

TOWNSHIP OF BIRCH RUN

At a Special meeting of the Township Board of the Township of Birch Run, Saginaw County, Michigan, held at the Township Hall on March 2nd, 1995, beginning at 7:30 p.m., Eastern Standard Time, there were

PRESENT: Edward Magnus, Supervisor, Sheila DiBerardino Clerk,
Nancy Henige Treasurer, Larry Russell, Gary St. Charles,
David Stewart Trustees

ABSENT: JoAnne Strahm Trustee

The following preamble and resolution were moved for adoption by DiBerardino and the motion was supported by Russell:

RESOLUTION
REGARDING CERTAIN PROPOSED WATER IMPROVEMENTS
AND RELATED SPECIAL ASSESSMENT DISTRICTS

WHEREAS, the Township Board (the "Board") of the Township of Birch Run, Saginaw County, Michigan (the "Township"), is entering into a Contract for the construction of water improvements (the "Project") with the County of Saginaw (the "County") pursuant to Act No. 185 of the Michigan Public Acts of 1957, as amended; and

WHEREAS, Bartow & King Engineers, Bay City, Michigan, have prepared and submitted to the Township preliminary plans describing the Project and its location in the Township (the "Plans") and a preliminary estimate of the cost of the Project (the "Cost Estimate"); and

WHEREAS, after reviewing the Contract, the Plans and the Cost Estimate, the Township Board desires to proceed with the Project, to levy special assessments against the lands specially benefitted by the Project to defray all or part of the cost of the Project, all pursuant to and as authorized by Act No. 185, Michigan Public Acts of 1957, as amended ("Act 185"); and

WHEREAS, the Township Assessor is preparing and will certify a proposed special assessment roll (the "Roll") for the Water Assessment District (the "District"), and the Roll will be filed with the Township Clerk at least 10 days prior to March 14, 1995;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. 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 is hereby approved and made a part of this resolution.

2. The Township 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 all or part of the cost of the Project is to be assessed.

3. The Township Board instructs the Township Assessor to certify that (a) the Roll was prepared in accordance with the Township Board's direction, and (b) the Roll was prepared in accordance with the laws of the State of Michigan, including the Act, and the Assessor shall file the Roll with the Township Clerk not later than March 14, 1995.

4. The Board shall meet at 7:30 p.m., Eastern Standard Time, on Tuesday, March 14, 1995, at the Township Hall during such meeting shall conduct a public hearing to hear objections to the Projects and the Districts as required by law. The form of notice attached hereto as EXHIBIT B is hereby approved as and for the form of notice for such hearing. The Clerk shall cause notice of such hearing, in the form hereby approved to be given as follows:

- (a) To each record owner of, or party in interest in, land in the Districts 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 hearings, 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 address shown by the records of the Saginaw County Register of Deeds within the time provided in this subparagraph (a);
- (b) By publishing such notice twice in a newspaper circulating in the Township, the first such publication in each newspaper to be at least 10 days before the date of the hearings; 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 of the Public Acts of 1954, as amended, 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 such roll.

5. In addition to the notices required by paragraph 3 of this resolution, public notice of the meeting referred to shall be given in 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:

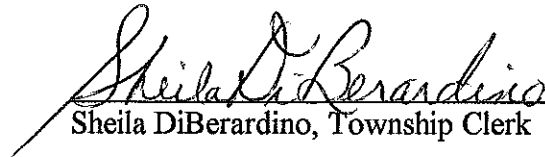
YES: Magnus, DiBerardino, Henige, Russell, St. Charles, Stewart

NO: None

ABSTAIN: None

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township of Birch Run, Saginaw 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 Special meeting held on March 2nd, 1995, 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.


Sheila DiBerardino, Township Clerk

[seal]

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EXHIBIT A

(1) PROJECT COSTS (SEE APPENDIX A FOR PROJECT DESCRIPTION)

BIRCH RUN TOWNSHIP
1995 WATER IMPROVEMENTS
DIXIE HIGHWAY, BIRCH RUN ROAD, BEYER ROAD, TOTTEN LANE

1.	Dixie Highway	\$ 15,000
2.	S. Beyer Road	50,000
3.	Birch Run Road	170,000
4.	Totten Lane	22,000
5.	Design & Construction Engineering	41,000
6.	Construction Staking	3,500
7.	Project Contingency	24,500
8.	Financing Costs, Capitalized Interest & Bond Discount	<u>18,000</u>
	TOTAL	\$ 344,000

3002-002

4002

CONNECT TO EX. 8" W.M.

