorable response from the petitioner, the Township Clerk prepares a formal petition for the project. This document is returned to the petitioner who circulates it, obtaining signatures from property owners.

**FIFTH** - The petition is returned to the office of the Township Clerk. The petition must contain signatures representing more than 50% of the total land area in the district for sewer, water and park improvements, and more than 50% of the frontage on all property in the district for projects involving road and sidewalk improvements. The petition is reviewed by the Township Clerk's office and certified by the Township Engineer for sufficient signatures.

**SIXTH** - A letter is sent to the property owners in the District, as determined by available records, advising that a petition has been certified and that the Township Board may continue special assessment proceedings.

**SEVENTH** - The Township Board commences to conduct public meetings required under Public Act 188 of 1954, as amended, at which time various resolutions are passed. Two public hearing occur. At the first public hearing, the Township Board determines the parcels of land that make up the district and determines the project a necessity. After the second public hearing, the Township Board, either at that meeting or a later meeting, actually assigns the cost of the project to each parcel, which becomes a legal obligation enforceable against the property.

**EIGHTH** - A series of special assessment projects are usually combined together to make up a single bond issue. Special Assessment Bonds are issued and sold to finance project costs. These bonds are repaid as property owners pay their Special Assessments.

### **HOW IS THE PROCESS STARTED?**

Although the Township can start the process, typically the process is started through a person obtaining the request form from the office of the Township Clerk.

### **HOW ARE THE BOUNDARIES OF A SPECIAL ASSESSMENT DISTRICT ESTABLISHED?**

Special Assessment District boundaries are established by the person filling the petition, provided the boundaries meet the approval of the Township Engineer, who determines that the improvements is technically adequate and fits within the existing public system. The rest is up to the person circulating the petitions. Typically, petition circulators are motivated to include an area of property as large as possible where more than 50% of the property owners will sign the petition. Again, the input of the Township Engineer is necessary to make sure the project can be properly designed and built.

### **ONCE A PETITION IS FILED, CAN THE PROCESS BE STOPPED?**

The Township Board does not have to stop the process even if a counter-petition requesting the withdrawal of signatures is filed. Recognizing that this is a democratic process, the Township Board will generally allow counter-petitions or signature withdrawals up to the end of the public hearing which occurs prior to charges being imposed against each property (also known as confirmation of the assessment roll). Even though the Township Board generally honors the democratic process up to this point, the Township Board retains discretion to proceed or not proceed with improvements.

### **WHAT IS THE METHOD OF ASSESSMENT?**

The Township Board has adopted policies for the method of assessment. The method of assessment means how each property is charged. The assessment for each parcel of property is determined by dividing the total project cost by the total assessable front footage. The resulting figure is then multiplied by the assessable front footage for each parcel. (For example: 100 feet of assessable front footage at \$50 per foot, equals \$5,000). Owners of lots with unusual conditions such as irregular shaped or corner lots may obtain more information on the method of calculation for such conditions from the Township Engineer.

### **WHAT COSTS ARE INCLUDED IN AN ASSESSMENT?**

Special assessments include construction, right-of-way acquisition, engineering, legal, financing and administrative costs.

### **WHEN DO I FIND OUT ABOUT COSTS?**

Costs are discussed at three meetings. The first is the preliminary meeting of the Township Engineer and the petitioner which takes place before the petition for improvement is circulated. The second is the public hearing of the Township Board to determine the district area of the project and necessity of the project. The third is a later public hearing of the Township Board to hear objections, if any, to the spread of costs among property owners. It is only at its last public hearing that the Township Board reviews actual objections to costs from individual property owners.

### **HOW ARE PAYMENTS MADE?**

Special assessments can be paid in full without interest when the assessment is first received. Special assessments can also be paid in installments. The Township Board has established a policy of ten annual installments. Timely installments carry an interest rate not exceeding 1% of the interest rate for bonds issued. If not paid when due, a penalty at the rate of not more than 1% for each month on the overdue installment is also added to interest.

