



**House
Legislative
Analysis
Section**

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TOWNSHIP SPECIAL ASSESSMENTS: ROADS

House Bills 5831 - 5833
Sponsor: Rep. Michael E. Nye
Committee: Transportation

Complete to 11-6-90

A SUMMARY OF HOUSE BILLS 5831 - 5833 AS INTRODUCED 5-29-90

Public Act 188 is the primary enabling statute from which townships gain authority to create special assessment districts to pay for local or public improvements. The act allows a township board, among other things, to determine whose land is "especially benefited" by an improvement and, thus, subject to special assessment to pay for it. House Bill 5831 would amend the act (MCL 41.721 and 41.723) to specify that when road work was done on a public or private road, land lying along the portion of the road in question, as well as land along any other portion of that road or of any other road that could only be reached via the portion of road to be worked on would have to be considered by the township board as land especially benefited by the improvement. Hence, these areas would be subject to assessment to pay for the work.

The act allows area land owners whose land would be affected by road work to delay the board's plans if written objections are filed by more than 20 percent of those owning frontage along the area in question; if this is done, the board cannot proceed with its plans until a petition signed by over 50 percent of these frontage land owners is filed with the board. Under the bill, delaying a project would require written objections by those who own more than 20 percent of frontage 1) along the actual portion of road where the work would be done, 2) along another part of the same road that could only be reached via the work area on the road, and 3) upon any other public or private road that could only be reached via the portion of road in question. If written objections were made in this way, the board could not carry out its plans until over 50 percent of these land owners petitioned the board.

House Bill 5832 would amend the general highway law (MCL 221.20a), which requires a township board, before it can designate a road as a public highway, to get written approval from the board of county road commissioners and a petition from 51 percent of the property owners whose frontage abuts the road in question. The bill would require the petition to be by 51 percent of those owners whose frontage bordered that road or any other road, public or private, to which the road in question offered the only access. House Bill 5833 would amend Public Act 139 of 1972 (MCL 247.391 and 247.392), which governs township maintenance of private roads, to allow a township board to commence with road work and provide for its payment through special assessment only if petitioned by 51 percent of those who owned property frontage upon 1) the portion of private road to be worked on, 2) another portion of the same road which could only be reached via the road's work area, and 3) any other road, public or private, that was only accessible via the portion of road to be worked on. Land with frontage along these areas would be subject to special assessments to pay for the work. House Bills 5832 and 5833 are tie-barred to House Bill 5831.

House Bills 5831-5833 (11-6-90)