



# City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712  
www.cityofboynecity.com

Phone 231-582-6597  
Fax 231-582-6506

BOYNE CITY  
CITY COMMISSION SPECIAL MEETING  
Boyne City Hall  
319 North Lake Street  
Monday, October 30, 2017 at 7:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. CONSENT AGENDA  
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed and placed as the last item under new business to receive full discussion. Such requests will be automatically respected.
4. HEARING CITIZENS COMMENTS (on non-agenda items; 5 minute limit)
5. CORRESPONDENCE
6. CITY MANAGER'S REPORT
7. REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES
8. OLD BUSINESS
  - A. West Michigan Water Extension Special Assessment Public Hearing  
Consideration to create a special assessment district for the development of the proposed West Michigan and Woodland Street Water System Extension and based on the input received determine to make the improvements and adopt a resolution as recommended or as modified by the City Commission.
9. NEW BUSINESS
10. GOOD OF THE ORDER
11. ANNOUNCEMENTS
  - Trick or Treat hours are from 5:00 p.m. to 8:00 p.m. on Tuesday, October 31, 2017.
  - City Offices will be open on Saturday, November 4, 2017 from 9:00 a.m. until 2:00 p.m. to issue and accept absentee ballots for the November 7, 2017 General Election.
  - The General Election will be held on Tuesday, November 7, 2017 in the City Hall Auditorium. Polls are open from 7:00 a.m. until 8:00 p.m.

An Equal Opportunity Provider and Employer

**Hometown Feel, Small Town Appeal**

- The next regular City Commission meeting is scheduled for Tuesday, November 14, 2017 at 7:00 p.m.

## 12. ADJOURNMENT



Scan QR code or go to  
[www.boyne-mi.gov](http://www.boyne-mi.gov)  
click on Boards & Commissions for complete  
agenda packets & minutes for each board

*Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334*



# City of Boyne City

# MEMO

Date: October 13, 2017

To: Mayor Neidhamer and the Boyne City City Commission

From: Michael Cain, City Manager 

Subject: West Michigan/Woodland Water Main Extension Special Assessment Public Hearing #1

In response to the petition filed requesting a special assessment district be created to pay for the development and installation of a water main, hydrants and related items to service properties on West Michigan and Woodland we have proceeded to the point of holding the first public hearing on this matter as called for in sections 50-8 and 50-9 of the Boyne City Code of Ordinances as shown on attached page 8. The properties to be included in the district are shown within the red hashed lines in the map on attached page 4.

The purpose of this public hearing is to receive public input and or any objections regarding the proposed project and district and to determine if we shall continue forward with the project as proposed, or as amended by the City Commission, or to stop the process either permanently or pending the provision of additional information.

If the City Commission chooses to proceed, it will need to adopt a resolution as called for in 50-9(b) of our code of ordinances as shown on attached page 8. Recommended portions of that resolution include:

- (1) Residents report failing wells, poor water quality and desire for improved fire-fighting resources as demonstrating the need for the proposed improvements.
- (2) The installation of water mains and hydrants on West Michigan, Bay and Woodland Streets as shown on the provided map and generally quantified in the information provided by consulting engineer C2AE on page 5.
- (3) The special assessment district limits shall be designated as the properties within the red hashed lines on the map provided on page 4.
- (4) The lands affected shall be the lots within the special assessment district limits.
- (5) The project will be paid for 100% by the land especially benefitted.
- (6) The assessment shall be covered by twenty (20) annual installments at an interest rate of four (4) percent.
- (7) The City Manager shall prepare plans, profiles and specifications for the work to be done.

If a resolution is adopted moving the project forward, the project will be designed and bid as called for in 50-10 and 50-11 on page 9. The project would then move forward with the preparation of the roll reflecting the actual

costs and how those costs are spread among the benefiting properties and a second public hearing would be scheduled and held as called for in 50-13 and 50-14 for possible confirmation by the City Commission.

If the project continues to move forward it is anticipated that the project would be bid this winter and then brought back to the City Commission for possible confirmation followed by construction in the spring of 2018.

Also attached please find information from the Michigan Department of Treasury regarding optional Deferred Special Assessments for property owners meeting certain conditions.

RECOMMENDATION: That the City Commission hold the public hearing on the proposed West Michigan and Woodland Street Water System Extension Special Assessment District as required and based on the input received determine to make the improvements, and adopt a resolution as recommended or as modified by the City Commission.

Options:

- 1) Postpone the matter for further information or consideration.
- 2) Modify the request.
- 3) Deny the request.
- 4) Other options as determined by the City Commission.

PETITION FOR OBTAINING BOYNE CITY WATER ON W. MICHIGAN AND WOODLAND

We the undersigned residence in the City of Boyne City do hereby request the Commissioners of Boyne City to have a public hearing on having city water that currently ends at the intersection of Bay Street and W. Michigan continue to be run down W. Michigan to the end of the City limits at the end of Woodland Street. We would further requests that if this appeal is approved by the City of Boyne City that any cost be paid by the City of Boyne and added to each residences tax bill by way of a Special Assessment to be paid off over a 10 to 25 year period of time.

	NAME	ADDRESS	DATE	SIGNATURE
1	DANIEL WOLLSCHLAGER	625 W. MICHIGAN	SEPT. 11, 2016	<i>[Signature]</i>
2	GEORGE ELLWANGER	625 W. MICHIGAN	SEPT. 11, 2016	<i>[Signature]</i>
3	William H. Stanley	621 W. MICHIGAN	SEPT. 12, 2016	<i>[Signature]</i>
4	Th A. Miller	643 W. MICHIGAN	SEPT. 13, 2016	<i>[Signature]</i>
5	WILSON BENDER	631 WOODLAND	SEPT. 13, 2016	<i>[Signature]</i>
6	Richard SARGHEI	645 WOODLAND	SEPT. 13, 2016	<i>[Signature]</i>
7	KERRY RUGGERI	629 W. MICHIGAN	SEPT. 22, 2016	<i>[Signature]</i>
8	George Shioteh	635 W. MICHIGAN	SEPT. 25, 2016	<i>[Signature]</i>
9	Nancy I. Crumwigham	622 W. MICHIGAN	SEPT. 25, 2016	<i>[Signature]</i>
10	Pat Carey	630 W. MICHIGAN	DEC 9, 2016	<i>[Signature]</i>
11	Susan Coyle	631 W. MICHIGAN	DEC 10, 2016	<i>[Signature]</i>
12	Tom Stockbrides	639 WOODLAND W. MICHIGAN	JULY 22, 2016	<i>[Signature]</i>
13	Net Gingers Bunch	641 WOODLAND W. MICHIGAN	JULY 25, 2016	<i>[Signature]</i>
14	Mary Ellen Sheets	647 WOODLAND W. MICHIGAN	NOV 28, 2016	<i>[Signature]</i>
15	Stephanie Carter	616 W. MICHIGAN	JUNE 9, 2017	<i>[Signature]</i>
16		WOODLAND	SEPT. 2016	
17		WOODLAND	SEPT. 2016	
18		WOODLAND	SEPT. 2016	
19		WOODLAND	SEPT. 2016	
20		WOODLAND	SEPT. 2016	

The undersigned residence in the City of Boyne City do hereby request the Commissioners of Boyne City to a public hearing on having city water that currently ends at the intersection of Bay Street and W. Michigan to be run down W. Michigan to the end of the City limits at the end of Woodland Street. We would request that if this appeal is approved by the City of Boyne City that any cost be paid by the City of Boyne City and added to each residence's tax bill by way of a Special Assessment to be paid off over a 10 to 20 year period of time.