3002-003

4002-002

3002-006

3002-004

RATHBUN ROAD



200' 200'

SOUTH BEYER ROAD SPECIAL ASSESSMENT DISTRICT

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1001

SEC 17

2003

CONNECT TO EX. 8" W.M.

1007

2005

2004-000

2004-001

2004-002

2006

DOWNING ROAD

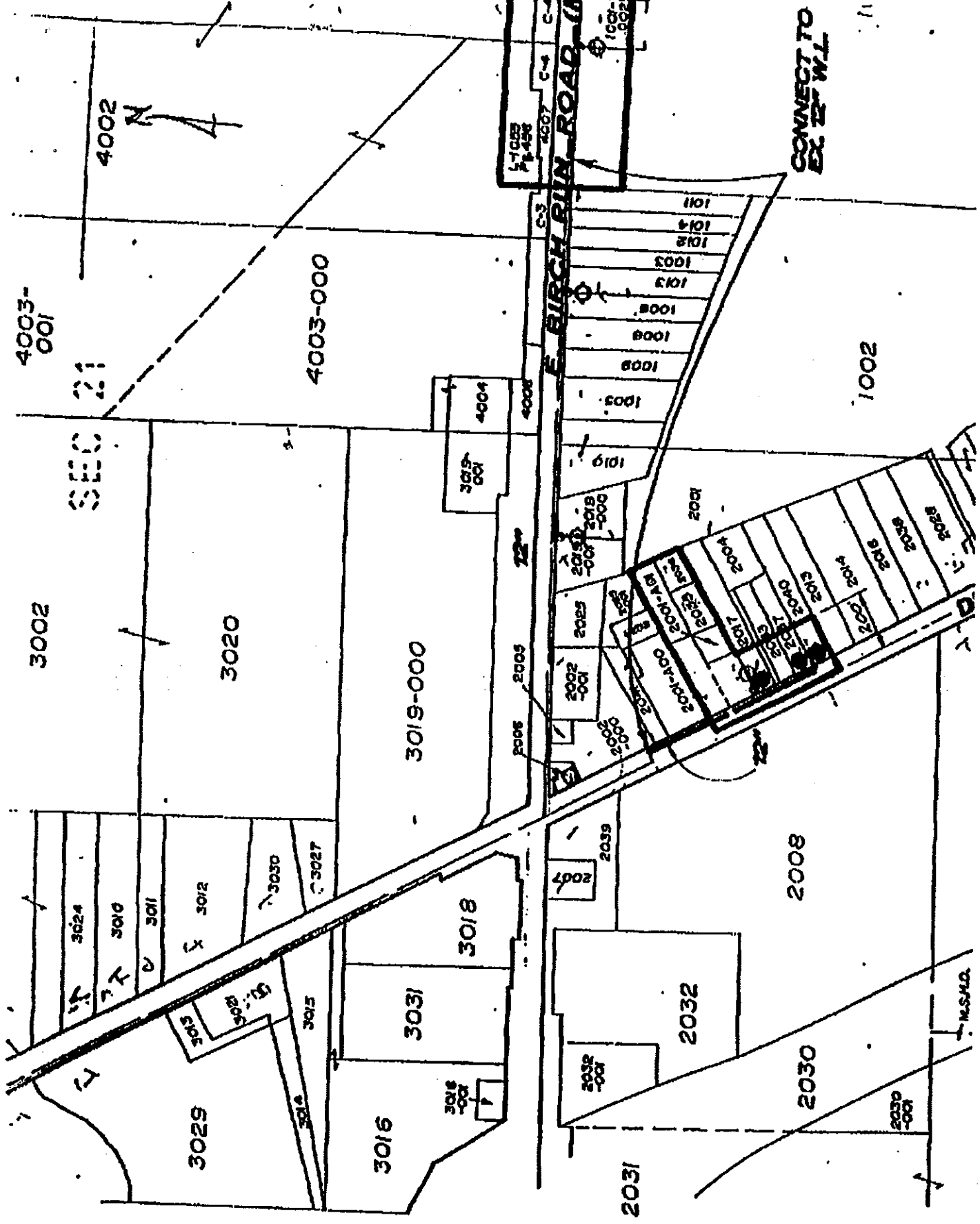
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EX. 8" W.M.

3002

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P.O.B.



