

CHARTER TOWNSHIP OF SPRINGFIELD

NOTICE OF HEARING ON
CLINTON – OAKLAND SEWAGE DISPOSAL SYSTEM SOFTWATER LAKE EXTENSION
SPECIAL ASSESSMENT ROLL

NOTICE IS HEREBY GIVEN:

1. Notice is hereby given that the Township Board of the Charter Township of Springfield, Oakland County, Michigan, will meet at a Special Board meeting on the first day of August 2007, at 7:00 p.m., at the Township Civic Center, located at 12000 DAVISBURG ROAD, DAVISBURG, MICHIGAN to review the Special Assessment Roll for the CLINTON – OAKLAND SEWAGE DISPOSAL SYSTEM SOFTWATER LAKE EXTENSION, and to conduct a Public Hearing to receive comments from affected property owners regarding the proposed special assessment roll, and any objections to the special assessment roll or the accuracy of their assessment.
2. The improvement for which the properties will be specially assessed is to provide sewage treatment by eliminating the existing Softwater Water Lake Sewage Treatment Plant and extending sewer forcemains into Independence Township for connection with the Clinton Oakland Sanitary Sewage System.
3. Plans showing the improvement, the location of the improvement, and an estimate of the cost of the improvement are on file at the Clerk's Office, Charter Township of Springfield, Davisburg, for public inspection during regular office hours, Monday through Friday, until the date of the Public Hearing. The special assessment roll in the amount of two million (\$2,000,000.00) dollars for the improvement has been filed in the office of the Springfield Township Clerk for public inspection during regular office hours.
4. The following is a description of the proposed special assessment district:
 - a.) T4N, R8E, SEC 13 & 24 PART OF SEC'S BEG AT PT DIST N 00-10-50 E 1730.36 FT & S 89-49-09 E 387.14 FT FROM W ¼ COR OF SD SEC 24, TH S 22-54-08 E 299.75 FT, TH N 35-47-20 E 477.08 FT, TH N 85-18-51 E 61.20 FT, TH N 56-01-24 E 55.47 FT, TH N 07-12-51 E 79.63 FT, TH N 25-39-05 E 196.35 FT, TH N 88-53-12 E 116.47 FT, TH N 35-26-30 E 175 FT, TH N 57-29-01 W 100 FT, TH N 35-26-20 E 200 FT, TH N 57-29-01 W 303.52 FT, TH S 32-30-59 W 388 FT, TH S 27-29-01 E 69.28 FT, TH S 32-30-59 W 58.44 FT, TH S 62-30-59 W 120 FT, TH S 32-30-59 W 370 FT, TH S 27-29-01 E 46.19 FT, TH S 32-30-59 W 52.63 FT, TH S 62-30-59 W 80 FT TO BEG 8.05 A Commonly known as Bavarian Village Apartments.
 - b.) Bavaria on the Water Condominium, Oakland County Condominium Plan No. 347, Liber 8179 page 805, Oakland County Records.
 - c.) Softwater Lake Courtyards, Oakland County Condominium Plan No. 991, Liber 16497, page 717, Oakland County Records.
 - d.) Springfield Pines, Oakland County Condominium Plan No. 232, Liber 6991, page 727, Oakland County Records.

- e.) Softwater Lake Condominiums, Oakland County Condominium Plan No. 533, Liber 10319, page 643, Oakland County Records.
 - f.) Edge of the Pines, Oakland County Condominium Plan No. 1054, Liber 17350, page 594, Oakland County Records.
 - g.) Lake Front Manor Condominium, Oakland County Condominium Plan No. 773, Liber 12787, page 041, Oakland County Records.
5. If the proposed Special Assessment District Roll is approved by the Township Board, the assessment will be a lien on the affected property as of the date of approval.
6. Appearance and protest at the Public Hearing is required in order to appeal the amount of the special assessment to the Michigan Tax Tribunal. This appearance and protest may be made either by the owner of the property, a party in interest, or his or her agent appearing in person to protest the special assessment, or by filing an appearance or protest by letter addressed to the Clerk, Springfield Township, 12000 Davisburg Road, Davisburg, MI 48350, received at or before the Public Hearing. If the appearance or protest is filed by letter, a personal appearance shall not be required. If the special assessment is protested as provided in this notice, the owner or any party having an interest in the real property may file a written appeal of the special assessment to the Michigan Tax Tribunal within thirty (30) days after confirmation of the special assessment roll.