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DANIEL WOLLSCHLAGER	625 W. MICHIGAN	SEPT. 11 2016	<i>[Signature]</i>
GEORGE ELLWANGER	625 W. MICHIGAN	SEPT. 11 2016	<i>[Signature]</i>
William H. Stanley	621 W. MICHIGAN	SEPT. 14 2016	<i>[Signature]</i>
Th A Miller	643 W. MICHIGAN	SEPT. 13 2016	<i>[Signature]</i>
WILLIAM BENTON	631 WOODLAND	SEPT. 13 2016	<i>[Signature]</i>
Richard SARGHEI	645 WOODLAND	SEPT. 13 2016	<i>[Signature]</i>
KERRY RUGGERI	639 W. MICHIGAN	SEPT. 22 2016	<i>[Signature]</i>
George Shioteletis	635 W. MICHIGAN	SEPT. 22 2016	<i>[Signature]</i>
NANCY I. CUMMINGS	622 W. MICHIGAN	SEPT. 22 2016	<i>[Signature]</i>
MARY ELLEN SHEETS	647 WOODLAND	SEPT. 25 2016	<i>[Signature]</i>
	W. MICHIGAN	SEPT. 2016	
	W. MICHIGAN	SEPT. 2016	
	W. MICHIGAN	SEPT. 2016	
	W. MICHIGAN	SEPT. 2016	
	W. MICHIGAN	SEPT. 2016	
	WOODLAND	SEPT. 2016	

RECEIVED  
AUG 14 2017

**PETITION FOR OBTAINING BOYNE CITY WATER ON WEST MICHIGNA AND WOODLAND**

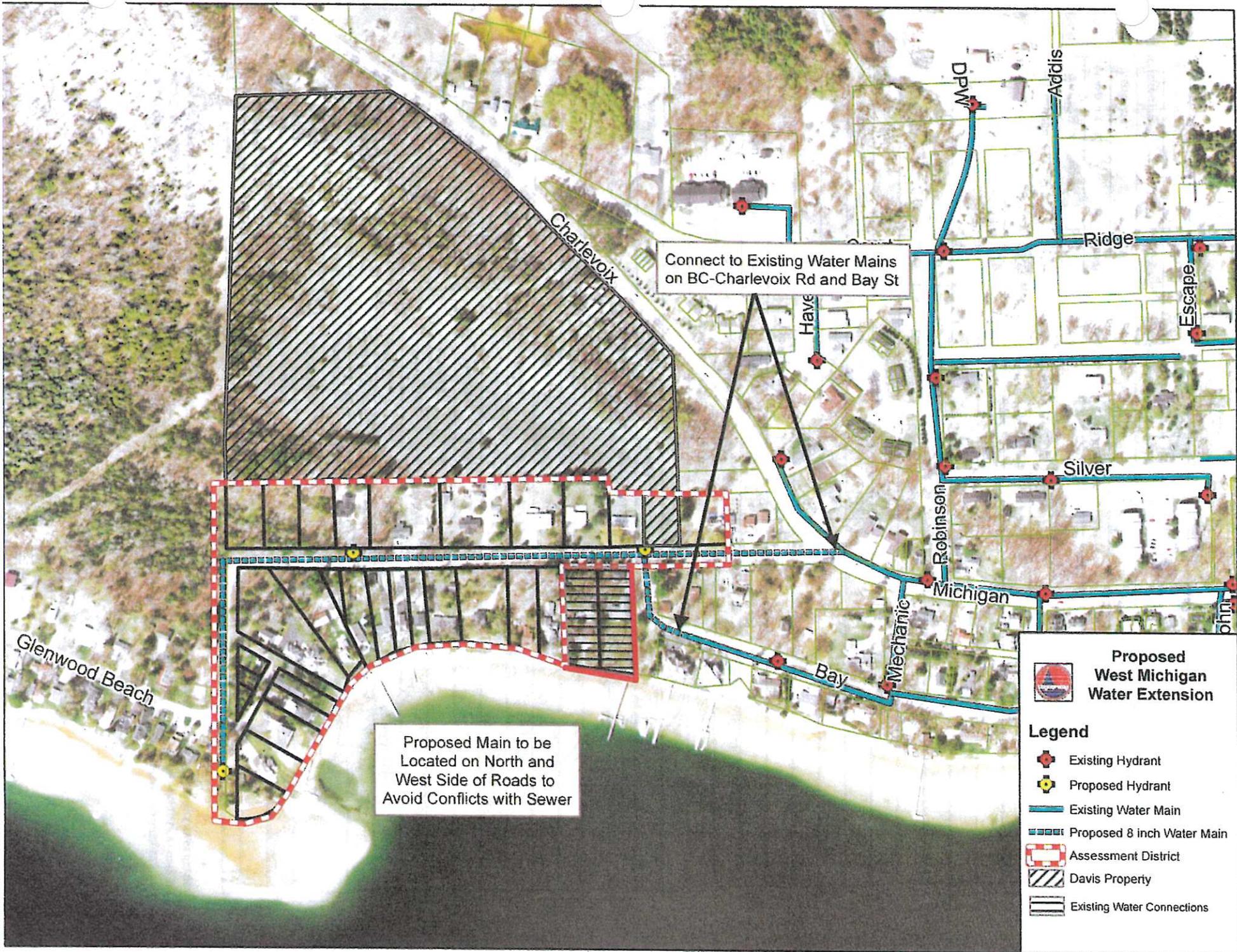
We the undersigned residences in the City of Boyne City do hereby request the Commissioners of Boyne City to have a public hearing on having city water that currently ends at the intersection of Bay Street and W. Michigan Ave. continue to run down W. Michigan Ave. to the end of the City limits at the end of Woodland Street. We would further request that if this appeal is approved by the City of Boyne City that any cost be paid by the City of Boyne

NAME	ADDRESS	DATE	SIGNATURE
MARY ELLEN SHEETS TRUST	647 WOODLAND DR	JUNE ,2017	original petition signed
RICHARD SARCHET TRUST	645 WOODLAND DR	JUNE 4 ,2017	Richard Sarchet Trustee
BETTY SARCHET TRUST	645 WOODLAND DR	JUNE 4 ,2017	Betty Sarchet Trustee
BRUCE BARGET	641 WOODLAND DR	JUNE 4 ,2017	Bruce Barget
NET GINGRAS BARGET	641 WOODLAND DR	JUNE 4 ,2017	Net Gingras Barget
FIVE MILE INVESTMENT CO	639 WOODLAND DR	JUNE 11 ,2017	(PARTNER, LLC)
CYNTHIA L BINDER LIVING TRUST	631 WOODLAND DR	JUNE ,2017	
THOMAS A MILLER	643 WOODLAND DR	JUNE 14 ,2017	Thomas A Miller
BARBARA R MILLER	643 W. MICHIGAN AVE.	JUNE 14 ,2017	Barbara R. Miller
GEORGE E SHIOTELIS, JR	635 W. MICHIGAN AVE.	JUNE 9 ,2017	George E Shiotelis
JUDITH SHIOTELIS	635 W. MICHIGAN AVE.	JUNE 4 ,2017	Judith L. Shiotelis
WALTER D COYLE	631 W. MICHIGAN AVE.	JUNE ,2017	
SUSAN LEE COYLE	631 W. MICHIGAN AVE.	JUNE ,2017	
KERRY A RUGGERI	629 W. MICHIGAN AVE.	JUNE 4 ,2017	Kerry Ruggeri
DEBIANN A RUGGERI	629 W. MICHIGAN AVE.	JUNE 4 ,2017	Debiann Ruggeri
GEORGE R ELLWANGER	627 W. MICHIGAN AVE.	JUNE 9 ,2017	George Ellwanger
BARBARA J ELLWANGER	627 W. MICHIGAN AVE.	JUNE ,2017	Barbara Ellwanger
DANIEL J WOLLSCHLAGER	625 W. MICHIGAN AVE.	JUNE 3 ,2017	Daniel Wollschlager
CONNIE WOLLSCHLAGER	625 W. MICHIGAN AVE.	JUNE 3 ,2017	Connie Wollschlager
MARIAN F MARTIN TRUST AGREEMENT	623 W. MICHIGAN AVE.	JUNE ,2017	
WILLIAM STANLEY TRUST	621 W. MICHIGAN AVE.	JUNE ,2017	ORIGINAL PETITION - SIGNED
REST YE COTTAGE LLC	617 W. MICHIGAN AVE.	JUNE ,2017	
RUTH HERZOG REVOCABLE TRUST	615 W. MICHIGAN AVE.	JUNE ,2017	
MICHAEL O'BRIEN	LOT W. MICHIGAN AVE.	JUNE ,2017	
CHRISTINE O'BRIEN	LOT W. MICHIGAN AVE.	JUNE ,2017	
MICHAEL O'BRIEN	LOT W. MICHIGAN AVE.	JUNE ,2017	
LEANNE CAREY	630 W. MICHIGAN AVE.	JUNE ,2017	
PATRICK TITES	630 W. MICHIGAN AVE.	JUNE ,2017	
DAVID AUSTIN	628 W. MICHIGAN AVE.	JUNE ,2017	
NANCY CUNNINGHAM	622 W. MICHIGAN AVE.	JUNE ,2017	ORIGINAL PETITION SIGNED
STEPHANIE CARTER	616 W. MICHIGAN AVE.	JUNE ,2017	ORIGINAL PETITION SIGNED
SALLY A HERZOG LIVING TRUST	612 W. MICHIGAN AVE.	JUNE ,2017	
GARLAND GILBERT	520 W. MICHIGAN AVE.	JUNE ,2017	
MRS GILBERT	520 W. MICHIGAN AVE.	JUNE ,2017	
CHRISTY DAVIS	615 W. MICHIGAN AVE.	JUNE ,2017	3c

