

Silver Creek Township
Weed Control/Lake SAD - Summary 2020

- Special Assessments for weed control/lakes are handled under PA 188 of 1954.
- Magician Lake, Indian Lake and Dewey Lake have separate special assessments which are due to expire in 2020 or 2021. Each of these lakes has an active lake association that may or may not represent all of the property owners in the respective special assessment district. The Silver Creek Township Board recognizes that, by and large, the lake associations more intimately involved in the weed status and particular needs of their lake and, as a result, can provide a better understanding as to what is specifically needed in order to maintain and/or improve the quality of the lake.
- Likewise, the lake associations should understand that the Township is the entity undertaking any improvement project and is responsible for overseeing it and following the noticing and approval procedures for special assessments as required by PA 188 of 1954. Additionally, the Township is responsible for the collection of special assessment funds and for disbursing them in accordance with the approved “plan”.

Commencement of Process –

On February 12, 2020 the Silver Creek Township Board adopted a resolution indicating that it would accept petitions of owners representing at least 51% of the land mass in a proposed special assessment district. Members of a lake association or any other interested parties may circulate the petition. A sample petition has been provided and circulators should take care to make sure that the signatures and printed information is legible.

By requiring petitions, the Township Board, has evidence of majority support of the benefitted property owners for the creation of the special assessment district and the funding for the project. Without the 51% support petitions, the board could elect to go forward on its own motion; however, those in opposition would need only 20% petitions to block the SAD.

Benefit of Special Assessment—

Special assessments can be spread over a period of years and are placed onto the property tax bills. Unpaid special assessments can be treated as “delinquent”. The undertaking of any special assessment by the Township is voluntary; it cannot be required by the petition process.

Timelines--

- In order to place special assessments on winter tax bills, the Township must have all of its documentation in place and completed by September of any given year, but the earlier the better!
- The Township Board meets once a month and must receive petitions no later than June 1. (The clerk's office will need time to verify signatures and the assessor will need time to verify if the accepted signatures meet the 51% land mass requirement.)
- The Township Board is required by PA 188 of 1954 to conduct two public hearings and adopt two resolutions. These meetings need to be 30 days apart to allow for public notice and board preparation.
- The Township Board's resolution provides that signatures on petitions will be considered "current" if collected within 90 days of presentation to the Township Clerk. This gives the lake association or other petitioner 3 months to collect signatures.

Township Procedure, in brief.

- Petitions are received, reviewed and tallied by the Township Clerk or designee;
- Township Board adopts resolution tentatively creating special assessment district and setting date for public hearing.
- Township Board holds public hearing on the creation of a district at a board meeting, preceded by required notice to property owners.
- Township Board adopts resolution creating district, approving plans and cost estimates and setting date for hearing on the roll.
- Township creates roll.
- Township holds public hearing on the roll, adopts resolution on the roll and adds first installment to property tax bill for benefitted properties.
- Township and lake association enter into "contract" for the management of the SAD.

Lake Association or resident responsibilities, in brief

- Obtain petitions, get signatures, present to Township Clerk for tallying by June 1.
- Obtain "plan" for weed control and cost estimates, determine which vendor(s) will best suit needs. Provide the final plan and proposed costs to the Township by June 1st.
- Attend the public hearings, present supporting documentation for their plan; answer any questions from the public or board about the plan and costs. Encourage potential service providers to attend to assist in answering questions about the plan and costs.
- Enter into contract for management of the SAD with the Township after SAD is adopted.

4-23-2020
Date


Bill Saunders, Supervisor

**SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN
RESOLUTION 20-04**

**RESOLUTION REQUIRING SIGNATURES FROM THE OWNERS OF AT LEAST 51%
OF THE LAND MASS IN THE PROPOSED IMPROVEMENT SPECIAL ASSESSMENT DISTRICT**

WHEREAS the Township Board of Silver Creek Township has the power to make an improvement identified in PA 188 of 1954, as amended, and to determine that the whole or any part of the cost of an improvement shall be defrayed by special assessments against the property especially benefited by the improvement; and

WHEREAS Silver Creek Township has created and approved special assessment districts for Magician, Dewey and Indian Lakes, which special assessments have expired or will be expiring within the next two years; and

WHEREAS the Township Board of Silver Creek Township understands its role in the creation of a special assessment district and the charging of the costs of an authorized improvement to the property owners in the said special assessment district; and

WHEREAS it is the goal of the Silver Creek Township Board to approach requests for Lake Improvements/Weed Control Special Assessments on its lakes, as much as possible, in a uniform manner; and

WHEREAS the Silver Creek Township Board declines to extend or initiate weed improvement special assessment districts on its own motion and, therefore, upon the expiration of and/or request for renewal of a weed control special assessment, the Township Board will hereafter require petitions, signed by owners representing at least 51% of the land mass of the properties in the proposed districts.

