

Chapter 5 - Special Assessments

1. Power to Make Special Assessments. The City Council shall have the power to assess and reassess the cost, or any portion thereof, of any public improvement to a special district as provided in Chapter X of the City Charter, in accordance with the procedures established by the Charter and this Chapter.

(Rev. 08-07-1978)

- 1.1 Resolution, What to Contain. When the Council shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessments, and what part, if any, from the general funds of the City and shall designate the district or land and premises upon which the special assessment shall be levied. The Council may, in its discretion divide any improvement into parts or sections and provide for the separate construction or such parts or sections, and may establish a special assessment district for each part or section, and may issue bonds against such separate districts. The aforementioned resolution may be adopted in brief form in the official minutes of the City by reference to this Code.

(Rev. 08-07-1978)

- 1.2 Cost Estimates: Resolution No. 1. Before ordering any public improvement, when part or all of the expense is to be defrayed by special assessment, the Council shall cause plans and cost estimates to be made by the adoption of Standard Resolution No. 1, which shall be in the following form:

WHEREAS, the City Council deems it necessary and proposes to make the following described public improvements:

AND, WHEREAS, it appears that part or all of the cost of said public improvement shall be defrayed by special assessment:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The matter of said public improvement is referred to the City Manager, who shall prepare, or cause to be prepared, plans showing the improvement and the location thereof and as estimate of the cost thereof, and also maps and plans of the work.
2. Upon completion of the same, the same shall be presented to the City Council.

(Rev. 08-07-1978)

- 1.154 Cost to Include What. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, cost of construction, and all other costs incurred in making improvement.

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1.155 Resolution No. 2. When any special assessment is to be made pro rata upon the lots and premises in any special district according to benefits, the Council shall direct the same to be made by the City Assessor by the adoption of Standard Resolution No. 2, which shall be in the following form:

WHEREAS, the City Council has ordered the City Manager to prepare or cause to be prepared plans showing the improvement and the location thereof and an estimate of the cost thereof, and also maps and plans of the work of the following described public improvement:

AND WHEREAS, the City Manager has prepared the same and has presented the same to the City Council,

NOW, THEREFORE, BE IT RESOLVED THAT;

1. The plans and estimate of the cost of said public improvement in the amount of _____dollars and the other materials pertaining to said public improvement prepared by the City Manager are hereby adopted and approved.
2. The City Council hereby determines and orders that the public improvement described in the preamble hereto shall be made.
3. The City Council determines that _____dollars of the cost of said public improvement shall be defrayed by special assessment to be levied against each and every lot and parcel of land in the Special Assessment District hereinafter set forth.
4. The City Council hereby determines that the following described lots and parcels of land constitute the Special Assessment District against which the special assessment for said public improvement shall be levied.
5. The City Assessor is hereby ordered and directed to prepare a Special Assessment Roll and shall assess against the lots and parcels of land in the Special Assessment District, as herein established, that portion of the cost of said public improvement to be paid from special assessments as herein determined.

The Assessor, in preparing said Special Assessment Roll, shall assess the amount to be assessed against the Special Assessment District according to benefits. In preparing said Special Assessment Roll the City Assessor shall follow the procedures and requirements established by the provisions of Chapter 5 of the Code of the City of Troy, as amended.

6. The City Assessor, when he shall have completed said Special Assessment Roll, shall report the same with his certificate attached thereto to the City Council.

(Rev. 08-07-1978)

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1.156 Preparation of Assessment Roll. Upon receiving such orders and direction, the City Assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed with the name of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such property the amounts to be assessed in the manner directed by the Council and provisions of this Chapter applicable to the assessment. In all cases where the ownership of any description is unknown to the City Assessor, he shall in lieu of the name of the owner insert the word "unknown and if by mistake, or otherwise, any person shall be improperly designated as the owner of any lot or parcel of land or premises, or if the same shall be assessed without the name of the owner or the name of any person other than the owner, such assessment shall not for any cause be vitiated, but shall in all respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the property owner, and when the assessment shall have been confirmed, it shall be a lien on such lot, parcel of land or premises and collected as provided by Charter and this Chapter.