PETITION FOR OBTAINING BOYNE CITY WATER ON WEST MICHIGNA AND WOODLAND

We the undersigned residences in the City of Boyne City do hereby request the Commissioners of Boyne City to have a public hearing on having city water that currently ends at the intersection of Bay Street and W. Michigan Ave. continue to run down W. Michigan Ave. to the end of the City limits at the end of Woodland Street. We would further request that if this appeal is approved by the City of Boyne City that any cost be paid by the City of Boyne

NAME	ADDRESS	DATE	SIGNATURE
MARY ELLEN SHEETS TRUST	647 WOODLAND DR	JUNE ,2017	
RICHARD SARCHET TRUST	645 WOODLAND DR	JUNE 4 ,2017	Richard Sarchet Trustee
BETTY SARCHET TRUST	645 WOODLAND DR	JUNE 4 ,2017	Betty Sarchet Trustee
BRUCE BARGET	641 WOODLAND DR	JUNE 4 ,2017	Bruce Barget
NET GINGRAS BARGET	641 WOODLAND DR	JUNE 4 ,2017	Net Gingras Barget
FIVE MILE INVESTMENT CO	639 WOODLAND DR	JUNE 11 ,2017	
CYNTHIA L BINDER LIVING TRUST	631 WOODLAND DR	JUNE 24 ,2017	Cynthia L. Binder
THOMAS A MILLER	643 WOODLAND DR	JUNE ,2017	
BARBARA R MILLER	643 W. MICHIGAN AVE.	JUNE ,2017	
GEORGE E SHIOTELIS, JR	635 W. MICHIGAN AVE.	JUNE 4 ,2017	George E Shiotelis
JUDITH SHIOTELIS	635 W. MICHIGAN AVE.	JUNE 4 ,2017	Judith Shiotelis
WALTER D COYLE	631 W. MICHIGAN AVE.	JUNE ,2017	Walter D Coyle
SUSAN LEE COYLE	631 W. MICHIGAN AVE.	JUNE ,2017	Susan Lee Coyle
KERRY A RUGGERI	629 W. MICHIGAN AVE.	JUNE 4 ,2017	Kerry A Ruggeri
DEBIANN A RUGGERI	629 W. MICHIGAN AVE.	JUNE 4 ,2017	Debiann A Ruggeri
GEORGE R ELLWANGER	627 W. MICHIGAN AVE.	JUNE 4 ,2017	George R Ellwanger
BARBARA J ELLWANGER	627 W. MICHIGAN AVE.	JUNE ,2017	Barbara Ellwanger
DANIEL J WOLLSCHLAGER	625 W. MICHIGAN AVE.	JUNE 3 ,2017	Daniel Wollschlager
CONNIE WOLLSCHLAGER	625 W. MICHIGAN AVE.	JUNE 3 ,2017	Connie Wollschlager
MARIAN F MARTIN TRUST AGREEMENT	623 W. MICHIGAN AVE.	JUNE ,2017	
WILLIAM STANLEY TRUST	621 W. MICHIGAN AVE.	JUNE ,2017	
REST YE COTTAGE LLC	617 W. MICHIGAN AVE.	JUNE ,2017	
RUTH HERZOG REVOCABLE TRUST	615 W. MICHIGAN AVE.	JUNE ,2017	
MICHAEL O'BRIEN	LOT W. MICHIGAN AVE.	JUNE ,2017	
CHRISTINE O'BRIEN	LOT W. MICHIGAN AVE.	JUNE ,2017	
MICHAEL O'BRIEN	LOT W. MICHIGAN AVE.	JUNE ,2017	
LEANNE CAREY	630 W. MICHIGAN AVE.	JUNE ,2017	
PATRICK TITES	630 W. MICHIGAN AVE.	JUNE ,2017	
DAVID AUSTIN	628 W. MICHIGAN AVE.	JUNE ,2017	
NANCY CUNNINGHAM	622 W. MICHIGAN AVE.	JUNE ,2017	
STEPHANIE CARTER	616 W. MICHIGAN AVE.	JUNE ,2017	
SALLY A HERZOG LIVING TRUST	612 W. MICHIGAN AVE.	JUNE ,2017	
GARLAND GILBERT	520 W. MICHIGAN AVE.	JUNE ,2017	
MRS GILBERT	520 W. MICHIGAN AVE.	JUNE ,2017	
CHRISTY DAVIS	615 W. MICHIGAN AVE.	JUNE ,2017	
LAUANNE DAVIS	615 W. MICHIGAN AVE.	JUNE ,2017	



Connect to Existing Water Mains on BC-Charlevoix Rd and Bay St

Proposed Main to be Located on North and West Side of Roads to Avoid Conflicts with Sewer

**Proposed West Michigan Water Extension**

- Legend**
-  Existing Hydrant
  -  Proposed Hydrant
  -  Existing Water Main
  -  Proposed 8 inch Water Main
  -  Assessment District
  -  Davis Property
  -  Existing Water Connections

4



123 West Main Street  
 Suite 200  
 Gaylord, MI 49735  
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 F: 989.732.2714  
 info@c2ae.com  
 www.c2ae.com

**CITY OF BOYNE CITY**  
**Michigan/Woodland Water Main Extension**  
**Preliminary Opinion of Probable Construction Costs**  
**6/6/2017**

Project Area - Woodland Drive, Michigan Ave. to Charlevoix Road and a portion of Bay Street

Item #	ITEM DESCRIPTION	Estimated Quantity	Item Unit	Unit Price	Total Price
1	Mobilization	1	LSUM	\$10,000.00	\$10,000.00
2	Remove Concrete Driveways	150	SYD	\$4.00	\$600.00
3	Irrigation Systems, Protect	1	LSUM	\$800.00	\$800.00
4	Tree Removal and Clearing	1	LSUM	\$5,000.00	\$5,000.00
5	Water Main, 8" PVC DR 18	2,320	LFT	\$40.00	\$92,800.00
6	Water Valve, 8"	6	EACH	\$1,000.00	\$6,000.00
7	Fire Hydrant Assembly	3	EACH	\$4,000.00	\$12,000.00
8	1" Dia. Tapping Saddle and Corporation Stop	19	EACH	\$250.00	\$4,750.00
9	Water Service, 1" Type K Copper	1,140	LFT	\$25.00	\$28,500.00
10	Curb Stop & Box, 1 Inch	19	EACH	\$250.00	\$4,750.00
11	Connect To Existing Water Main	2	EACH	\$3,500.00	\$7,000.00
12	6" Aggregate Drive	150	SYD	\$5.50	\$825.00
13	6" 22A Aggregate Base	300	SYD	\$5.00	\$1,500.00
14	HMA Pavement (330#/syd) Drives and Crossings	50	TON	\$120.00	\$6,000.00
15	6" Concrete Drive Approach	1,350	SFT	\$5.00	\$6,750.00
16	Traffic Control and Signage	1	LSUM	\$2,500.00	\$2,500.00
17	Erosion Control Measures	1	LSUM	\$1,500.00	\$1,500.00
18	Restoration: 3" Topsoil and Class A Seed	3,500	SYD	\$3.00	\$10,500.00
<b>SUBTOTAL=</b>					<b>\$201,775.00</b>
<b>30% CONTINGENCY &amp; ENGINEERING =</b>					<b>\$60,530.00</b>
<b>TOTAL=</b>					<b>\$262,310.00</b>

**Basis for Cost Opinion:**

- 8" Water Main, Full Length of Woodland, Michigan to Charlevoix and portion of Bay Street
- Estimated 19 Services Along Route (Developed Parcels Only)
- Water Main Located on North and West Sides of Roadway to avoid conflict with Sewer
- Services under pavement to be bored
- Service costs to property line only, does not include any City fees or connection to homes
- Water Main is to be located outside the roadway surface, only road crossings and drive crossings are included
- Replace all drive approaches with like materials
- No new sidewalk or curb and gutter included
- Bedding and Backfill with existing trench materials
- Restoration cost is based on seed, not sod
- Minor trench dewatering included in water main cost

## Chapter 50

### SPECIAL ASSESSMENTS

Sec. 50-1.	Definitions.
Sec. 50-2.	Defrayal of costs for public improvements.
Sec. 50-3.	Initiation of public improvements.
Sec. 50-4.	Form of petitions.
Sec. 50-5.	Investigation by city assessor.
Sec. 50-6.	Duties of city manager and city assessor.
Sec. 50-7.	Filing of report; notice of hearing.
Sec. 50-8.	Modification.
Sec. 50-9.	Determination to make improvements; objections.
Sec. 50-10.	Completion of plans; advertisement for bids.
Sec. 50-11.	Determination of costs.
Sec. 50-12.	Determination of benefits.
Sec. 50-13.	Notice of hearing on roll.
Sec. 50-14.	Hearing; corrections or changes in roll; confirmation; objections.
Sec. 50-15.	Roll to be final and conclusive.
Sec. 50-16.	Confirmation before improvement.
Sec. 50-17.	Lien; date assessments due; installments.
Sec. 50-18.	Report to city treasurer.
Sec. 50-19.	Payment without penalty or interest.
Sec. 50-20.	Installments to be spread upon the city tax roll.
Sec. 50-21.	Collection; fees.
Sec. 50-22.	Prepayment.
Sec. 50-23.	Quarterly payment of installments.
Sec. 50-24.	Certification of costs.
Sec. 50-25.	Deficiency in assessments.
Sec. 50-26.	Excess of assessments.
Sec. 50-27.	Additional assessments.
Sec. 50-28.	Lands divided after assessments; apportionment of assessment.
Sec. 50-29.	Illegal assessment; reassessment procedure.
Sec. 50-30.	Assessment irregularities; effect.