4002

4003-001

SEC 21

4003-000

3002

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3019-000

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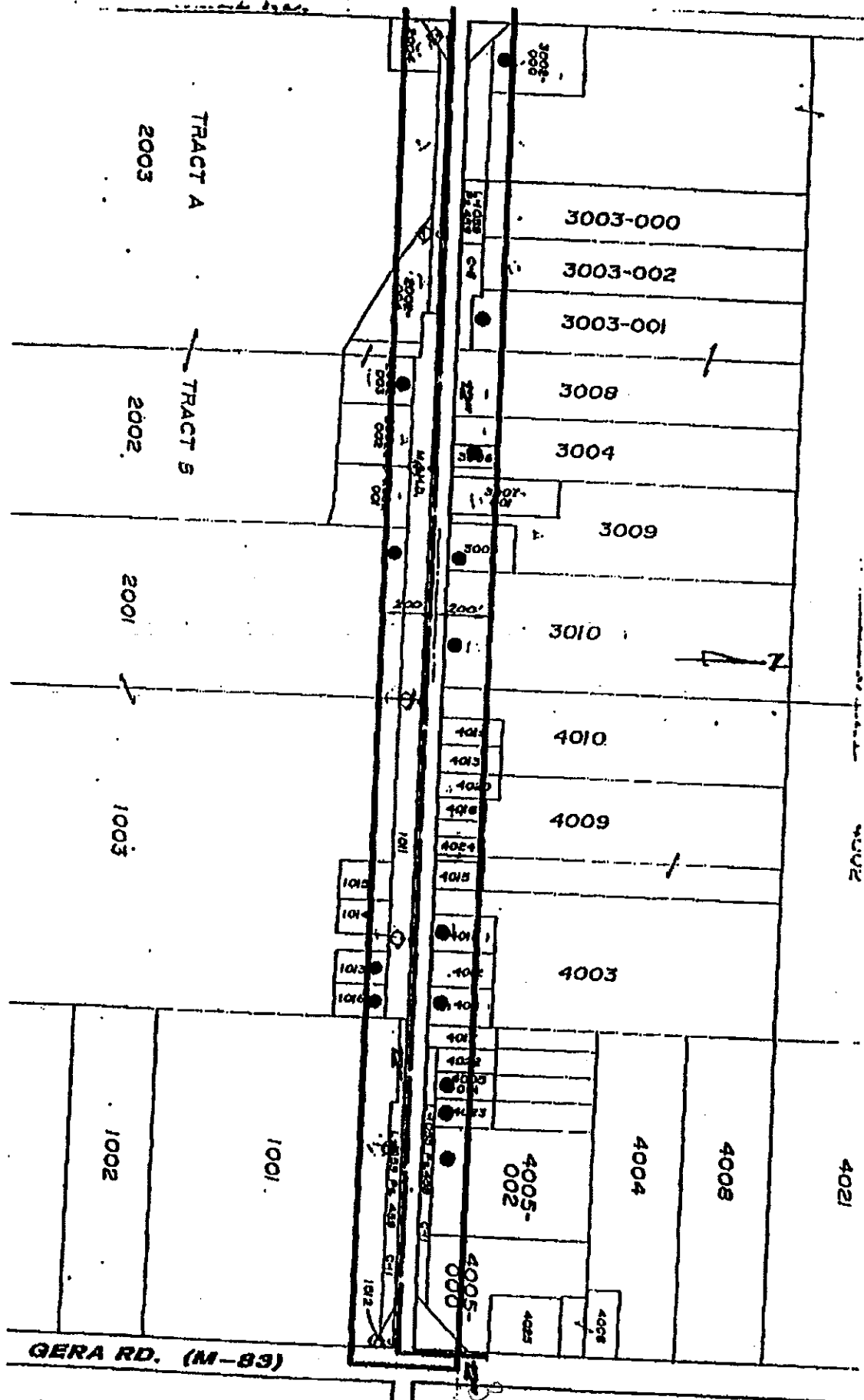
2012

2013

CONNECT TO EX 27 W.L.