(Rev. 08-07-1978)

1.157 Certification of Assessment Roll. If the assessment is required to be according to frontage, the City Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length or front of such premises abutting upon the improvement bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, then he shall assess upon each lot such relative proportion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When he shall report the same to the Council, such report shall be signed by the City Assessor and may be in the form of a certificate endorsed on the assessment roll as follows:

State of Michigan)
ss
City of Troy)

To the Council of the City of Troy:

I hereby certify and report that the foregoing is a special assessment made by me pursuant to a resolution of the Council of said City adopted (give date) for the purpose of paying that part of the cost which the Council decided should be borne and paid by special assessment for the (insert here object of the assessment); that in making such assessment I have as near as may be, according to my best judgment, conformed in all things to the directions contained in the resolution of the Council hereinbefore referred to, and the Charter of the City relating to such assessment.

Dated and Signed
City Assessor

(Rev. 08-07-1978)

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1.158 Public Hearing: Resolution No. 3. Before ordering any public improvement when any part of the expense is to be defrayed by special assessment and before confirming the assessment roll, the Council shall set a date for the review of the necessity for such proposed improvement and assessment roll and shall cause a notice to be given to each owner of an interest in the property to be assessed, whose name appears upon the last local tax assessment records, by first-class mail addressed to such owner at the address shown on the tax records at least ten (10) days before the date of such hearing and shall cause a notice to be published once (1) not less than ten (10) days prior to the date set for such review in a newspaper of general circulation in the City.

Any person objecting to the proposed improvement and the assessment against lands owned by him may file objections thereto in writing with the Clerk. The notice of public hearing shall be issued after the City Council adopts Standard Resolution No. 3, which shall be in the following form:

WHEREAS, the City Council has ordered the City Assessor to prepare a Special Assessment Roll for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

AND, WHEREAS, the City Assessor has prepared said Special Assessment Roll and has reported the same to the City Council with his certificate attached thereto,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed in the office of the City Clerk.
2. The City Council and the City Assessor shall meet at the City Hall on _____, 19____ at _____ o'clock P.M. for the purpose of hearing any person objecting to the necessity for improvement and the assessment against lands owned by such person.
3. The City Clerk is hereby ordered to cause notice of the hearing of necessity and to review the Special Assessment Roll to be published in the newspaper of record in the City at least once, not less than ten (10) full days prior to the date set for the hearing of necessity and for reviewing said Special Assessment Roll and shall cause a notice to be given to each owner of an interest in property to be assessed whose name appears upon the last local tax assessment records by first-class mail to such owner at the address shown on the tax records at least ten (10) days before the date of such hearing.
4. The notice of the hearing of necessity and to review the Special Assessment Roll shall be in substantially the following form:

MEETING TO REVIEW THE NECESSITY FOR _____ AND SPECIAL ASSESSMENT ROLL NO. _____ AND TO HEAR OBJECTIONS TO THE NECESSITY OF THE PUBLIC IMPROVEMENT AND SAID SPECIAL ASSESSMENTS ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. _____ IN THE CITY OF TROY, MICHIGAN:

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PLEASE TAKE NOTICE that the Council will meet at the City Hall on the _____ day of _____, 19__, at _____ o'clock P.M. for the purpose of reviewing the necessity for _____ and said Special Assessment Roll No. _____ and of hearing any and all objections to the necessity of the public improvement and said Special Assessments made in the matter of construction of the following described improvements:

The Assessment Roll is on file in the office of the City Clerk for public examination. The Special Assessments therein contained have been assessed according to law against the parcels of land constituting Special Assessment District No. _____, which District is described as follows:

The above assessment and all proceedings upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. _____.

(Rev. 08-07-1978)

1.158.1 Resolution No. 3 (a). In the case of a deficiency roll Standard Resolution No. 3 (a) shall be adopted and shall be in the following form:

WHEREAS, the City Council has ordered the City Assessor to prepare a Special Assessment Roll for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

Construction of _____ in the following district and streets to-wit:

AND WHEREAS, the City Assessor has prepared said Special Assessment Roll and has reported the same to the City Council with his certificate attached thereto;

AND WHEREAS, all other required special assessment procedures have been carried out;

AND WHEREAS, improvements have been completed in said District No. _____.

AND WHEREAS, the cost of improvements constructed in said District No. _____ has exceeded the original cost estimate of the work by _____ leaving a deficiency in special assessment construction fund set up for this district;

AND WHEREAS, the City Assessor has prepared a Deficiency Special Assessment Roll to cover the additional costs in said District No. _____ and the City Assessor has reported the same to the City Council with his certificate attached thereto;

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NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Deficiency Special Assessment Roll shall be filed in the office of the City Clerk.
2. The City Council and the City Assessor shall meet at the City Hall on _____ at _____ o'clock P.M. for the purpose of hearing any person objecting to the deficiency assessment against lands owned by such person.
3. The City Clerk is hereby ordered to cause notice of the hearing to review the Deficiency Assessment Roll to be published in the newspaper of record in the City at least once, not less than ten (10) full days prior to the date set for reviewing said Special Assessment Roll and shall cause a notice to be given to each owner of an interest in property to be assessed whose name appears upon the last local tax assessment records by first-class mail to such owner at the address shown on the tax records at least ten (10) days before the date of such hearing.
4. The notice of the hearing to review the Deficiency Special Assessment Roll shall be in substantially the following Form.