**Sec. 50-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cost* means and includes, when referring to the cost of any public improvement, the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction, and legal fees and all other costs incident to the making of such improvement, the special assessments therefor and the financing thereof.

*Public improvement* means any improvement upon public property which results in special benefit to the real property in the vicinity of such improvement.  
(Comp. Ords. 1986, § 12.401)

**Sec. 50-2. Defrayal of costs for public improvements.**

The entire cost and expense or any part thereof of all public improvements may be defrayed by special assessment upon the lands especially benefited by the improvement in the manner herein-after provided.  
(Comp. Ords. 1986, § 12.402)

**Sec. 50-3. Initiation of public improvements.**

Proceedings for making public improvements may be initiated by resolution of the commission or by petition of the owners of a majority of the land liable to be assessed in any proposed special assessment district. All public improvements shall be made at the discretion of the commission and no petition shall be mandatory upon the commission.  
(Comp. Ords. 1986, § 12.403)

**Sec. 50-4. Form of petitions.**

All petitions for public improvements shall be on a form supplied by the city clerk and shall include an affidavit by one or more of the circulators that the signatures appearing thereon are genuine and each signer declares himself to be the owner of the interest in the land indicated. All such petitions shall be filed with the city clerk and referred to the city manager and city assessor

for investigation and report and the city clerk shall report the receipt of all such petitions to the city commission at the next regular meeting following receipt of any such petition.  
(Comp. Ords. 1986, § 12.404)

**Sec. 50-5. Investigation by city assessor.**

All petitions for public improvements shall be investigated by the city assessor to determine whether a sufficient number of valid signatures have been obtained and, if such investigation discloses a deficiency, the said petition shall be returned to the circulator with notice of that fact. Where any lot or parcel of land is owned by more than one person each person having an interest must join in the petition.  
(Comp. Ords. 1986, § 12.405)

**Sec. 50-6. Duties of city manager and city assessor.**

(a) Whenever the city assessor shall determine that a petition containing the required number of valid signatures has been received, or whenever the city commission shall by resolution so direct, the city manager and city assessor shall make an investigation of the proposed public improvement and report their findings to the city commission. The said report shall include an analysis of the following:

- (1) Tax delinquency in the proposed special assessment district, past, current and potential;
- (2) Present land use and potential use;
- (3) Present assessed value of the land;
- (4) Projected market value of the land for the five years immediately succeeding the installation of the improvement;
- (5) The estimated cost of the proposed project; and
- (6) The need for the improvement.

(b) There shall also be included recommendations as to the following:

- (1) The necessity, feasibility and desirability of the proposed improvement;

- (2) The portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the city at large;
- (3) The extent of the improvement and boundaries of the district; and
- (4) Any other facts or recommendations which will aid the commission in determining whether the improvement shall be made and how the same shall be financed.

(Comp. Ords. 1986, § 12.406)

**Sec. 50-7. Filing of report; notice of hearing.**

(a) Upon receipt of the report of the city manager and city assessor, if the commission shall determine to proceed with the said improvement they shall order the said report filed with the city clerk for public examination and shall publish notice of their intention to make the said public improvement at least once in a newspaper published and generally circulated in the city.

(b) The notice shall describe:

- (1) The property to be included in the proposed special assessment district;
- (2) The nature of the improvement; and
- (3) The estimated cost of the same.

(c) The notice shall set a time not less than ten days following the date of publication thereof when the commission will meet and hear objections to the proposed improvement or to the inclusion of any property within the proposed district.

(d) The notice shall also be sent by first class mail to all property owners within the proposed district as shown by current assessment rolls of the city.

(Comp. Ords. 1986, § 12.407)

State law reference—Required notice, MCL 211.741 et seq.

**Sec. 50-8. Modification.**

The commission may, at or after the public hearing, modify the proposed improvement or district in any respect which they shall deem in the best interests of the city at large; provided that in the event the amount of work is increased

or the boundaries of the district enlarged, then another hearing shall be held pursuant to notice required by section 50-7. Any hearing may be adjourned from time to time without further notice.

(Comp. Ords. 1986, § 12.408)

**Sec. 50-9. Determination to make improvements; objections.**

(a) If, after hearing any objections, the commission shall determine to proceed with the improvement, it shall so determine by resolution.

(b) Such resolution shall:

- (1) Include the determination of the necessity for the improvement;
- (2) Set forth the nature thereof;
- (3) Designate the limits of the special assessment district to be affected;
- (4) Describe the lands to be assessed;
- (5) Determine the part or proportion of the cost to be paid by the land especially benefited thereby, and the part or proportion, if any, to be paid by the city at large;
- (6) Determine the number of installments in which the said assessment may be paid, the rate of interest, not exceeding six percent, to be charged if the payment of any balance is to be deferred; and
- (7) Order the city manager to prepare plans, profiles and specifications for the work to be done.

(c) If there are objections in writing filed with the city clerk prior to the said hearing, the passage of such resolution shall require the concurrence of the five commissioners elect if the objection shall be filed by the owners of the property in the district which will be required to bear more than 50 percent of the amount of such special assessment; otherwise, a three-fifths vote shall be sufficient.

(Comp. Ords. 1986, § 12.409)

**Sec. 50-10. Completion of plans; advertisement for bids.**

When the said plans, profiles and specifications have been completed, the city manager shall return the same to the commission and the commission shall, if the work is to be done by independent contractors, order the advertisement for sealed bids for the work in accordance with the purchasing procedure. In addition, such advertisement shall specify that no contract shall be let until the special assessment roll has been confirmed and no bid may be withdrawn for 45 days after the opening thereof. In the event the work is to be done by the city, the city manager shall present a revised estimate of costs at the time said plans, profiles and specifications are returned to the commission.  
(Comp. Ords. 1986, § 12.410)

**Sec. 50-11. Determination of costs.**

After the opening of the said bids, the commission shall revise the estimated cost of the said improvement upon the basis of the bids received or, where the work is to be done by the city, shall revise the estimated costs on the basis of the estimate of the city manager after receipt of such estimate and shall direct the city assessor to make a special assessment roll of the part or proportion of the cost to be borne by the lands especially benefited according to the benefits received and report the same to the commission.  
(Comp. Ords. 1986, § 12.411)

**Sec. 50-12. Determination of benefits.**

The commission shall, within two months after the effective date of the ordinance from which this section is derived, by resolution, establish standards to be used by the city assessor in determining the benefits to any lot or parcel of land in a special assessment district. Such standards shall, if benefit is to be measured by front footage, make allowance for side frontage, the use of depth factors, and establish a policy for irregular lots. Such standards shall also establish a policy for the inclusion of nonabutting lots or parcels of land in special assessment districts, make allowances for the distance of such lands from the improvement, where distance affects the benefits re-

ceived, and provide that the measurement or such distance shall be along the usual routes of access. In no event shall the assessed valuation of the lands be used in determining the benefit to such lands.

(Comp. Ords. 1986, § 12.412)

**Sec. 50-13. Notice of hearing on roll.**

When the said special assessment roll shall have been reported to the commission, they shall order the same filed in the office of the city clerk for public examination and shall order publication of a notice of public hearing when the commission will meet and review the said roll. Such notice shall be made by at least one publication in a newspaper printed and circulated in the city at least ten days prior to the time set for the said hearing, said notice to be also sent by first class mail to all property owners within the proposed district as shown by current assessment rolls of the city.

(Comp. Ords. 1986, § 12.413)

State law reference—Required notice, MCL 211.741 et seq.

