

**TOWNSHIP OF BILLINGS**

At a regular meeting of the Township Board of the Township of Billings, County of Gladwin, held at the Township Hall on Monday, the 11<sup>th</sup> day of September 2023, beginning at 7:05 p.m., there were

PRESENT: Cynthia Whittington, Brian Johnson, Len Pytlak, Tim Mester and Linda McSweyn \_\_\_\_\_

ABSENT: None \_\_\_\_\_

The following preamble and resolution were moved for adoption by Brian Johnson and Cynthia Whittington and the motion was supported by \_\_\_\_\_ Cynthia Whittington, Brian Johnson, Len Pytlak, Tim Mester and Linda McSweyn . \_\_\_\_\_

**RESOLUTION NO. 09112023 - #1  
DESIGNATING THE IMPROVEMENT OF PLEASANT DRIVE AND CREATION  
OF RELATED SPECIAL ASSESSMENT DISTRICT**

**WHEREAS**, under the provisions of Act 188 of the Public Acts of the State of Michigan of 1954, as amended, MCL 41.721, et. seq. ("PA 188") the Township Board (the "Board") of the Township of Billings, Gladwin County, Michigan (the "Township"), has the power to make the public improvement of the construction, improvement and maintenance of roads within the Township and to determine that the whole or any part of the cost of the improvement shall be defrayed by special assessment against the property especially benefitted by the improvement; and

**WHEREAS**, the Board has received a petition for the construction, improvement and maintenance of Pleasant Drive, as described in Exhibit A hereto (the "Project") from record owners of land constituting more than 50% of the total land area in the special assessment district described herein to pay the cost of said improvement (the "Petition"); and

**WHEREAS**, the Petitioners have obtained and submitted to the Township preliminary plans describing the Project and its location in the Township (the "Plans"), as well a preliminary estimate of the cost of the Project (the "Cost Estimate") as set forth within Exhibit A hereto; and

**WHEREAS**, after reviewing the Petition, Plans and the Cost Estimate, the Board desires to tentatively declare its intention to make the improvement and to tentatively

designate the special assessment district against which the cost of the improvement is to be assessed, as authorized by PA 188.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Petition is accepted and ordered filed with the Township Clerk.
2. The Plans and the Cost Estimate are accepted, approved, and ordered filed with the Township Clerk, and the summary thereof attached to this resolution as Exhibit A are hereby approved and made a part of this resolution.
3. The Board hereby tentatively declares its intention to construct the Project and tentatively designates the special assessment district named and described in Exhibit B against which the cost of the Project is to be assessed (the "District").
4. The Board shall meet at 6:00 p.m., Eastern Standard Time, on Tuesday, October 3rd \_\_\_\_\_, 2023, at the Billings Township Hall, 1050 Estey Road, Road, Beaverton, Michigan, 48612, and during such meeting shall conduct a public hearing to hear objections to the Petition, Project and District as required by Act 188. The form of notice attached hereto as Exhibit C is hereby approved as and for the form of notice for such hearing. The Clerk shall cause notice of such hearing, substantially in the form hereby approved, to be given as follows:
  - a To each record owner of, or party in interest in, land in the District whose name appears on the last Township tax assessment records (as defined below), by first-class mail addressed to such owner or party at such address, at least 10 days before the date of the hearing, provided, however, that if a record owner's name does not appear in the last Township tax assessment records, such notice shall be given by first-class mail addressed to the record owner at the address shown by the records of the Gladwin County Register of Deeds within the time provided in this subparagraph (a);
  - b By publishing such notice twice in the Gladwin County Record, a newspaper of general circulation in the Township, the first such publication to be at least 10 days before the date of the hearing; and
  - c To each person (if any) whose name and address has been filed with the Secretary of State of the State of Michigan as a person upon whom may be served notice of any proceedings under Act 188, by registered mail addressed to such person at such address, or personally, within five days after the first publication of notice pursuant to subparagraph (b) of this paragraph.



As used in subparagraph (a) of this paragraph, the term "last Township tax assessment records" means the last assessment roll for ad valorem tax purposes which was reviewed by the Township Board of Review, as supplemented by any subsequent changes in the names or the addresses of the owners or parties listed on that roll.

5. In addition to the notices required by paragraph 4 of this resolution, public notice of the meeting referred to in such paragraph shall be given pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended).

6. All previous resolutions, or parts of previous resolutions, of the Board that are inconsistent with this resolution are hereby rescinded.

A roll-call vote on the foregoing resolution was taken and was as follows:

Yes: Brian Johnson, Cynthia Whittington, Tim Mester, Linda McSweyn and Len Pytlak. \_\_\_\_\_

No: None \_\_\_\_\_

ABSTAIN: None \_\_\_\_\_

#### CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township of Billings, Gladwin County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a meeting held on September 11th, 2023, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267), Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

\_\_\_\_\_  
Linda McSweyn  
Billings Township Clerk

## THE PROJECT

Pleasant Drive will be recapped with Asphalt.