### **IS THERE RELIEF FROM PAYMENT?**

Senior citizens who are eligible can defer the payment of special assessments until any of the following occur:  
Conveyance, transfer or execution of a contract to sell property or until one (1) year after the owner's death.

Qualification requires that the owner or owners be 65 years old or older at the time of filing an application; be residents of the State of Michigan for five years or more; be occupants of the property for five years or more; and be a U.S. citizen, having household income of \$13,000 or less, as adjusted upward from 1/1/84 by the Consumer Price Index.

Permanently disabled persons, meaning those who meet the social security test for disability are also eligible. A form is available in the Assessor's Office.

### **CAN I PROTEST THE ASSESSMENT?**

Only the amount of special assessment can be protested and reviewed beyond the Township Board. There are two ways to protest. The first is by sending a letter which must be received by the Township Clerk before or at the time of the public hearing where costs are assigned to each property (confirmation of the special assessment roll). The second is by appearance and protest at the public hearing where costs are assigned to the property (confirmation of the special assessment roll). Appeal is to the State Tax Tribunal which must be filed within 30 days after confirmation of the special assessment roll.

### **WILL MY PROPERTY BE RESTORED?**

Property damaged or disrupted will be restored. It is common to wait for the ground to settle prior to completing seeding or repairing a driveway cut. All reasonable effort is made to save planted materials such as trees or bushes. If trees or bushes are removed, they will be replaced. These special problems are handled by consultation with the Water and Sewer Department and Township Engineer. Some delay may occur in permanent driveway replacement or seeding operations if improvements are made at a time of year when the weather is bad.

### **WILL SUCH WORK RESULT IN ANY REQUIRED UPGRADE TO MY PROPERTY?**

If a drain culvert which runs beneath a driveway must be removed, such culvert must be replaced by a culvert meeting current Macomb County Road Commission Standards, which is a separate expense to property owners whose current culvert does not meet standards. This requirement can be determined through consultation with the Department of Water and Sewer and the Macomb County Road Commission.

### **ARE THERE OTHER CHARGES OR COSTS FOR WATER OR SEWER BESIDE THE SPECIAL ASSESSMENT?**

The cost of installing a water or sewer line between the house and the public improvement installed must be paid by each property owner. This work can be done by individual property owners, if qualified, or by a contractor. The work must be inspected by the Township and permits obtained. A connection charge must be paid. Information on connection charges and water and sewer rates can be obtained through the Water and Sewer Department.

### **MUST I CONNECT TO WATER OR SEWER?**

Connection is not necessary if a safe and approved well or septic system exists. The special assessment must still be paid whether connection occurs or not.

### **CONCLUSION**

The special assessment process is widely used throughout Michigan. It is a democratic process authorized by statute where the will of the majority of the property owners in a district imposes a legal obligation for payment of public improvements upon property owners. The Township has voluntarily adopted policies to better inform the public.



SAD# \_\_\_\_\_

CHARTER TOWNSHIP OF CLINTON  
REQUEST FOR SPECIAL ASSESSMENT IMPROVEMENT

Sanitary Sewer    Water    Drains    Sidewalks    Re-Capping    Paving    Lighting

Please Print:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Res: \_\_\_\_\_ Bus: \_\_\_\_\_ Cell: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Location of Improvement (Street Names):

Date of Request: \_\_\_\_\_ Signature: \_\_\_\_\_

STOP - RETURN FORM TO CLERK'S OFFICE (40700 Romeo Plank, Clinton Twp. 48038)

Date sent to Township Engineer: \_\_\_\_\_ By: \_\_\_\_\_ Date Returned: \_\_\_\_\_

Estimated Cost per Assessable Front Foot: \_\_\_\_\_ % Verified: \_\_\_\_\_

Pre-Meeting Date: \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason:

Date Petition sent to Petitioner: \_\_\_\_\_ By: \_\_\_\_\_ Date Returned: \_\_\_\_\_