**Sec. 50-14. Hearing; corrections or changes in roll; confirmation; objections.**

The commission shall meet and review the said special assessment roll at the time and place appointed or at any adjourned meeting thereof and shall consider any objections thereto. The commission may correct said roll as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in such roll shall be noted in the commission's minutes. After such hearing and review the commission may confirm such special assessment roll with such corrections as it may have made, if any, or may refer it back to the assessor for revision, or may annual it or any proceedings in connection therewith. No special assessment roll shall be finally confirmed except by the affirmative vote of all five of the commissioners elect if prior to said hearing written objections to the proposed improvement have been filed with the city clerk by the owners of property which will be required to bear more than 50 percent of the amount of such

special assessment; otherwise, a three-fifths vote shall be sufficient. The city clerk shall endorse the date of confirmation upon each assessment roll. (Comp. Ords. 1986, § 12.414)

**Sec. 50-15. Roll to be final and conclusive.**

Such roll shall be, upon confirmation, final and conclusive. (Comp. Ords. 1986, § 12.415)

**Sec. 50-16. Confirmation before improvement.**

No public improvement to be financed in whole or in part by special assessment shall be made before the confirmation of the special assessment roll for such improvement. (Comp. Ords. 1986, § 12.416)

**Sec. 50-17. Lien; date assessments due; installments.**

(a) All special assessments contained in any special assessment roll, including any part thereof to be paid in installments, shall from the date of confirmation of such roll constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land and a debt to the city from the persons to whom they are assessed. Such liens shall be of the same character and effect as the lien created by the Charter for city taxes and shall include accrued interest and fees. No judgment or decree nor any act of the commission vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by a regular mode of proceeding might be lawfully assessed thereon. All special assessments shall become due upon confirmation of the special assessment roll or in annual installments, not to exceed ten in number, as the commission may determine at the time of confirmation, and, if in annual installments, the commission shall determine the due date of the first installment and shall determine the date in each succeeding year upon which subsequent installments shall be due.

(b) The initial special assessment installments which become due other than on July 1 shall, if unpaid for 90 days or more on May 1 of any year, be certified as delinquent to the commission by the treasurer and the commission shall place such delinquent assessments on the tax roll for that year together with accrued interest to July 1 of such year. The total amount of such assessment and interest shall thereafter be collected in all respects as are city taxes due on July 1 of that year and shall be subject to the same fees and penalties as are city taxes due on that date and if uncollected on the following March 1 shall be returned to the county treasurer with unpaid taxes.

(Comp. Ords. 1986, § 12.417)

State law reference—Deferment of special assessments for property owned by senior citizens or disabled persons, MCL 211.761 et seq.

**Sec. 50-18. Report to city treasurer.**

Whenever any special assessment roll shall be confirmed and be payable, the commission shall direct the city clerk to transmit the assessment roll to the city treasurer for collection. The city treasurer shall mail statements of the several assessments to the respective owners of the several lots and parcels of land assessed, as indicated by the records of the city assessor, stating the amount of the assessment and the manner in which it may be paid; provided, however, that failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

(Comp. Ords. 1986, § 12.418)

**Sec. 50-19. Payment without penalty or interest.**

The whole or any part of any such assessment may be paid at any time after the date of confirmation of the special assessment roll until the tenth day of the second calendar month following such confirmation without interest or penalty.

(Comp. Ords. 1986, § 12.419)

**Sec. 50-20. Installments to be spread upon the city tax roll.**

Every installment of any special assessment shall be spread upon the city tax roll for the year

in which it falls due in a column headed "Special Assessments" together with interest upon all unpaid installments as provided by resolution adopted by the city commission.

(Comp. Ords. 1986, § 12.420)

**Sec. 50-21. Collection; fees.**

If an installment of a special assessment is not paid when due, then the installment shall be delinquent and there shall be collected, in addition to all required interest, a collection fee at the rate of not more than one percent for each month, or fraction of a month, that the installment remains unpaid before being reported for reassessment upon the city tax roll. After each special assessment or installment has been placed on the tax rolls, the same shall be collected by the city treasurer with the same rights and remedies, and subject to the same collection fees, as provided in the Charter for the collection of taxes. All such collection fees shall belong to the city and be collectible in the same manner as the collection fee for city taxes.

(Comp. Ords. 1986, § 12.421)

**Sec. 50-22. Prepayment.**

After the expiration of the period provided in section 50-19 for payment without interest or fees any installment which has not been spread upon the tax rolls may be discharged by paying the face amount thereof together with interest thereon from the date specified for commencement of interest, as set forth in the resolution of confirmation adopted by the city commission, to the date of payment. The city treasurer shall report to the city assessor all advance payments on installment so that the assessor shall have such information before spreading installments on the next city tax roll.

(Comp. Ords. 1986, § 12.422)

**Sec. 50-23. Quarterly payment of installments.**

The commission may by resolution, upon confirmation of the assessment roll on or before the first meeting in January of any year, direct that the owners may pay any installment due and payable during that year or any succeeding year

in quarterly installments on such terms as shall be provided by said resolution. In such case, the city treasurer shall, not later than February 20 in any such year, notify each owner of the option to pay such installment in the manner provided. The failure to mail any such notice shall not invalidate the assessment or entitle the owner to any extension of time within which to pay the assessment or any installment thereof.

(Comp. Ords. 1986, § 12.423)

**Sec. 50-24. Certification of costs.**

Upon completion of the improvement, the financing thereof, and the payment of the cost thereof, the city clerk shall certify to the commission the total cost of said improvement together with the amount of the original roll for said improvement.

(Comp. Ords. 1986, § 12.424)

**Sec. 50-25. Deficiency in assessments.**

Should the assessments in any special assessment roll, including the amount assessed to the city at large, prove insufficient for any reason to pay the cost of the improvement for which they were made, then the commission may make additional assessments to supply the deficiency against the city and the several lots and parcels of land in the same ratio as the original assessments, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement.

(Comp. Ords. 1986, § 12.425)

**Sec. 50-26. Excess of assessments.**

(a) The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the city if such excess is three percent or less of the assessment, but should the assessment prove larger than necessary by more than three percent, the entire excess shall be refunded on a prorata basis to the owners of the property taxed.

(b) Such refund shall be made by credit against future unpaid installments in the inverse order in which they are payable to the extent such install-

ments shall exist, and the balance of such refund shall be paid in cash to the owners of the property as shown by the last tax roll.

(c) No refunds may be made which contravene the provisions of any evidence of indebtedness secured in whole or in part by such special assessments.  
(Comp. Ords. 1986, § 12.426)

**Sec. 50-27. Additional assessments.**

Additional prorate assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto, or to pay the principal and interest on bonds or other evidences of obligation issued therefor; provided that the additional prorate assessment shall not exceed 25 percent of the assessment as originally confirmed unless a meeting of the commission be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll.  
(Comp. Ords. 1986, § 12.427)

**Sec. 50-28. Lands divided after assessments; apportionment of assessment.**

Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the city assessor shall apportion the uncollected amounts upon the several lots and lands so divided, and shall enter the several amounts upon the next tax roll. The apportionment, when the tax roll shall have been reviewed and confirmed, shall be final and conclusive on all parties.  
(Comp. Ords. 1986, § 12.428)

**Sec. 50-29. Illegal assessment; reassessment procedure.**

(a) Whenever any special assessment shall, in the opinion of the commission, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the commission shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to

cause a new assessment to be made for the same purpose for which the former assessment was made.

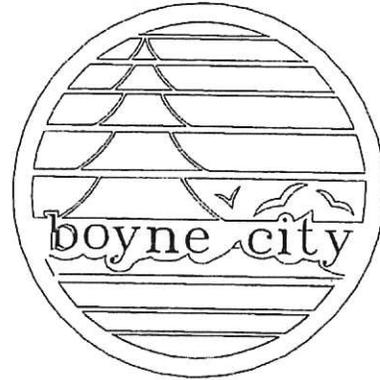
(b) All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any assessment or part thereof, levied upon any premises has been set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the assessment on said premises, and the reassessment shall to that extent be deemed satisfied.  
(Comp. Ords. 1986, § 12.429)

**Sec. 50-30. Assessment irregularities; effect.**

If in any action it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises.  
(Comp. Ords. 1986, § 12.430)

## CITY OF BOYNE CITY

**To:** Michael Cain, City Manager *Mc*  
**From:** Scott McPherson, Planning Director *SM*  
**Date:** September 20, 2017  
**Subject:** W Michigan Water Assessment Area Land Use



### Background

The proposed assessment district for the W Michigan Water Extension includes 26 complete parcels and a portion of 1 parcel. The parcels consist of a mixture of single family homes and vacant properties. The proposed assessment district consists of two zoning districts with all of the lake front parcels in the Waterfront Residential District (WRD) and all of the non-waterfront parcels located on the north side of Michigan Ave located in the Traditional Residential District (TRD). The allowed uses for the TRD and WRD are established by Articles IV and V respectively of the Boyne City Zoning Ordinance and have been attached for reference. Parcels range in size from approximately 10,000 square feet to 50,000 square feet and range in lot widths from 50 feet to 205 feet. The required lot area size and width and setback requirements for the zoning districts are established by article XX schedule of regulations. The future land use for the assessment area is Neighborhood Residential and Rural Residential, the future land use map has been attached for reference.