## PRELIMINARY ESTIMATE OF COSTS

The preliminary estimate of the total cost of the Project, subject to change or revision, is:

Recap Pleasant Drive with Asphalt	\$ 66,000.00
Legal and advertising	<u>\$ 4,000.00</u>
Estimate Total	\$ 70,000.00

## THE DISTRICT

### PLEASANT DRIVE ROAD IMPROVEMENT SPECIAL ASSESSMENT

A part of Section 34, Town 17 North, Range 1 East, Billings Township, Gladwin County, Michigan, lying along Pleasant Drive, and being more particularly identified by the following tax identification numbers.

5090 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-036-00  
5091 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-028-00  
5097 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-027-00  
5098 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-030-00  
5101 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-026-00  
5105 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-025-00  
5108 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-032-00  
5112 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-033-00  
5113 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-024-00  
5119 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-023-00  
5120 Pleasant Drive, Beaverton, MI, Parcel Number: 030-215-000-035-00  
5128 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-014-00  
5129 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-039-00  
5134 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-015-00  
5135 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-037-00  
5140 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-016-00  
5145 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-036-00  
5146 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-017-00  
5153 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-035-00  
5154 Pleasant Drive, Beaverton, MI, Parcel Number: 030-034-200-028-00  
5158 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-019-00  
5165 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-033-00  
5170 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-020-00  
5171 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-032-00  
5172 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-022-00  
5177 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-031-00  
5183 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-030-00  
5184 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-023-00  
5186 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-024-00  
5188 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-025-00  
5194 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-026-00  
5195 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-028-00  
5204 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-027-00



**NOTICE OF PUBLIC HEARING  
TOWNSHIP OF BILLINGS, GLADWIN COUNTY**

TO: ALL RECORD OWNERS OF, AND PARTIES IN INTEREST IN, LAND IN THE PROPOSED SPECIAL ASSESSMENT DISTRICT DESCRIBED HEREIN

NOTICE IS HEREBY GIVEN that the Township Board of the Township of Billings, Gladwin County, Michigan (the "Township"), at a meeting thereof held on Monday September 11<sup>th</sup>, 2023, received a petition from record owners of land constituting more than 50% of the total land area in the special assessment district set forth herein (the "Petition"). The Petition seeks to construct improvements consisting of recapping Pleasant Drive with asphalt to benefit the properties along Pleasant Drive (the "Project"). The Petition requests the establishment of a special assessment district against which the cost of the Project is to be assessed. The special assessment district against which the cost of the Project is to be assessed (the "District") has been tentatively designated by the Township Board and is particularly identified herein by tax identification numbers.

NOTICE IS FURTHER GIVEN that the Township Board will meet beginning at 6:00 p.m., Eastern Standard Time, on October 3<sup>rd</sup>, 2023, at the Billings Township Hall, 1050 Estey Road, Road, Beaverton, Michigan, 48612, and during such meeting shall conduct a public hearing to hear objections to the Petition, Project and the District.

**PLEASANT DRIVE IMPROVEMENT  
SPECIAL ASSESSMENT**

A part of Section 34, Town 17 North, Range 1 East, Billings Township, Gladwin County, Michigan, lying along Pleasant Drive, and being more particularly identified by the following tax identification numbers.

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5204 Pleasant Drive, Beaverton, MI, Parcel Number: 030-125-000-027-00

PLEASE TAKE FURTHER NOTICE that the Petition, preliminary plans describing the Project and its location in the Township and a preliminary estimate of the cost of the Project are on file with the Township Clerk at the Billings Township Hall, 1050 Estey Road, Road, Beaverton, Michigan, 48612, for public examination during regular business hours and will be available for inspection at the public hearing.

PLEASE TAKE FURTHER NOTICE that if Township Board determines to proceed with the Project, it will cause a special assessment roll to be prepared and another hearing will be held, after notice to record owners of property proposed to be specially assessed, to hear public comments concerning the proposed assessments.

PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specifically assessed may file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the special assessment roll. However, appearance and protest at the public hearing on the special assessment roll are required in order to appeal the special assessment to the Michigan Tax Tribunal. The owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment, or (2) file his or her appearance or protest by letter before the close of the hearing. The Township Board shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose

appearance was recorded shall be considered to have protested the special assessment in person.

**PLEASE TAKE FURTHER NOTICE** that written objections to the Petition, Project and District, appearances or protests may be mailed to:

Clerk, Billings Township  
Billings Township Hall  
1050 Estey Road, Road  
Beaverton, Michigan, 48612

Mailed objections, appearances or protests must be received by 9:00 a.m. on October 3<sup>rd</sup>, 2023. Written objections, appearances or protests submitted at the hearing will be accepted through conclusion of the hearing on October 3<sup>rd</sup>, 2023.

BY ORDER OF THE TOWNSHIP BOARD



Dated: September 11<sup>th</sup>, 2023

Linda McSweyn  
Billings Township Clerk