MEETING TO REVIEW DEFICIENCY SPECIAL ASSESSMENT ROLL NO. _____ AND TO HEAR OBJECTIONS TO THE SPECIAL ASSESSMENT ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. _____ IN THE CITY OF TROY, MICHIGAN.

PLEASE TAKE NOTICE that the City Council will meet in the City Hall, on _____ at _____ o'clock P.M. for the purpose of reviewing said Deficiency Special Assessment Roll No. _____, and in hearing any and all objections to the special assessments as assessed in said Roll No. _____, made in the matter of constructing the following described improvement:

<u>District No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
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The assessment Roll is on file in the office of the City Clerk for public examination. The special assessments herein contained have been assessed according to law against all the parcels of land constituting the Special Assessment District No. _____, which District is described as follows:

The above assessment and all proceedings upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. _____

(Rev. 08-07-1978)

1.159 Review of Special Assessments. At the time and place appointed for the purpose aforesaid, the Council and City Assessor shall meet and there or at some adjourned meeting review the assessments and hear any objections to any assessment which may

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be made by any person deeming himself aggrieved thereby; and the Council shall correct the same if necessary, and confirm it as reported or as corrected; or they may refer the assessment back to the City Assessor for revision or annul it and direct a new assessment, in which case the same proceeding shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the City Clerk shall make an endorsement upon the roll showing the date of confirmation.

(Rev. 08-07-1978)

- 1.160 Confirmation: Resolution No. 4. When any Special Assessment Roll shall be confirmed by the Council it shall be final and conclusive. The City Council shall confirm a roll by the adoption of Standard Resolution No. 4 which shall be in the following form:

WHEREAS, the City Council has caused Special Assessment Roll No. _____ to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy:

AND WHEREAS, the City Council and City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing;

AND WHEREAS, the City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll No. _____ in the amount of _____ Dollars is hereby confirmed as prepared by the City Assessor.
2. Said Special Assessment Roll shall be divided into ___ annual installments, the first installment to be due and payable on _____ of each and every year thereafter.
3. Excepting special assessments for street lighting provided by privately owned facilities, the installments of said Special Assessment Roll shall bear interest at the rate of six percent (6%) per annum; provided, however, in the event bonds are issued in anticipation of collection of the said special assessments, interest on said Special Assessment Rolls shall be at a rate of interest which is not greater than one percent (1%) in excess of the rate of interest borne by said bonds; said interest to be payable on the due date of each installment of said Special Assessment Roll and said interest to commence on the due date of the _____ installment.

(Rev. 11-25-1985)

- 1.160.1 Resolution No. 4 (A). In the case of a Deficiency Roll, Standard Resolution No. 4 (A) shall be adopted and shall be in the following form:

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WHEREAS, the City Council has caused Deficiency Special Assessment Roll No. _____ to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy;

AND WHEREAS, the City Council and City Assessor have met after due and legal notice and have reviewed said Deficiency Special Assessment Roll and have heard all persons interested in said Deficiency Special Assessment Roll appearing at said hearing;

AND WHEREAS, the City Council is satisfied with said Deficiency Special Assessment Roll as prepared by the City Assessor;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Deficiency Special Assessment Roll No. _____ in the amount of _____ is hereby confirmed as prepared by the City Assessor.
2. Said Special Assessment Roll shall be divided into _____ annual installments, the first installment to be due and payable on _____ and the subsequent installments shall be due and payable on _____ of each and every year thereafter.
3. The installments of said Special Assessment Roll shall bear interest at the rate of six per cent (6%) per annum, said interest to be payable on the due date of each installment of said Special Assessment Roll and said interest to commence on the due date of the first installment.

(Rev. 08-07-1978)

1.161 Incontestable After Thirty Days. Such special assessments and all proceedings upon which such special assessments are based shall be incontestable, unless suit to test the validity thereof is instituted within thirty (30) days after the date of confirmation of such special assessment roll.