### Present Use

The use of the parcels for single family dwellings is a use by right in both the TRD and the WRD. All of the subject parcels are conforming in lot area, however, several of the parcels in the WRD district are below the minimum lot width requirement and some may have setback nonconformities. These dimensional nonconformities do not prevent the reestablishment of the conforming use if it is removed for any reason, but may require the relocation of the use to conform to the dimensional requirements of the district.

### Potential Use

The existing zoning and the future land use map ensure that the current residential land uses will continue well into the future. Given the vacant parcels and large lot sizes of some of the existing parcels that could potentially be split to create new parcels, it is not unreasonable to speculate that the area would see some increased residential density in the future. If the water is extended to this area, the potential of more single family homes being developed in this area is even more likely.

## ARTICLE IV TRADITIONAL RESIDENTIAL DISTRICT (TRD)

### Section 4.10 Purpose.

The purpose of this district is to provide a pleasant and attractive residential living environment of a medium density, primarily on previously platted residential lots and served with community water and sanitary sewer facilities, characterized by compact, concentrated development patterns. It is the further intent of this district to provide for such uses as schools, churches, libraries, parks, playgrounds, and other public and semi-public uses, along with certain home occupations and offices, accessory apartments, and others, to coexist on a limited and structured basis along side and with residential uses.

### Section 4.20 Principal Permitted Uses.

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

- A. Single family detached dwellings.
- B. Public, parochial and private schools including nursery schools; churches, temples, and similar places of worship with a maximum capacity of five-hundred (500) worshippers; libraries; and community buildings.
- C. Municipal parks, playgrounds, and recreation centers.
- D. Adult foster care family homes, provided, this subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released from or assigned to adult correctional institutions.
- E. Home occupations in which customers or patrons do not visit the site for the delivery of goods and/or services.
- F. Family day care homes.
- G. Accessory structures and uses customarily incidental to the above permitted uses.

### Section 4.30 Conditional Uses.

The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV:

- A. Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage.

Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off-street parking shall be in accordance with D.1.a of this subsection.

- B. Private recreation areas, uses and facilities including, marinas, and swimming pools subject to the following:
  - 1. No building shall be located within one-hundred (100) feet of a dwelling.
  - 2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
  - 3. Swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.
- C. Home occupations in which customers or patrons visit the site for the delivery of goods and/or services.
- D. Two-family dwellings.
  - 1. Criteria for granting conditional uses for two-family dwellings in a Traditional Residential District (TRD).
    - a. A parking area shall be provided for the occupant of both units which shall be hard surfaced, preferably asphalt, brick or concrete, and shall have at least two (2) parking spaces for each dwelling unit (not less than four (4) spaces).
    - b. The applicant shall submit a site plan (drawn to scale and indicating the setbacks) and a floor plan of both units showing the present use and the proposed use of each room in the structure. Any permit granted allowing the conditional use shall designate the number of bedrooms allowed in each unit and such number shall not thereafter be increased.
    - c. The size and architecture shall be in harmony with the existing neighborhood in which it is located and will not be detrimental to the future orderly development of the nearby properties.
    - d. Any refuse and garbage collection area or devices shall comply with 35.052, Section 2, Containers, of the City of Boyne City General Ordinances.
    - e. The applicant shall compile a list and provide a map of existing duplex units, multiple family units, rooming houses, and care facilities within three-hundred (300) feet of the proposed structure. The Planning Commission shall be entitled to consider the density of such units and limit the density within that area.

- E. Public utility transformer stations, substations and gas regulator stations without service or storage yards shall comply with the requirements of this Ordinance and shall be subject to the following: a front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirement of the district in which it is located) and two (2) side yards and a rear yard shall be provided, each shall not be less than twenty-five (25) feet in width. The previously mentioned conditional uses shall be landscaped with a buffer of plant materials that effectively screens the view of the use from property used for residences, public walkways, and rights of-way. The standard buffer shall consist of a landscaped strip at least six feet (6) feet wide outside the perimeter of the compound. The buffer shall contain a variety of species of plants.
  
- F. Funeral homes. (amended: October 24, 2007)

## ARTICLE V WATERFRONT RESIDENTIAL DISTRICT (WRD)

### Section 5.10 Purpose.

The purpose of this district is to provide a pleasant and attractive residential living environment of a low density, primarily on lots with frontage upon Lake Charlevoix and other bodies of water within the City. It is the further intent and purpose of this district to ensure that development within such lots remains at a sustainable density and scale, and does not unreasonably obstruct views, view sheds, scenic vistas, or degrade the quality of the surface waters of Lake Charlevoix and other bodies of water from other lots and public rights-of-way.

### Section 5.20 Principal Permitted Uses.

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

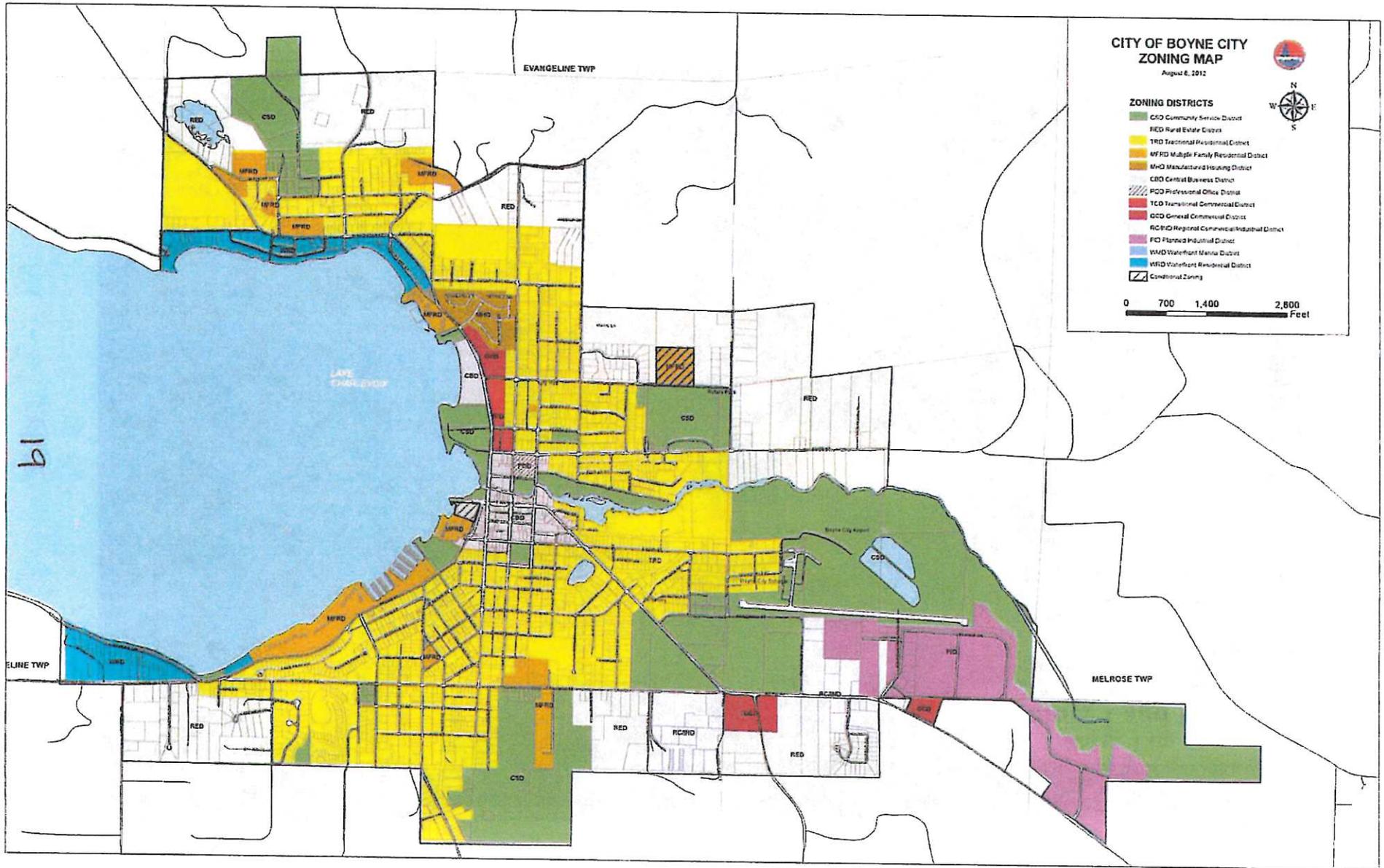
- A. Single family detached dwellings.
- B. Municipal parks, playgrounds, and recreation centers.
- C. Adult foster care family homes, provided, this subsection shall not apply to adult foster care facilities, licensed by a state agency, for the care and treatment of persons released from or assigned to adult correctional institutions.
- D. Home occupations in which customers or patrons do not visit the site for the delivery of goods and/or services.
- E. Family day care homes.
- F. Accessory structures and uses customarily incidental to the above permitted uses, excepting that boat houses shall not be permitted.

