

VILLAGE OF DRYDEN

LAPEER COUNTY, MICHIGAN

Ordinance No. 29

SPECIAL ASSESSMENT ORDINANCE

An ordinance providing a complete special assessment procedure for public improvements undertaken within the Village pursuant to the requirements of Section 32 of Act 3 of 1895, as amended.

THE VILLAGE OF DRYDEN ORDAINS:

Section 1. DEFINITIONS

A. Cost. The term "cost" as used in this ordinance when referred to the cost of a public improvement shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction, legal fees, interest, and all other costs incidental to the completion of the public improvement.

B. Public Improvement. The term "public improvement" as used in this ordinance shall mean any service or construction undertaken by the Village which especially benefits particular parcels of real property.

Section 2. INITIATION OF PROCEEDINGS

Proceedings for the making of public improvements by special assessment may be initiated by a motion adopted by the Village Council or by a petition signed by at least 51% of the property owners to be assessed for the local public improvement. The motion or petition shall specify the nature of the proposed public improvement and the parcels of property to be benefited.

Section 3. PRELIMINARY REPORT

Upon adoption of a motion or receipt of a petition initiating proceedings, the Village Council shall cause the following information to be prepared: description of the proposed assessment district, proposed method of financing, estimated cost, and bid specifications.

Section 4. PRELIMINARY DETERMINATION

Upon receipt of the information required by Section 3, the Village Council shall determine by motion whether to proceed with further consideration of the proposed public improvement by special assessment. If the Village Council determines to proceed, the motion shall tentatively determine the necessity of the public improvement and the apportionment of costs.

Section 5. PUBLIC HEARING

Once the Village Council has made a preliminary determination to proceed a public hearing date shall be set. If the proposed special assessment district covers the entire Village, a notice of the public hearing shall be published at least once at least ten (10) days prior to the date of the public hearing in a newspaper circulating within the Village. If the special assessment district includes only a part of the Village, a notice of the public hearing shall be mailed or otherwise delivered to each property owner within the proposed special assessment district at least ten (10) days prior to the date of the public hearing. All interested persons shall have the opportunity to present objections or ask questions at the public hearing.

Section 6. FINAL DETERMINATION

Upon the completion of the public hearing, the Village Council may adjust the proposed apportionment of costs and the boundaries of the proposed assessment district. If the Village Council deems appropriate, a resolution may be adopted determining the necessity of the proposed public improvement, establishing the boundaries of the special assessment district, apportioning the costs of the public improvement, and confirming the assessment roll. If no resolution is adopted, the special assessment proceedings shall terminate.

Section 7. BID PROCEDURE

At any time after the Village Council makes a preliminary determination to proceed, bids for the completion of the public improvement may be solicited based on the bid specifications. Public notice of the solicitation of bids shall be published at least once in a newspaper circulating within the Village not less than fifteen (15) days prior to the last day for submitting bids. Notice of the bid solicitation may also be sent by regular mail to any persons or firms deemed to be potential bidders. No bid may be finally accepted until the public hearing required by Section 5 has been held and a final determination approving the public improvement and special assessment has been made pursuant to Section 6.

Section 8. COLLECTION

Special assessments levied pursuant to this ordinance shall be placed on the Village tax assessment roll for collection. The special assessment shall constitute a lien against the property assessed. Delinquent special assessment payments may be collected in the same manner as delinquent property taxes.

Section 9. SPECIAL ASSESSMENT ACCOUNTS

Moneys raised by special assessment to pay the cost of any public improvements shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account shall be used only for the public improvement project for which the assessment was levied.

Section 10. ADDITIONAL ASSESSMENTS

In the event that the original assessment proves insufficient to pay for the public improvement, the Village Council may authorize the levying of such additional assessment as is necessary to complete the project.

Section 11. EXCESS ASSESSMENTS

In the event that the assessments collected exceed the project cost by more than 5%, the excess shall be refunded to the property owners as a credit against their property tax billings. No refunds shall be made until such time as the public improvement is completed. If the excess is less than 5% of the project cost, the amount shall be placed in the general fund of the Village.

Section 12. CONTESTED ASSESSMENTS

An action may not be instituted for the purpose of contesting or enjoining the collection of a special assessment unless: (a) Within 45 days after the confirmation of the special assessment roll, written notice is given to the council indicating an intention to file such an action and stating the grounds on which it is claimed that the assessment is illegal; and (b) the action is commenced within 90 days after the confirmation of the roll.

Section 13. REASSESSMENT FOR BENEFITS

Whenever any special assessment is determined to be invalid or defective for any reason, the Council shall have the power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the manner as provided for the original assessment.

Section 14. DIVISION OF PARCELS

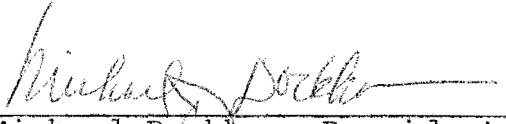
Should any lots or parcels be divided after a special assessment thereon has been confirmed and divided into installments, the Assessor shall apportion the uncollected amounts upon the several parts of the lots or parcels so divided, and shall enter the several amounts as amendments upon the special assessment roll.

Section 15. SEVERABILITY

This ordinance and the various articles, sections, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, sentence, or clause is adjudged unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

Section 16. ENACTMENT AND EFFECTIVE DATE

This ordinance adopted by the Dryden Village Council at a meeting duly called and held on the 5th day of March, 1979, and published in The Adviser (Imlay City) on the _____ day of March, 1979. This ordinance shall take effect immediately.



Michael Dockham, President

James Sterner, Clerk