

**VILLAGE OF SHEPHERD
ORDINANCE NO. 12.063
AN ORDINANCE TO AMEND ORDINANCE
NO. 2213**

ENTITLED VILLAGE OF SHEPHERD SPECIAL ASSESSMENT ORDINANCE

WHEREAS, pursuant to Act No. 185 of the Public Acts of Michigan of 1957, as amended, (“Act No. 185”) the Village of Shepherd has entered into a contract with the County of Isabella (the “County”) pursuant to which the County is constructing a sanitary sewer/storm water separation project by the issuance of bonds by the County; and

WHEREAS, pursuant to Act No. 185, the Village must raise money to meet its payments to the County under such contract.

WHEREAS, the Village Council has determined to raise part of the money to pay the cost of such project by special assessment against benefitted properties.

WHEREAS, the Village Special Assessment Ordinance needs to be amended for purposes of complying with the provisions of Act No. 40 of the Public Acts of 1956, as amended, and Act No. 185.

VILLAGE OF SHEPHERD ORDAINS;

ARTICLE I

The Special Assessment Ordinance No. 2213 (is hereby amended by adding the following Sections 33 through 40 which was adopted on August 22, 1978) is hereby amended by adding Sections 33 through 40 which shall read as follows:

Sec. 33. Whenever the Village receives a drain assessment pursuant to Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended, or whenever the Village enters into a contract with the County of Isabella for the purpose of constructing any public improvements authorized by Act No. 185 of the Public Acts of Michigan, of 1957, as amended, the provisions of Sections 34 through 40 of this Ordinance shall be followed instead of the provisions of any earlier section of this Ordinance which may be in conflict therewith.

Sec. 34. Whenever the Village Council shall determine to raise all or part of any drain assessment due to a drainage district or any contract payment due to the County of Isabella by special assessment upon property benefitted thereby, the Council shall adopt a resolution establishing a proposed special assessment district ordering the preparation of a special assessment roll either by the Village Assessor, or the professional engineer working on such project and setting a date for a public hearing on the special assessment roll and the intent of the Village to spread special assessments for the public improvements.

Sec. 35. The proposed special assessment roll when completed shall be filled with the Village Clerk at least ten days before the hearing thereon.

Sec. 36. The notice of the hearing on the special assessment shall be given by publication once at least seven days prior to the hearing in a newspaper published or circulated within the Village and by first class mail addressed to the owner of or person interested in the property to be assessed as shown by the last general tax assessment roll of the Village mailed at least ten days prior to the date of the hearing. The hearing referred by this section may be held at any regular, adjourned or special meeting of the Village Council. At the hearing, all interested parties shall present in

writing or verbally their objections, if any, to the project or the special assessment against them. The person who prepared the special assessment roll shall be present at the hearing.

Sec. 37. The Council shall meet at the time and place designated for the hearing on the improvements and review of such special assessment roll, and at such meeting, or a proper adjournment thereof, shall consider all objections thereto submitted in writing. The Council may correct the roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may, by resolution, annul the assessment roll and direct that new proceedings be instituted. The same proceedings shall be followed in making a new roll as in the making of the original roll. If, after hearing all objections and making a record of such changes as the council deems justified, the Council may, by resolution, determine to proceed with the public improvement, designate the limits of the special assessment district to be affected and describe the lands to be assessed, finally determine the part or proportion of the cost of the public improvement to be paid by the lands specially benefited thereby and the part or portion, if any, to be paid by the Village at large for benefit to the village at large. If the council determines that it is satisfied with the special assessment roll and that assessments are in proportion to benefits received, it shall thereupon pass a resolution reciting such determinations, confirming such roll, placing it on file in the office of the Clerk and directing the Clerk to attach his warrant to a certified copy thereof within ten (10) days, therein commanding the Treasurer to collect the various sums and amounts appearing thereon, as directed by Council. The roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies.

Sec. 38. Special assessments shall be paid as provided on Sections 14 and 15 of this ordinance except that the assessments shall not be delinquent until September 15 following the date on which such assessment is due.

Sec. 39. Interest on special assessments shall accrue from a date to be set by resolution of the Village Council at a rate equal to one percent (1%) above the average interest rate on the bonds or notes issued by the drainage district or the County to construct the public improvement which interest shall be due annually with the installment of the special assessment due in any year.

Sec. 40. Unpaid assessments or installments thereof which remain unpaid after September 15, shall be returned to the County Treasurer for collection in accordance with the provisions of Act No. 206 of the Public Acts of Michigan of 1893, as amended.

ARTICLE II

This Ordinance shall supersede all prior resolutions and Village Ordinances adopted prior hereto, and any inconsistent provisions are hereby rescinded.

ARTICLE III

This Amended Ordinance will become effective immediate upon publication in a paper of general circulation in the Village of Shepherd.