

SIDEWALKS AND PAVEMENTS IN TOWNSHIPS
Public Act 246 of 1931
MCL 41.271, et seq

Units: Township

Improvements: CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND PAVEMENTS ON OR ALONG PUBLIC HIGHWAYS INCLUDING ROADS, STREETS OR ALLEYS UNDER THE JURISDICTION OF THE COUNTY ROAD COMMISSION.

Comments: All bridges, road drains, drainage structures, curbing and culverts and any additional right of way is considered a necessary part of the proposed improvement and can be included on the special assessment roll. (MCL 41.273)

The special assessment procedures are conducted by the road commissioners. The construction of the improvement; levying, making, and collecting of special assessments; issuing bonds; and levying reassessments for deficiencies must be in conformance with the provisions of PA 59 of 1915, as amended, Sections MCL 247.418, *et seq.* (MCL 41.283)

I. Improvement Financing

- A. Township general fund: up to 25 percent of the cost of the improvement. (MCL 41.280)
- B. Special assessments. (MCL 41.280)
- C. County road commission funds. (MCL 41.280)
- D. Bonds. (MCL 41.283(a))

II. Initiate Procedure

A. Citizen petition:

- 1. Record property owners of more than 51 percent of the front footage along the public highway or portion of the highway to be improved. The petition is filed with the county road commission of the county in which the improvement is to be provided.
- 2. The application can not be considered by the county road commission unless 75 percent or more of the land fronting the highway has been subdivided into parcels whose frontage does not exceed 300 feet each or there is an average of at least one building, including buildings under construction, for every 300 lineal feet along the highway proposed to be paved according to a survey made by the commission. (MCL 41.271)
- 3. See MCL 41.271 for additional requirements.

B. Township board action:

- 1. Township board, by resolution, may petition the board of county road commissioners to initiate the procedure.
- 2. The petition must comply with the subdivision and building requirements discussed in II (A) (2). (MCL 41.271(a))
- 3. The board of county road commissioners shall make a declaration of necessity, by resolution, and schedule a public hearing on creating the district.

III. Preparing Plans and Cost Estimates

- A. Procedure initiated by citizen petition or township board resolution. If the board of county road commissioners determines that the improvements are required, the board directs a

survey to be conducted, prepares plans and cost estimates, and directs a description to be made of the land to be included in the proposed district.

- B. After reviewing the survey, plans and cost estimates, if the commission determines to proceed, it issues an order of determination with attached copy of the specifications and a description of the proposed boundaries of the proposed district. (MCL 41.274)

IV. Approval for Highway Improvements

Highway improvements on state trunk lines cannot be made without the written approval of the Michigan Department of Transportation. (MCL 41.274)

V. Public Hearing

- A. The board of county road commissioners must conduct a public hearing to hear objections to creating a special assessment district within 60 days of receipt of the citizen petition. (MCL 41.275)
- B. Notice requirements:
 - 1. PA 162 of 1962: Notice of hearing must be sent by first-class mail at least 10 days prior to the hearing.
 - 2. PA 246 of 1931: Notice must be published at least once a week for two weeks prior to the hearing in a general circulating newspaper in the proposed district. Five notices must be posted in public and conspicuous places within the proposed district. The notices must be posted and the first notice published at least 10 days prior to the hearing. (MCL 41.275)
 - 3. PA 267 of 1976, "Open Meetings Act"
- C. If the board of county road commissioners determines to create the special assessment district:
 - 1. At the conclusion of the hearing, the board of county road commissioners designates the boundaries of the district to be assessed and the number of installments, if any, not to exceed 10.
 - 2. Within 30 days after the hearing, the board of county road commissioners must issue a final order, in writing, directing that the improvements be made in accordance with the final specifications adopted by the board. (MCL 41.277)
- D. Counter petition: If the process has been initiated by township board resolution, the project must be discontinued if property owners of 51 percent or more of the front footage along the highway file a counter petition within 45 days of the hearing on creating the special assessment district. If a counter petition is not filed within 45 days, the project proceeds in the same manner as if it was initiated by citizen petition. (MCL 41.271a)