E BIRCH BURN ROAD

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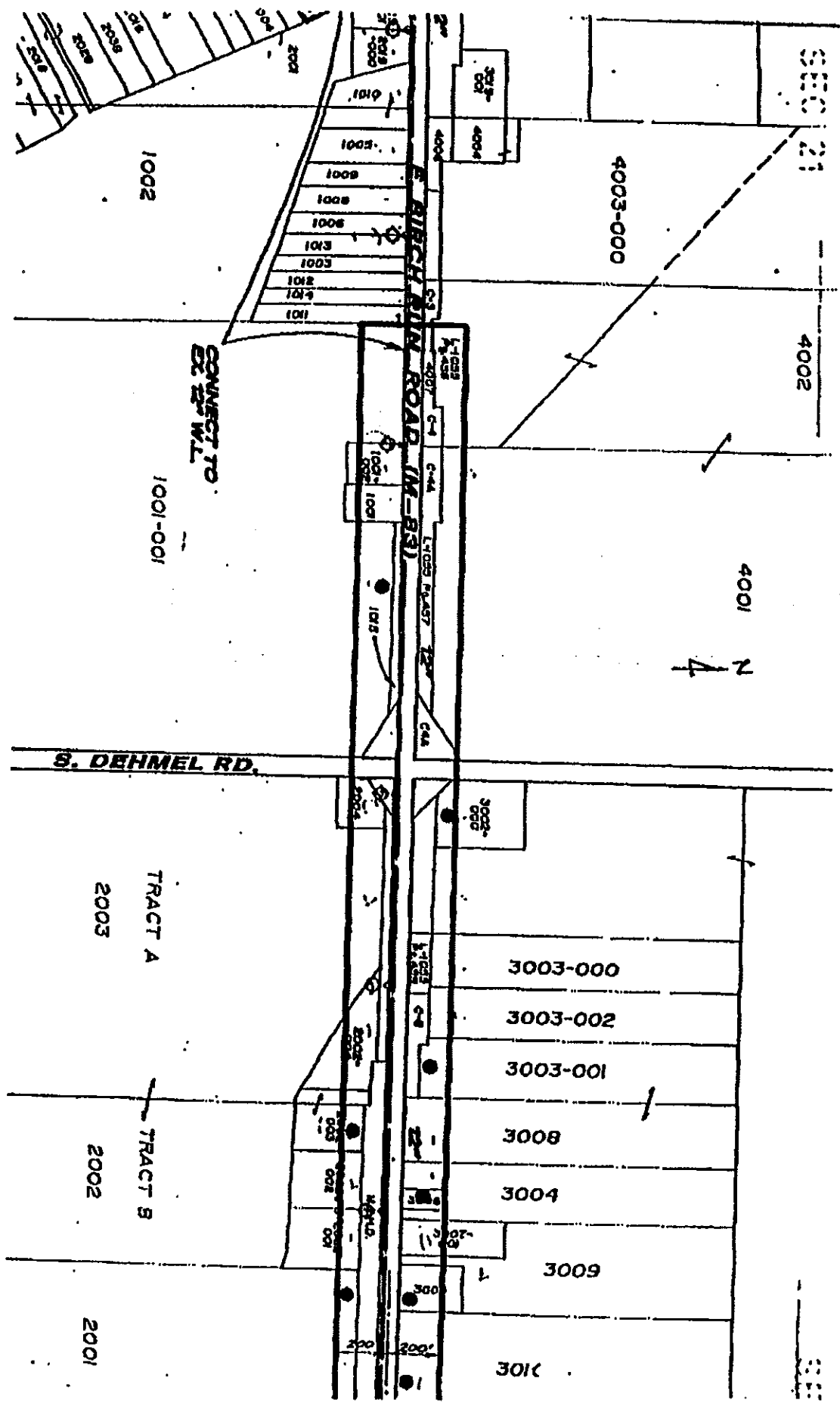


EXHIBIT B

**NOTICE OF PUBLIC HEARING
TOWNSHIP OF BIRCH RUN, SAGINAW 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 BIRCH RUN, Saginaw County, Michigan (the "Township"),
will meet at 7:30 p.m., Eastern Standard Time, on March 14, 1994,
at the Birch Run Township Hall, 8411 Main Street, Birch Run,
Michigan, and during such meeting will conduct a public hearing
to hear objections to water improvement projects, the cost
thereof and the special assessment roll therefor for the
construction of water mains as follows:

**WATER PROJECT
Descriptions of Proposed Improvements**

SEE APPENDIX A

in the special assessment district described herein (the
"Project"), and to hear objections to the following special
assessment district tentatively designated by the Township Board
as the district against which the cost of the Project is to be
assessed:

SPECIAL ASSESSMENT DISTRICT

Property located in the TOWNSHIP OF BIRCH RUN, Saginaw
County, Michigan described as follows:

[INSERT DESCRIPTION OF DISTRICT]

NOTICE IS HEREBY FURTHER GIVEN that preliminary plans
describing the Project and the location in the Township and a
preliminary estimate of the cost of the Project prepared by
Bartow & King Engineers of Bay City, Michigan, and a proposed
special assessment roll, prepared by the Township Assessor are on
file with the Township Clerk, at his office at 8411 Main Street,
Birch Run, Michigan, for public examination during regular
business hours, which are between 9:00 a.m. and 5:00 p.m. Monday
through Friday.

NOTICE IS FURTHER GIVEN that, in order to provide for such special assessments, a special assessment roll (the "Special Assessment Roll") has been prepared and is on file in the office of the Township Clerk for public examination during the same hours as set forth above.