NOTICE IS FURTHER GIVEN that records pertaining to the proposed special assessment roll may be examined at the Clerk's Office, Charter Township of Springfield, 12000 Davisburg Road, Davisburg, MI during regular business hours, Monday through Friday, until the date of the Public Hearing. Anyone needing a special accommodation should contact the Township Clerk at least two (2) business days in advance. Tel. 248-846-6510.

Nancy Strole, Clerk
Charter Township of Springfield

Call to Order: Supervisor Collin Walls called the August 1, 2007 Special Meeting of the Springfield Township Board to order at 7:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

Roll Call:

Board Members Present

Collin W. Walls	Township Supervisor
Jamie Dubre	Township Treasurer
Nancy Strole	Township Clerk
Dennis Vallad	Township Trustee
David Hopper	Township Trustee
Roger Lamont	Township Trustee
Marc Cooper	Township Trustee

Board Members Not Present

Others Present

Greg Need	Township Attorney
-----------	-------------------

Public Hearing:

1. Clinton-Oakland Sewage Disposal System Softwater Lake Extension Special Assessment Roll

Supervisor Walls explained that it is essential that anyone wishing to comment or object to the assessment that they do so on the record. To protect their right for further appeal to the Michigan Tax Tribunal. They must at least state on the record "I object to the Assessment." Following this hearing and confirmation of the assessment roll specific notice will be sent to everyone who has objected on the record. That notice will include the name, address and phone number of the Tribunal.

The purpose of this hearing is to hear comments and objections to the Special Assessment Roll or the accuracy of the roll.

Supervisor Walls said information on the problem with the existing sewage treatment plant, alternative options and costs were first presented to residents by the Drain Commission on November 29, 2005. A formal public hearing held by the Drain Commission on June 15, 2006 presented similar information. During that meeting the Drain Commission presented a proposed project plan and received comments. The estimated project cost was \$2,820,000.00. This plan involves the removal of the existing sewage treatment plant after connecting the system to the

Springfield Township Special Meeting
Softwater Lake Extension Assessment. Roll
August 1, 2007

Independence Township sewer system (Clinton-Oakland Sewer System). Independence Township contracted for capacity of that system in the mid 1960's. Springfield Township did not. There is an intergovernmental agreement which calls for the county to be responsible for raising the financing for and constructing the project. Independence Township will pay for half the cost of the installation of the sewer interceptor located within Independence Township. Springfield Township will set up the assessment roll which will generate the funds to repay the bonds for the cost of the project. Funds will come from the State Revolving Fund to finance the project at an interest rate of 1 5/8%. In addition to agreeing to pay for a portion of the force main, Independence Township has agreed that their charges to the Springfield Township property owners that will use the system will be exactly the same as the charges to property owners in Independence Township. The proposal is for a 20 year roll. The Township Board has determined that if the assessment is paid by October 1st there will be no interest. The individual benefit unit assessment is \$7,722.00 and the annual payment is \$386.10 principal plus interest. The first assessment would be in 2007. It is anticipated that financing will take place in September; the project will start this fall and be completed in the fall of 2008. Supervisor Walls asked if there were any questions before he opens the hearing.

Mrs. Carly Barnard, 7210 Bluewater Dr., #149, asked if this could be passed on to a buyer. Supervisor Walls noted that the assessment will not be required by the Township to be paid in full if the property changes ownership. Most mortgage companies require payment.

Mr. Jack Cavalier, 9046 East Lake Rd., said he gave a copy of the Resolution to Phil Seaver and Mr. Seaver informs him that the way this Resolution is written there is no way that an internment agreement is possible. Clerk Strole asked which resolution he was referring to as there were several. Mr. Cavalier did not have a copy. Mr. Cavalier said if this is started in October and completion is in the fall of 2008, the assessment seems to be "double-dipping." He questioned whether the State Revolving Fund would allow assessment before the project completion.

