

HOUSE BILL No. 5698

May 1, 1990, Introduced by Reps. Miller and Stabenow and referred to the Committee on Economic Development and Energy.

A bill to amend sections 2 and 3 of Act No. 188 of the Public Acts of 1954, entitled as amended

"An act to provide for the making of certain public improvements by townships; to provide for paying for the same by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of public improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of such special assessments, and for the obligation of the township thereon,"

as amended by Act No. 180 of the Public Acts of 1986, being sections 41.722 and 41.723 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 3 of Act No. 188 of the Public
2 Acts of 1954, as amended by Act No. 180 of the Public Acts of
3 1986, being sections 41.722 and 41.723 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 2. (1) The following improvements may be made under
6 this act:

1 (a) The construction, improvement, and maintenance of storm
2 or sanitary sewers or combined storm and sanitary sewer systems.

3 (b) The construction, improvement, and maintenance of water
4 systems.

5 (c) The construction, improvement, and maintenance of public
6 roads.

7 (d) The acquisition, improvement, and maintenance of public
8 parks.

9 (e) The construction, improvement, and maintenance of ele-
10 vated structures for foot travel over roads in the township.

11 (f) The collection and disposal of garbage and rubbish.

12 (g) The construction, maintenance, and improvement of bicy-
13 cle paths.

14 (h) The construction, maintenance, repair, or improvement of
15 erosion control structures or dikes.

16 (i) The planting, maintenance, and removal of trees.

17 (j) The installation, improvement, and maintenance of light-
18 ing systems.

19 (k) The construction, improvement, and maintenance of
20 sidewalks.

21 (l) The eradication or control of aquatic weeds and plants.

22 (m) The construction, improvement, and maintenance of pri-
23 vate roads.

24 (N) ANY UNDERTAKING PURSUANT TO SECTION 1 OF ACT NO. 120 OF
25 THE PUBLIC ACTS OF 1961, BEING SECTION 125.981 OF THE MICHIGAN
26 COMPILED LAWS.

1 (2) A road under the jurisdiction of either the state
2 transportation department or the board of county road
3 commissioners shall not be improved under this act without the
4 written approval of the state transportation department or the
5 board of county road commissioners. As a condition to the grant-
6 ing of ~~such~~ THE approval, the state transportation department
7 or the board of county road commissioners may require 1 or more
8 of the following:

9 (a) That all engineering with respect to the improvement be
10 performed by the state transportation department or the board of
11 county road commissioners.

12 (b) That all construction, including the awarding of con-
13 tracts for construction, in connection with the improvement be in
14 accordance with the specifications of the state transportation
15 department or the board of county road commissioners.

16 (c) That the cost of the engineering and supervision be paid
17 to the state transportation department or the board of county
18 road commissioners from the funds of the special assessment
19 district.

20 Sec. 3. (1) The township board may proceed to carry out an
21 improvement as provided in this act unless written objections to
22 the improvement are filed with the township board at or before
23 the hearing provided in section 4 by property owners as follows:

24 (a) For an improvement under section 2(1)(a), (b), (d), (e),
25 (f), (h), (i), (j), or (l), by the record owners of land consti-
26 tuting more than 20% of the total land area in the proposed
27 special assessment district.

1 (b) For an improvement under section 2(1)(c), (g), (k), or
2 (m), by the record owners of land constituting more than 20% of
3 the total frontage upon the road, bicycle path, or sidewalk.

4 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, FOR AN
5 IMPROVEMENT UNDER SECTION (2)(1)(N), BY THE RECORD OWNERS OF LAND
6 CONSTITUTING MORE THAN 20% OF THE TOTAL LAND AREA IN THE PROPOSED
7 SPECIAL ASSESSMENT DISTRICT. IF THE IMPROVEMENT IS LIMITED TO 1
8 OR A COMBINATION OF THE IMPROVEMENTS PROVIDED FOR IN
9 SECTION 1(1)(A) TO (C) OF ACT NO. 120 OF THE PUBLIC ACTS OF 1961,
10 BEING SECTION 125.981 OF THE MICHIGAN COMPILED LAWS, WRITTEN
11 OBJECTIONS SHALL BE FILED BY THE RECORD OWNERS OF LAND CONSTITUT-
12 ING MORE THAN 20% OF THE TOTAL FRONTAGE ON THE PUBLIC STREET,
13 HIGHWAY, OR ALLEY.

14 (2) A township board may require the filing of a petition
15 meeting the requirements of subsection (3) before proceeding with
16 an improvement under this act.

17 (3) If written objections are filed as provided in subsec-
18 tion (1) — or if the township board requires a petition before
19 proceeding, the township board shall not proceed with the
20 improvement until a petition is filed with the board which is
21 signed as follows:

22 (a) For an improvement under section 2(1)(a), (b), (d), (e),
23 (f), (h), (i), (j), or (l), by the record owners of land consti-
24 tuting more than 50% of the total land area in the special
25 assessment district as finally established by the township
26 board.

1 (b) For an improvement under section 2(1)(c), (g), (k), or
2 (m), by the record owners of land constituting more than 50% of
3 the total frontage upon the road, bicycle path, or sidewalk.

4 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, FOR AN
5 IMPROVEMENT UNDER SECTION 2(1)(N), BY THE RECORD OWNERS OF LAND
6 CONSTITUTING MORE THAN 50% OF THE TOTAL LAND AREA IN THE SPECIAL
7 ASSESSMENT DISTRICT AS FINALLY ESTABLISHED BY THE TOWNSHIP
8 BOARD. IF THE IMPROVEMENT IS LIMITED TO 1 OR A COMBINATION OF
9 THE IMPROVEMENTS PROVIDED FOR IN SECTION 1(1)(A) TO (C) OF ACT
10 NO. 120 OF THE PUBLIC ACTS OF 1961, BEING SECTION 125.981 OF THE
11 MICHIGAN COMPILED LAWS, THE PETITION SHALL BE SIGNED BY THE
12 RECORD OWNERS OF LAND CONSTITUTING MORE THAN 50% OF THE TOTAL
13 FRONTAGE UPON THE PUBLIC STREET, HIGHWAY, OR ALLEY.

14 (4) Record owners shall be determined by the records in the
15 register of deeds' office as of the day of the filing of a peti-
16 tion, or if written objections are filed as provided in subsec-
17 tion (1), then on the day of the hearing. In determining the
18 sufficiency of the petition, lands not subject to special assess-
19 ment and lands within a public highway or alley shall not be
20 included in computing frontage or an assessment district area.
21 Any filed petition may be supplemented as to signatures by the
22 filing of an additional signed copy or copies of the petition,
23 and the validity of the signatures on a supplemental petition
24 shall be determined by the records as of the day of filing the
25 supplemental petition.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 85th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 5447
5 (request no. 03143'89).

6 (b) Senate Bill No. _____ or House Bill No. 5699
7 (request no. 03143'89 b).