1.162 Payment by Installments. At the same meeting at which the Special Assessment Roll is confirmed by the Council, the Council shall by resolution determine the number of annual installments, if any, into which all assessments levied in such roll shall be divided for collection, not exceeding twenty (20) in number, at such time of year as the Council shall determine, with annual interest at the rate of six per cent (6%) per annum, provided no interest shall be charged until thirty (30) days after confirmation; provided that no individual principal payment, except the last installment, may be for less than Twenty Dollars (\$20.00). The balance or any additional portion of the assessment may be paid to the City Treasurer at any time after confirmation with accrued interest thereon.

(Rev. 08-07-1978)

1.163 Lands Divided After Assessment. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all installments, the Council may require the City Assessor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of

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such apportionment, when confirmed, shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division.

(Rev. 08-07-1978)

- 1.164 Report to City Assessor. Whenever any special assessment shall be confirmed and be payable, the Council may direct the Clerk to report to the City Assessor a description of such lots and premises as are contained in said roll with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made, and direct said City Assessor to levy the several sums so assessed respectively. The City Assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed and against the persons chargeable therewith as a tax in the general tax roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said tax roll shall be enforced and collected with the other taxes in the tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the City Treasury.

(Rev. 08-07-1978)

- 1.165 Collection From Assessment Roll. Whenever any special assessment roll shall be confirmed, the Council, instead of requiring the assessments therein to be reported to the City Assessor as provided in Section 1.164, may direct the said assessments to be collected directly from the special assessment roll, together with any interest which may become due thereon; and thereupon the Clerk shall attach his warrant to said special assessment roll, commanding the Treasurer to collect the amount of money assessed against each lot, premises or parcel of land described in said roll, together with any interest which may become due thereon, at such time and in such manner as prescribed by the law and by resolution of the Council. Said warrant shall further require the City Treasurer on the first day of April following the date when such assessments or any installments thereof have become due to submit to the Council a sworn statement setting forth a description of the lots, premises and parcels of land, including accrued interest computed to April 1st of such year.

(Rev. 08-07-1978)

- 1.166 Collection by Treasurer. Upon receiving said special assessment roll and warrant, the Treasurer shall proceed to collect the amount assessed therein.

(Rev. 08-07-1978)

- 1.167 Report of Delinquent Assessments. The Treasurer shall report delinquent assessments or installments thereof as required in the warrant of the Clerk. The Council shall then certify the same to the City Assessor, who shall reassess the same on the next annual city tax roll in a column headed "Special Assessments", with interest to April 1 of such year, and an additional penalty of four (4%) percent of such amount, and such total amount, when so reassessed upon said tax roll shall be collected in all respects as provided for the collection of city taxes. Unpaid special assessments reassessed upon the city tax roll

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shall be returned to the County Treasurer for collection at the same time and in the same manner as city taxes.

(Rev. 08-07-1978)

- 1.168 Delay Due to Contest. Should any of the proceedings authorized to be taken under the provisions of this Chapter be delayed by reason of any suit or action to contest the validity thereof, then such proceedings shall be taken as soon as such delay has ended.
21. Intent to Issue Bond. When the Council intends to issue bonds they shall adopt the Standard Resolution: Notice of Intent, which shall be in the following form:

WHEREAS, the Council of the City of Troy, County of Oakland, Michigan, intends to authorize the issuance and sale of special assessment bonds in the amount of _____dollars in anticipation of special assessment to be levied for the purpose of defraying the Special Assessment District's share of the following described public improvements:

AND WHEREAS, Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended, requires that Notice of Intent to Issue Bonds be published at least thirty (30) days prior to the adoption of any resolution authorizing the issuance and sale of bonds;

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk of the City of Troy is hereby directed to cause Notice of Intent to Issue Bonds to be published in the newspaper of record, a newspaper of general circulation in the City of Troy, within ten (10) days from the date of adoption of this resolution, said notice to be in substantially the following form:

NOTICE OF INTENT TO ISSUE BONDS
BY THE CITY OF TROY, COUNTY OF
OAKLAND, MICHIGAN

TAKE NOTICE that the Council of the City of Troy, County of Oakland, Michigan, intends to adopt a resolution authorizing the issuance and sale of the following described bonds:

Special Assessment Bonds - \$ _____.

Said Bonds are to be issued for the purpose of defraying the Special Assessment District's portion of the following described public improvements:

Said Special Assessment Bonds shall be payable from special assessments and shall also be general obligations of the City of Troy.

This notice is given pursuant to Section 5(g) Act 279, Public Acts of Michigan, 1909, as amended.

(Rev. 08-07-1978)