Mrs. Theresa Kelly, 9042 East Lake Rd., #34, read item #4 of Ordinance #77. This states it may be paid up to ten years, therefore, it is in conflict with the letter they received that stated it would be over 20 years. Attorney, Greg Need explained that the proposal before the Board tonight is for 20 years. Once the roll is confirmed 20 years becomes binding and cannot be shortened or lengthened. Mrs. Kelly asked if the interest rate can be increased at any time? Mr. Need explained that it could not. Mrs. Kelly noted that she sent a letter to the Township dated September 30, 2006 which was asking questions but she never got answers to those questions. Supervisor Walls said she would have to address those questions to the Drain Commission.

Mr. Eugene Ewing, 9037 Bavarian Way, asked if Oakland County will be billing the property owners. Supervisor Walls explained they will not be billing for sewer but will bill for water.

Ms. Margie Ried, 9042 E. Blue Water Dr., asked if, next fall when this is operational, is there \$386.10 plus 1 5/8% interest or is the interest included in the \$386.10? Supervisor Walls explained it is \$386.10 plus interest on the unpaid balance.

Springfield Township Special Meeting
Softwater Lake Extension Assessment. Roll
August 1, 2007

Ms. Shirley Brown, 9030 Bavarian Way, #5, said a title search did not show information about this project when she bought this property. Supervisor Walls explained that a title search would not reveal a proposed project.

Mr. Dave Ross, 8767 Cedar Ct., asked what happens to the 10% contingency? Supervisor Walls said 1% extra for cash flow and administration and extra contingency is typical and this Board made a conscience decision not to add that. He is comfortable that any extra funds would be returned to the property owners.

Ms. Denise Almond, 7230 Blue Water Dr., #131, asked why this is necessary now with the state of the economy? Supervisor Walls said the Drain Commission and MDEQ has determined that the plant needs to be upgraded or eliminated.

Mr. Edward Vamplew, 7230 Blue Water Dr. #131, asked why this could not be delayed until the economy improves? Supervisor Walls said that was not an option of the Drain Commission.

Supervisor Walls noted that the Township has cards for written submission that people could submit to the Township. They do not have to use the cards and could put their objections or comments in writing on any form but the cards are available at the Township and at this meeting.

Supervisor Walls opened the Public Hearing for comments and objections at 7:48 p.m.

Mr. Edward Vamplew, 7230 Blue Water Dr. #131, asked that this project be delayed until the economy picks up.

Mrs. Theresa Kelly, 9042 East Lake Rd., stated that she objects to the Special Assessment Roll and her reasons are consistent with her correspondence sent to the Township September 30, 2006, property owners have received no accounting of existing escrow funds, owners do not want title to property where sewage treatment is located and there is no assurance there will not be future assessments.

Mr. Jack Cavalier, 9046 East Lake Rd., stated that he objects to the Special Assessment Roll because he would be paying twice and must pay before the service is available..

Supervisor Walls presented one written objection sent to the Township. Ms. Nancy Gouin, 7300 Bluewater Dr., Unit 109 has stated her objection to the Special Assessment is that her square footage is smaller than the other units. **[A copy of the written correspondence is on file at the Office of the Clerk, Springfield Township].**

Ms. Jane Bentham, 9041 E. Blue Water Dr., stated she is protesting the Special Assessment Roll. She is on a fixed income. The treatment plant should have been upgraded before now.

Ms. Margie Ried, 9042 E. Blue Water Dr., said she objects to the assessment.

Springfield Township Special Meeting
Softwater Lake Extension Assessment. Roll
August 1, 2007

Ms. Carol Cane, 9067 Bavarian Ct., stated she is protesting the dollar amount of the Special Assessment. This is a difficult burden to property owners

Ms. Shirley Brown, 9030 Bavarian Way, said she objects to the Special Assessment. She is concerned over future assessments.

Hearing no further public comments, Supervisor Walls closed the Public Hearing at 7:56 p.m.

New Business:

1. Clinton-Oakland Sewage Disposal System Softwater Lake Extension Special Assessment Roll

Supervisor Walls explained that those who find the assessment a financial burden, have an opportunity for review process similar to appeals through the Board of Review. The Board will explore that but those individuals should contact the Assessing Department. In reference to waiting, Supervisor Walls explained that we do not have that option and even if we do, the overall cost would increase. The issue in regard to square footage and number of occupants is something that shifts and changes. The proportion of the overall cost assessed to an individual property should be comparable to the proportion of the benefit received.