NOW THEREFORE BE IT HEREBY RESOLVED as follows:

1. The Township Board of Silver Creek Township, Cass County, Michigan shall require petitions for the creation of new weed special assessment districts upon the expiration of the existing special assessment districts; and
2. The signatures on any petition for the weed control/lake improvements under PA 188 will only be considered valid by the Silver Creek Township Board if they are dated within 90 days of the date of presentation of the petitions to the Silver Creek Clerk. Petitions received after June 1, of any given year will not be considered for that tax year; and
3. A copy of this resolution shall be transmitted to the respective lake improvement associations upon request; and
4. The Township Clerk or her designee is hereby directed to receive the petitions and to determine whether owners representing 51% or more of the land in the proposed special assessment district have signed the same; and

5. Once the Township has received petitions signed by owners representing more than 51% of the land in a proposed special assessment district, it will request that the relevant lake association obtain plans and cost estimates. The Township will prepare the notices, hold the public hearings and, if appropriate, adopt the resolutions required by PA 188 of 1954, as amended.

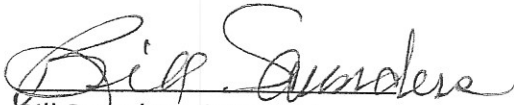
BE IT FURTHER RESOLVED that all resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are rescinded

Motion by Trustee Glynn, seconded by Treasurer Kuriata, to adopt the foregoing resolution.

The following voted "aye": (5) Supervisor Saunders, Clerk Behnke, Treasurer Kuriata, Trustee Glynn, Trustee Zuhl.

The following voted "nay": (0)

The Supervisor declared the motion carried and the resolution duly adopted.



Bill Saunders, Supervisor
Silver Creek Township

CERTIFICATE

The undersigned, Lorri Behnke, the duly appointed Clerk of Silver Creek Township, Cass County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Township Board at a meeting held on February 12, 2020 and that said meeting was held in accordance with the Open Meetings Act.



Lorri Behnke, Clerk
Silver Creek Township

**PETITION TO THE TOWNSHIP BOARD OF
SILVER CREEK TOWNSHIP, CASS COUNTY, MICHIGAN**

The undersigned record owners of parcels of property located on LITTLE CROOKED Lake within the Township hereby petition for the establishment of a special assessment district to finance lake improvements including native aquatic plant species (weed) surveys, control and management, exotic aquatic plant species surveys, management and control; aquatic herbicide treatments; mechanical harvesting, aerators and other recommended control and treatment to maintain the quality of LITTLE CROOKED Lake in accordance with PA 188 of 1954, as amended (the Public Improvements Act).

The undersigned identify the following addresses as receiving the benefit of the proposed improvement and propose the following addresses to be included in the special assessment district:

- All parcels bordering LITTLE CROOKED Lake in Silver Creek Township, Cass County, Michigan

The petitioners request that the LITTLE CROOKED Lake Association, as the party most directly concerned with the quality of the lake, be authorized to obtain plans and costs estimates for the project, to be submitted to the Township Clerk and to be made available for inspection upon receipt thereof prior to any special assessment hearing of the Township Board. The petitioners request that the special assessment charges be based on a per parcel basis.

Instructions:

- Each signer must sign and print his or her first and last name.
- Each signer must date his or her signature.
- Each signer must enter his or her full address.
- **All** record owners of a parcel of property must sign for that parcel to be counted toward the percentage of petitioning owners.
- *Circulator* sign the back of the petition.
- Turn the petition in to the Township offices—Clerk Lorri Behnke or Deputy Clerk Lindsey Krohne

FOR CIRCULATOR:

Circulator Signature: _____

Date: _____

Printed Name of Circulator: _____

Complete Address of Circulator: _____

FOR TOWNSHIP OFFICE USE ONLY

Petition received on: _____

Person receiving petition: _____

Number of valid signatures on petition: _____

Township