### Section 5.30 Conditional Uses.

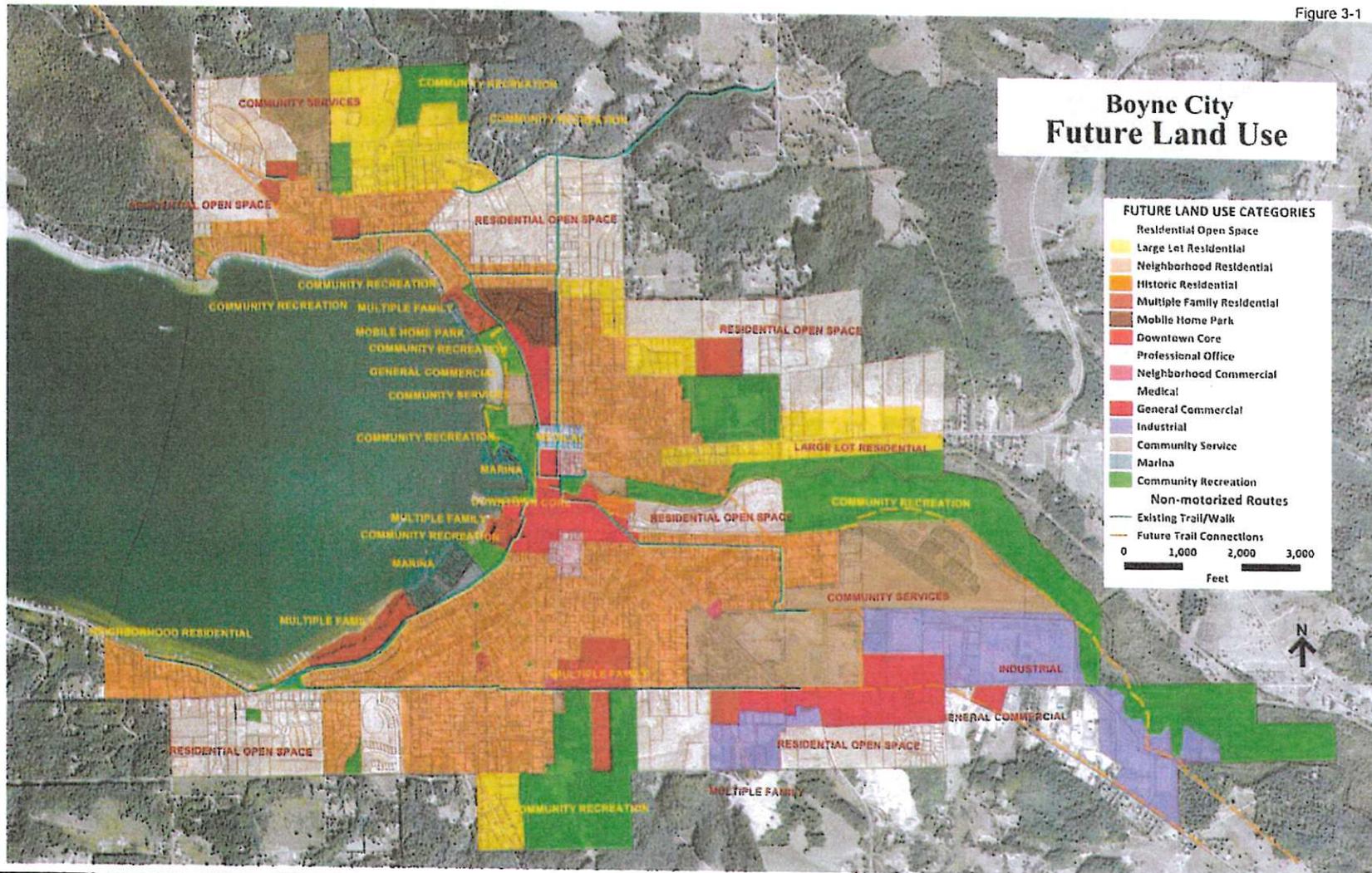
The following uses shall be considered conditional and shall require conditional use approval, and shall comply with any applicable conditional use requirements of Article XXV:

- A. Private recreation areas, uses and facilities including marinas, and swimming pools subject to the following:
  - 1. No building shall be located within one-hundred (100) feet of a dwelling.

2. Facilities such as licensed restaurants and bars may be permitted when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
  3. Swimming pools, tennis courts, boat docks, and similar uses shall be located not less than thirty-five (35) feet from any property line.
- B. Home occupations in which customers or patrons visit the site for the delivery of goods and/or services.
- C. Public utility transformer stations, substations and gas regulator stations without service or storage yards shall comply with the requirements of this Ordinance and shall be subject to the following: a front yard setback of not less than fifty (50) feet shall be provided (irrespective of the yard requirement of the district in which it is located) and two (2) side yards and a rear yard shall be provided, each shall not be less than twenty-five (25) feet in width. The previously mentioned conditional uses shall be landscaped with a buffer of plant materials that effectively screens the view of the use from property used for residences, public walkways and rights-of-way. The standard buffer shall consist of a landscaped strip at least six feet (6) feet wide outside the perimeter of the compound. The buffer shall contain a variety of species of plants.



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## ARTICLE XX SCHEDULE OF REGULATIONS

### Section 20.10 Residential Districts.

Zoning District	Minimum Lot Per Unit		Maximum Height of Structure		Minimum Yard Setback (Per Lot In Feet)				Maximum Percentage of Lot Area Covered by All Buildings <sup>h</sup>	
	Area in Square Feet	Width In Feet	In Stories	In Feet	Front	Sides <sup>k</sup>		Rear		Minimum Floor Area Per Unit (Square Feet) <sup>i</sup>
						At Least One	Total of Two			
Rural Estate District (RED) <sup>o</sup>	10,890	100	2.5	30	30 <sup>c</sup>	10 <sup>k</sup>	30 <sup>k</sup>	30 <sup>l</sup>	800 first floor 1,200 if more than one story	30%
Traditional Residential District (TRD) <sup>o</sup>	5,445	50	2.5	30	10 <sup>c</sup>	5 <sup>k</sup>	15 <sup>k</sup>	15 <sup>l</sup>	672 first floor 1,000 if more than one story	40%
Waterfront Residential District (WRD) <sup>e, m, n, o</sup>	5,445	66	2.5	30	35	5 <sup>k</sup>	15 <sup>k</sup>	15	672 first floor 1,000 if more than one story	30%
Multiple Family Residential District (MFRD) <sup>e, m, n, o</sup>	<sup>g</sup>	100	2.5	35	40 <sup>d</sup>	25 <sup>d</sup>	50 <sup>d</sup>	50 <sup>d</sup>	500	30%
Manufactured Housing Park District (MHPD)	See Article VII Manufactured Housing Park District									

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# BOYNE CITY PROPOSED SPECIAL ASSESSMENT

Sec. 50-5 Investigation by city assessor All petitions for public improvements shall be investigated by the city assessor to determine whether a sufficient number of valid signatures have been obtained and, if such investigation discloses a deficiency, the said petition shall be returned to the circulator with notice of that fact. Where any lot or parcel of land is owned by more than one person each person having an interest must join in the petition. (Comp. Ords. 1986, 12.405)

X	Complete signed parcel
-	Incomplete signed parcel
*	Signed petition

Total Cost		\$ 300,000
City Benefit	0%	\$ -
Property Benefit	100%	\$ 300,000
Interest Rate	4%	
Term	20	