*** Supervisor Walls moved the Resolution presented to us this evening without change (copy attached). Trustee Hopper supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

Public Comment: None

Adjournment:

Hearing no other business, Supervisor Walls adjourned the meeting at 8:15 p.m.

Collin W. Walls, Township Supervisor

Nancy Strole, Township Clerk

**RESOLUTION OF THE TOWNSHIP BOARD OF THE
CHARTER TOWNSHIP OF SPRINGFIELD
CONFIRMING SPECIAL ASSESSMENT ROLL FOR
THE SPECIAL ASSESSMENT DISTRICT DESIGNATED
Softwater Lake Sewer Extension**

At a special meeting of the Township Board of the Charter Township of Springfield, Oakland County, Michigan, held at 12000 Davisburg Road, Davisburg, MI 48350, on the 1st day of August, 2007 beginning at 7:00 p.m.

Present: Cooper, Dubre, Hopper, Lamont, Strole, Vallad, Walls
Absent: none

The following resolution was offered by Collin Walls and seconded by Dave Hopper.

RECITALS:

A. The Township Board of the Charter Township of Springfield ("Township") executed a contract with the County of Oakland on May 22, 2006, entitled the "Clinton-Oakland Sewage Disposal System Softwater Lake Extension Contract" ("Contract"), for a certain sanitary sewer extension (the "Project") as defined in the Contract, and

B. The Contract approved certain plans and the description and location of the Project, a tentative cost of the Project, the boundaries of the special assessment district, and the term of the special assessment district's existence, and

C. The Township Board confirmed that the financial obligations of the Township, pursuant to the Contract, shall be defrayed by special assessments against the properties specially benefited thereby, and

D. The Township has established, by the Contract, a Special Assessment District ("SAD") for the Project, and

E. The Township Board has previously received from the Supervisor a tentative Special Assessment roll, and

F. The Township Board has scheduled a public hearing on the proposed Special Assessment roll, and notice of the hearing was properly provided, and

G. A public hearing has been held as required by law.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Roll Filed. The Township Board acknowledges that the Township Supervisor has filed the proposed Special Assessment Roll for the Softwater Lake Sewer Extension Special Assessment District (the "Roll") with the Township Clerk, and has certified that the Roll was prepared in accordance with the Township Board's directions and in accordance with the laws of the State of Michigan.
2. Roll Confirmed. In accordance with the provisions of Michigan Public Act 188 of 1954, as amended, and other applicable laws of the State of Michigan, the Township Board hereby confirms the Roll and directs that the assessments made therein shall be collected.
3. Future Installments - Principal. The Township Board determines that each Special Assessment may be paid in 20 separate installments. The first installment shall be due on or before December 1, 2007, and the second installment due December 1, 2008. Each subsequent installment shall be due at intervals 12 months from the due date of the second installment.
4. Future Installments - Interest. No interest shall be owed for any Special Assessment that is paid in full before October 1, 2007. Otherwise, all unpaid installments shall bear interest, from and after October 1, 2007, on each installment due date, at a rate of one and five eighths percent (1 5/8%).
5. Ratification of Notice. The form and content of the notice published and mailed to property owners in the Special Assessment District by the Township Clerk with respect to the public hearing held on the 1st day of August 2007, and all actions of Township officials in scheduling such hearing, are hereby approved, ratified and confirmed.
6. Project Cost. The Township Board approves a reduction in the project cost from Two Million Eight Hundred Twenty Thousand Dollars (\$2,820,000) as set forth in the Contract, to Two Million Dollars (\$2,000,000).
7. Warrant for Collection of Roll. The Township Clerk is hereby directed to attach her warrant as required by law to the Roll and to direct the Roll, with her warrant attached, to the Township Treasurer. The Township Treasurer shall thereupon collect the special assessments in accordance with the terms of this resolution, the warrant and the statutes of the State of Michigan.
8. Inconsistent Prior Resolutions. All previously adopted resolutions that are in conflict with this resolution are repealed to the extent of such conflict.

NANCY STROLE, Clerk
Charter Township of Springfield
Dated: 08-02-07