NOTICE IS FURTHER GIVEN that the Township Board will hold a public hearing on 14th day of March, 1995, at 7:30 P.M., Eastern Standard Time, at 8411 Main St. Birch Run, Michigan for the purpose of reviewing and hearing any objections to the project and the Special Assessment Roll. Any person objecting to the Special Assessment Roll shall file his or her objections in writing before the close of the public hearing or within such further time, if any, as the Township Board may grant.

PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within thirty (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. An 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 Clerk 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.

BY ORDER OF THE TOWNSHIP BOARD,
SHEILA A. DIBERARDINO, CLERK

Dated: March 3, 1995

Publish: _____

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BIRCH RUN ROAD
SPECIAL ASSESSMENT DISTRICT

ALL THAT PART OF SECTIONS 21, 22, 27 AND 28, TOWNSHIP 10 NORTH, RANGE 6 EAST, BIRCH RUN TOWNSHIP, SAGINAW COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 200 FEET ALONG THE EAST LINE OF SECTION 27; THENCE WEST 7030 FEET, MORE OR LESS, AND PARALLEL WITH THE NORTH LINE OF SECTIONS 27 AND 28 TO THE EAST LINE OF PARCEL 1011 OF SECTION 28; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL 1011, 200 FEET TO THE NORTH LINE OF SECTION 28; THENCE CONTINUING NORTH AND AT RIGHT ANGLES TO SAID SECTION LINE 200 FEET; THENCE EAST 7030 FEET, MORE OR LESS, AND PARALLEL WITH THE SOUTH LINE OF SECTIONS 21 AND 22 TO THE EAST LINE OF SECTION 22; THENCE SOUTH ALONG SAID SECTION LINE 200 FEET TO THE NORTHEAST CORNER OF SECTION 27 AND THE POINT OF BEGINNING.

DIXIE HIGHWAY (US 10-23) AND TOTTEN LANE
SPECIAL ASSESSMENT DISTRICT

ALL THAT PART OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 6 EAST, BIRCH RUN TOWNSHIP, SAGINAW COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTING POINT OF THE NORTH LINE OF SECTION 28 AND THE PHYSICAL CENTERLINE OF US 10-23; THENCE SOUTHEAST ALONG THE PHYSICAL CENTERLINE OF US 10-23, 659 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF TOTTEN LANE 607 FEET, MORE OR LESS, TO THE EASTERLY LIMITS OF TOTTEN LANE AND THE CENTERLINE OF BOGART DRAIN; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF BOGART DRAIN TO THE NORTH LINE OF PARCEL #2017; THENCE SOUTHWESTERLY 407 FEET, MORE OR LESS, ALONG SAID NORTH LINE OF PARCEL #2017 TO A POINT 200 FEET NORTHEAST OF THE PHYSICAL CENTERLINE OF US 10-23; THENCE SOUTHEASTERLY AND PARALLEL TO THE PHYSICAL CENTERLINE OF US 10-23 295 FEET, MORE OR LESS, TO THE SOUTH LINE OF PARCEL #2040; THENCE SOUTHWESTERLY ALONG SAID SOUTH PARCEL LINE 200 FEET TO THE PHYSICAL CENTERLINE OF US 10-23; THENCE NORTHWESTERLY ALONG SAID CENTERLINE 460 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**SOUTH BEYER ROAD
SPECIAL ASSESSMENT DISTRICT**

ALL THAT PART OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 10 NORTH, RANGE 6 EAST, BIRCH RUN TOWNSHIP, SAGINAW COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 17, TOWN 10 NORTH, RANGE 6 EAST, BIRCH RUN TOWNSHIP, SAGINAW COUNTY, MICHIGAN, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE EAST 200 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 16; THENCE NORTH PARALLEL WITH THE WEST LINE OF SECTION 16, 3145 FEET, MORE OR LESS, TO THE NORTH LINE OF PARCEL 3002-006; THENCE WEST ALONG THE NORTH LINE OF PARCEL 3002-006 200 FEET, MORE OR LESS TO THE WEST LINE OF SECTION 9; THENCE CONTINUING WEST, 200 FEET AND PARALLEL WITH THE SOUTH LINE OF SECTION 8; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SECTION 17, 3145 FEET, MORE OR LESS, TO THE EAST-WEST 1/4 LINE OF SECTION 17; THENCE EAST AND PARALLEL WITH THE EAST-WEST 1/4 LINE OF SECTION 17, 200 FEET, MORE OR LESS, TO THE EAST 1/4 CORNER OF SECTION 17 AND THE POINT OF BEGINNING.