\_\_\_\_\_ Resolution #1 Adopted (Accepts Petition & Directs Engineer to Prepare Plans)

\_\_\_\_\_ Resolution #2 Adopted (Sets Date of Hearing of Necessity - Public Hearing #1)

\_\_\_\_\_ Resolution #3 Adopted (Declares Necessity & Directs Assessor to Prepare Rolls)

\_\_\_\_\_ Resolution #4 Adopted (Sets Date of Hearing on Assessment Roll - Public Hearing #2)

\_\_\_\_\_ Resolution #5 Adopted (Confirms Roll/Sets Lein on Land)

\_\_\_\_\_ Resolution #6 Adopted (Authorizes Selling Bonds)

\_\_\_\_\_ Resolution/Intent to Reimburse

**SPECIAL ASSESSMENT PROCEDURE**  
(in Clinton Township)

Under Michigan Act 188 of 1954 as amended through 1986 (PA 180 of 1986)  
for sewers, water main, roads, sidewalks, parks, bicycle paths, dikes and lighting

1. Citizen requests a petition from the Clerk's office
2. Clerk sends request to Engineer for preparation of a preliminary estimate of cost, district and improvement description and a sketch.
3. Clerk sends to Assessor for list of record owners and recorded title holders and recorded land contract purchasers (either may sign the petition on behalf of that parcel), and after receipt thereof prepares the petition and gives to Circulator. (List both title holder and contract purchaser on the petition).
4. Circulator obtains sufficient signatures and returns.
5. Clerk verifies signatures and forwards to Engineer to compute percentage of correct signatures then certifies percentage to the Clerk. (Requires over 50% of benefiting property)
6. Township Board accepts the petitions and adopts **RESOLUTION NO. 1** which accepts the petition and directs the preparation of the improvement plans.
7. Township Board adopts **RESOLUTION NO. 2** which sets the date of the Hearing of Necessity (known as Public Hearing No. 1).
8. Clerk sends a notice of said Public Hearing No. 1 to title holders, land contract purchasers, and to taxpayers named on the tax roll in the district and advertises same in a local paper.
9. Township Board holds the Public Hearing No. 1, closes the Public Hearing and adopts **RESOLUTION NO. 3** which declares the project a necessity and directs the Assessor to prepare the Assessment Roll.
10. Township Board adopts **RESOLUTION NO. 4** which sets the date of the Public Hearing on the Assessment Roll (known as Public Hearing No. 2).
11. Clerk sends a Notice of said Public Hearing No. 2 to all title holders, land contract purchasers and to taxpayers named on the tax roll in the district and advertises same in local paper.
12. Township Board holds the Public Hearing No. 2, closes the Public Hearing and confirms the Assessment Roll by adopting **RESOLUTION NO. 5**. (Note: this action establishes a lien on the land for the assessments shown on the roll).
13. Township Board adopts **RESOLUTION NO. 6** which authorizes selling bonds to finance the improvement.
14. Attorney sends file to Bonding Attorney and thence to the State Municipal Finance Commission (MFC) for their approval to sell bonds.
15. After MFC approval, the bonds sale is advertised and bond bids received by the Township Board.
16. After award of the bond bids the money is normally received in approximately one month.
17. Engineer advertises for construction contract bids - received at a Township Board meeting and recommends an award.
18. Township Board awards bids and authorizes Clerk and Supervisor to sign the construction contracts.
19. The Township and the Contractor sign the construction contracts (for sewer, water, drainage and sidewalks). Engineer administers the contracts to completion. The Township Sewer & Water Department provides inspection for Sewer, Water and Drainage Projects.

Paving contracts are awarded by the Road Commission (who inspects the work) and the Township transfers money to them from the proceeds of the special assessment bond issue.

NOTE: Sometimes step 17 is done between steps 9 and 10.

3 Meetings

Res #1 & #2  
held at first  
meeting.

Res #3 & #4  
held at second  
meeting.

Final meeting:  
Resolution #5