
CAUTION: This outline is intended only to provide a general overview of certain of the applicable provisions of the Township Public Improvements Act ("Act 188"). Reference is made to the full text of Act 188 and all applicable case law for a complete understanding of Act 188.

HAMBURG TOWNSHIP
Improvements to Private Roads
Under the Township Public Improvements Act
(Act No. 188, Public Acts of Michigan, 1954, as amended)

1.0 **Authority:** Act 188 authorizes the Township to undertake the "construction, improvement, and maintenance of private roads."

2.0 Initiation of the Project

2.1 **Initiation by Township Board:** Township Board may initiate the project without petitions unless it receives written objections from record owners of land constituting more than 20% of the total frontage on the road(s) to be improved. If such objections are received, Township Board cannot proceed unless it receives petitions to do so from record owners of land constituting more than 50% of the total frontage on the road(s) to be improved.

2.2 **Initiation by Petition:** Before proceeding with a project, the Township Board may require petitions from record owners of land constituting more than 50% of the total frontage on the road(s) to be improved.

3.0 First Public Hearing

3.1 Upon receipt of petitions or determination that petitions are not required, the Township Board has preliminary plans prepared, including a preliminary estimate of costs.

3.2 Based on such preliminary plans, the Township Board tentatively declares its intention to proceed, tentatively designates the special assessment district ("the District") against which the cost of the project will be assessed and calls a public hearing to hear objections to the petitions (if petitions were required), to the project and to the District.

a. Notice of the public hearing is sent to the record owners of the land in the District by first-class mail at least 10 days before the date of the hearing.

b. Notice also is published twice in a newspaper circulating in the Township.

3.3 After the first public hearing, the Township Board may elect to proceed and direct that a special assessment roll be prepared.

4.0 Special Assessment Roll

- 4.1 The special assessment roll ("the Roll") lists the parcels in the District that will be assessed to pay the costs of the project and the total amount that will be assessed against each parcel listed.
- 4.2 When prepared, the Roll is made available for examination at the Township Hall by interested persons.

5.0 Second Public Hearing

- 5.1 A second public hearing is held to hear objections to the Roll.
- 5.2 Notice of this hearing is mailed and published as before (see 3.2 above).
- 5.3 After this public hearing, the Township Board may confirm the Roll as originally presented or as amended or corrected.

6.0 Payment

- 6.1 The special assessment constitutes a lien against the lands assessed until paid in full.
- 6.2 The Township Board may provide that the special assessment is payable in a lump sum or in annual installments. If in installments, the unpaid installments will bear interest at the rate set by the Township Board, but not more than 1% above the average rate borne by any bonds issued to finance the project or (if no bonds are issued) 8% per annum.
- 6.3 Future-due installments may be paid in full at any time with interest through the month in which the last installment is paid.
- 6.4 If an installment is not paid when due (i.e., December 1), a penalty of 1% per month or fraction of a month is added.
- 6.5 Installments (including interest and penalties) that remain delinquent on September 1 following the date they were due are put on the next township tax roll and an additional 6% penalty is added.