

RESOLUTION NO 21-16

**CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN**

A RESOLUTION CONFIRMING THE ACCURACY OF THE SPECIAL ASSESSMENT ROLL; CONFIRMING THAT THE SPECIAL ASSESSEMENTS MADE ARE IN PROPORTION TO THE BENEFITS RECEIVED BY THE PROPERTY OWNERS; AND DIRECTING THE CLERK TO ATTACH A CERTIFIED COPY OF THIS RESOLUTION TO HER WARRANT COMMANDING THE ASSESSOR TO SPREAD AND THE TREASURER TO COLLECT THE VARIOUS SUMS AND AMOUNTS APPEARING ON THE SPECIAL ASSESSMENT ROLL.

A RESOLUTION of the City Council of the City of St. Clair adopted at a regular meeting of said Council held at City Hall located at 547 N. Carney Drive, St. Clair, Michigan, on the 3rd day of May, 2021 at 7:00 PM.

WHEREAS, the City Council of the City of St. Clair has heretofore determined the necessity of making certain public improvements within the City of St. Clair at the Woodland Estates Condominium Development ("the Special Assessment District") consisting of pulverizing, reshaping, and repaving the roads, adjusting drainage structure elevations; replacing deteriorated curb and gutter, and improving sidewalk ramps to meet ADA guidelines; and

WHEREAS, at the direction of the City Council, the Assessor has prepared, submitted, and reported a Special Assessment Roll wherein the Assessor has included all lots and parcels of land within the area designated benefitting from the public improvement; and has assessed to each lot or parcel of land within the Special Assessment District an equal portion of the total cost of the project on a per parcel basis; and

WHEREAS, the City Council has previously determined that sixty percent (60%) of the total cost of the project, plus all other costs relating to the financing thereof, shall be defrayed and paid for by way of Special Assessment to be spread over and assessed against the properties within the Special Assessment District, and that the remaining cost of said public improvement shall be paid by the City at large; and

WHEREAS, the City Council had previously estimated that the sixty percent (60%) total cost of the public improvement to be borne by property owners within the Special Assessment District was \$126,329.00, but has now determined that said cost is actually \$101,712.12 plus all other costs relating to financing thereof; and

WHEREAS, the City Council has previously approved the special assessment roll and the properties contained therein, consisting of the following twenty-eight (28) parcels: 74-07-053-024-000; 74-07-996-0001-000; 74-07-996-0002-000; 74-07-996-0003-000; 74-07-996-0004-000; 74-07-996-0005-000; 74-07-996-0006-000; 74-07-996-0007-000; 74-07-996-0008-000; 74-07-996-0009-000; 74-07-996-0010-000; 74-07-996-0012-001; 74-07-996-0013-000; 74-07-996-0014-000; 74-07-996-0015-000; 74-07-996-0016-000; 74-07-996-0017-000; 74-07-996-0018-000; 74-07-996-0019-000; 74-07-996-0020-000; 74-07-996-0021-000; 74-07-996-0022-000; 74-07-996-0023-000; 74-07-996-0024-000; 74-07-996-0025-000; 74-07-996-0026-000; 74-07-996-0027-000; and 74-07-996-0028-000; and

WHEREAS, the City Council conducted a public hearing May 3, 2021 at 7:00 p.m. on any

objections to the special assessment roll it previously approved and certified as accurate; and

WHEREAS, the City Council and the Assessor have resolved any such objections made to the special assessment roll; and

WHEREAS, the City Council has determined that the special assessments made therein are in proportion to the benefits received by the property owners;

NOW, THEREFORE, it is hereby **RESOLVED** by the City Council of St. Clair, County of St. Clair, State of Michigan, as follows:

1. That the City of St. Clair City Council confirms the completeness and accuracy of the special assessment roll prepared by the Assessor;
2. That the City of St. Clair City Council is satisfied that the assessments set forth in said Special Assessment Roll are in proportion to the benefits received and derived by the properties specially assessed therein as a result of the public improvements proposed.
3. That the City of St. Clair City Council hereby adopts the special assessment roll for the public improvement to be completed pursuant to it.
4. That the Special Assessments confirmed herein are in the annual amount of \$3,632.58, plus interest, and may be paid in fifteen (15) equal annual installments, with the first installment being assessed on the 2021 county (winter) tax bill.
5. That interest shall be charged on all deferred installments at the annual federal long-term interest rate of two and 16/100 percent (2.16%). Interest shall commence and begin to accrue on the due date of the first installment of the Special Assessments, and such interest shall be payable on the due date of each subsequent installment.
6. That the full amount of all or any deferred installments with interest accrued, may be paid in advance of the due dates thereof.
7. That deferred installments shall be collected without penalty until sixty (60) days after the due date thereof, at which time such installments shall be considered as delinquent and penalties on said installments shall be collected as are provided by law to be collected on delinquent general city taxes.
8. That the Special Assessments and all interests, penalties and charges thereon from the date of confirmation of the Special Assessment Roll shall become a debt to the City of St. Clair from the persons to whom they are assessed and, until paid, such Special Assessments shall be and remain a lien upon the property assessed, of the same character and effect as the lien created by the general law for state, county and city taxes and the lands upon which delinquent city taxes constitute a lien.
9. That the City Treasurer shall notify by mail each property owner within the Special Assessment District that said Special Assessment Roll has been confirmed by the City Council and filed in the Office of the City Clerk; and the Treasurer shall state to each property owner the amount of the special assessment and the terms of payments; however, the failure on the part of the Treasurer to give such notice or

of such property owners to receive such notice shall not invalidate the special assessment thereunder and shall not excuse the payment of interest or penalties.

9. That all prior Resolutions and parts of Resolutions of the City Council, insofar as they conflict with this Resolution be, and hereby are, rescinded by the City of St. Clair City Council.
10. That the City of St. Clair City Council directs the City Clerk to attach a certified copy of this Resolution to her warrant commanding the Assessor to spread and the Treasurer to collect the various sums and amounts appearing on the special assessment roll as herein approved.

RESOLUTION DECLARED ADOPTED

Bill Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of a Resolution adopted by the City Council in the City of St. Clair, St. Clair County, Michigan at a regular meeting held on the 3rd day of May, 2021. Public Notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of 1976, and the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Members Present: Cedar, Kindsvater, Klieman, Kuffa, LaPorte, Paul, Volz
Members Absent: None

It was moved by Member Kindsvater and supported by Member Kuffa to adopt the Resolution.

Members Voting "Yes": Kindsvater, Klieman, Kuffa, LaPorte, Paul, Volz, Cedar
Members Voting "No": None

The Resolution was declared adopted by the Mayor and has been recorded in the Resolution Book.

Annette Sturdy, City Clerk
City of St. Clair, Michigan