			Total # of complete signed parcels	52%	2017 Assessed	2017 Taxable	Estimated Projected Value in 5 Years	Unit	Total Assessment	Annual Payment
			14						\$ 300,000	\$ 22,075
1	051-170-043-10	647 Woodland Dr Sheets Mary Ellen Trust	X	*	209,800	200,482	468,967	1	\$ 11,111.11	\$817.58
2	051-170-044-10	645 Woodland Dr Sarchet Richard Trustee Sarchet Betty Trustee	X	*	337,800	245,852	750,567	1	\$ 11,111.11	\$817.58
3	051-170-046-25	641 Woodland Dr Barget Bruce Barget Net G	X	*	607,100	494,058	1,343,027	1	\$ 11,111.11	\$817.58
4	051-170-048-15	639 Woodland Dr Final Mile Investment Group LLC	X	*	180,500	180,500	404,507	1	\$ 11,111.11	\$817.58
5	051-170-049-10	631 Woodland Dr Binder Cynthia L Living Trust	X	*	302,300	227,876	672,467	1	\$ 11,111.11	\$817.58
6	051-027-028-00	643 Michigan Ave W Miller Thomas A Miller Barbara R	X	*	583,400	454,639	1,290,887	1	\$ 11,111.11	\$817.58
7	051-027-027-00	635 Michigan Ave W Shiotelis George E Jr. Shiotelis Judith	X	*	221,700	133,504	495,147	1	\$ 11,111.11	\$817.58
8	051-027-029-00	631 Michigan Ave W Coyle Walter D Coyle Susan Lee	X	*	185,800	104,868	416,167	1	\$ 11,111.11	\$817.58

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			Total # of complete signed parcels	52%	2017 Assessed	2017 Taxable	Estimated Projected Value in 5 Years	Unit	Total Assessment	Annual Payment
9	051-027-030-00	629 Michigan Ave W		X	231,400	193,510	516,487	1	\$ 11,111.11	\$817.58
		Ruggeri Kerry A		*						
		Ruggeri Debiann P		*						
10	051-027-031-00	627 Michigan Ave W		X	337,800	264,559	750,567	1	\$ 11,111.11	\$817.58
		Ellwanger George R		*						
		Ellwanger Barbara J		*						
11	051-027-032-00	625 Michigan Ave W		X	176,700	139,071	396,147	1	\$ 11,111.11	\$817.58
		Wollschlager Daniel J		*						
		Wollschlager Connie		*						
12	051-027-037-00	623 Michigan Ave W		-	249,100	176,216	555,427	1	\$ 11,111.11	\$817.58
		Martin Marian F Trust Agmt								
13	051-027-036-00	621 Michigan Ave W		X	165,800	156,138	372,167	1	\$ 11,111.11	\$817.58
		Stanley William H Trust		*						
14	051-027-026-00	617 Michigan Ave W		-	161,000	127,018	361,607	1	\$ 11,111.11	\$817.58
		Rest Ye Cottage LLC								
15	051-027-025-00	615 Michigan Ave W		-	271,000	186,073	603,607	1	\$ 11,111.11	\$817.58
		Herzog Ruth A Revocable Trust								
	051-027-024-00	613 Michigan Ave W		-	278,900	203,536	613,580	0	\$ -	
		Herzog Ruth A Revocable Trust					Existing Water Connection			
	051-027-023-00	519 Michigan Ave W		-	345,000	247,813	759,000	0	\$ -	
		Schreiber Family Cottage LLC					Existing Water Connection			
16	051-185-001-00	Michigan Ave W		-	19,400	5,363	50,087	1	\$ 11,111.11	\$817.58
		O Brien Michael								
		O Brien Christine								
17	051-185-002-00	Michigan Ave W		-	19,400	5,363	50,087	1	\$ 11,111.11	\$817.58
		O Brien Michael								
		O Brien Christine								
18	051-185-003-00	Michigan Ave W		-	19,400	5,363	50,087	1	\$ 11,111.11	\$817.58
		O Brien Phillip Trust								
		O Brien Christine Trust								
19	051-185-004-00	630 Michigan Ave W		-	125,700	104,238	283,947	1	\$ 11,111.11	\$817.58
		Carey Leanne E		*			signed by Pat Carey			
		Tites Patrick								

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			Total # of complete signed parcels	52%	2017 Assessed	2017 Taxable	Estimated Projected Value in 5 Years	Unit	Total Assessment	Annual Payment
20	051-185-005-10	628 Michigan Ave W		-	86,200	77,115	197,047	1	\$ 11,111.11	\$817.58
		Austin David K								
21	051-185-007-10	622 Michigan Ave W		X	108,300	75,812	245,667	1	\$ 11,111.11	\$817.58
		Cunningham Richard E								
		Cunningham Nancy J		*						
					deceased					
22	051-185-009-10	616 Michigan Ave W		X	100,300	86,324	228,067	1	\$ 11,111.11	\$817.58
		Carter Stephanie		*						
23	051-185-010-00	612 Michigan Ave W		-	75,900	50,515	174,387	1	\$ 11,111.11	\$817.58
		Herzog Sally A Living Trust								
24	061-027-019-00	520 Michigan Ave W		-	78,600	55,834	180,327	1	\$ 11,111.11	\$817.58
		Gilbert Garland								
		Gilbert Mrs.								
25	051-027-018-00	615 Boyne City Rd		-	65,300	27,554	151,067	1	\$ 11,111.11	\$817.58
		Davis Cristy								
		Davis Louanne								
26	051-125-002-15	514 Michigan Ave W		-	74,300	59,440	170,867	1	\$ 11,111.11	\$817.58
		Minier Danyell								
27	051-125-002-20	512 Michigan Ave W		-	67,100	53,067	155,027	1	\$ 11,111.11	\$817.58
		Coleman Nicholas J								
		Coleman Megan J								

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## Frequently Asked Questions (FAQs) About Deferred Special Assessments

### What is a special assessment?

A *special assessment* is an assessment against real property calculated on a benefit or ad valorem basis. Special assessments are assessments for curbs, gutters, sewers, water, connection fees to sewers or water, sidewalks, street paving and drains. Special assessments DO NOT include charges for current service.

### What is a homestead?

A *homestead* is a dwelling or a unit in a multiple-unit dwelling, owned and occupied as a home by the owner thereof, including all contiguous unoccupied real property owned by the same person. A homestead includes a dwelling and an outbuilding used in connection with a dwelling, situated on the lands of another.

### Who is an owner?

An *owner* includes a person eligible for the special assessment deferment who is purchasing a homestead under a mortgage or land contract, or who owns a dwelling situated on the leased lands of another, or is a tenant-stockholder of a cooperative housing corporation.

### What is household income?

*Household income* is the total income (taxable and nontaxable) of both spouses, or of a single person maintaining a household. It is the sum of your adjusted gross income (AGI) plus all income exempt or excluded from your AGI. Total household income includes wages, salaries, and tips; net income from a business, rent, or farm; Social Security less the amount deducted for Medicare premiums; Supplemental Security Income (SSI), Department of Human Services (DHS) and Family Independence Program (FIP) benefits; child support; alimony; unemployment, workers' and veterans' disability compensation; pension benefits; interest income; gifts and winnings in excess of \$300, and other sources of income for all individuals living in the household.

### Does the household income change from year to year?

The household income, as defined above, is indexed by the Consumer Price Index every year. **The maximum household income an owner or owners can have in the year 2016 is \$22,949.**

### What are the qualifications for obtaining a deferment?

To qualify for the special assessment deferment you or your spouse (if jointly owned) must:

- A. Be 65 years of age or older at the time this affidavit is filed (**Exception: If you or your spouse are totally and permanently disabled, the age requirement is waived by authority of Public Act 360 of 1978, as amended**)
- B. Have been a Michigan resident for five years or more and must have owned and occupied the homestead for five years or more
- C. Be a citizen of the United States
- D. Have a household income less than \$22,949 for the year 2016. Household income is the total income (taxable and nontaxable) of both spouses, or of a single person maintaining a household. It is the sum of your AGI plus all income exempt or excluded from your AGI. Total household income includes wages, salaries, and tips; net income from a business, rent, or farm; Social Security less the amount deducted for Medicare premiums; SSI, DHS and FIP benefits; child support; alimony; unemployment, workers' and veterans' disability compensation; pension benefits; interest income; gifts and winnings in excess of \$300, and other sources of income for all individuals living in the household
- E. Have a special assessment of \$300 or more
- F. If a mortgage or an unpaid balance on a land contract encumbers the homestead, a deferment of special assessments shall not be made without the written consent of the mortgagee or the land contract vendor. **The consent letter must state that the mortgagee or the land contract vendor understands that the lien by the State of Michigan is the 'First Lien' on the property.**

### Who approves the deferment of special assessment?

The deferment application is initially made to the local assessing officer in the city or township where the property is located. After the local assessing officer verifies the information provided, it is forwarded to the Department of Treasury for processing. The Department will approve the application if all of the requirements are met.

### What happens after the approval by the Department of Treasury?

After the application is approved, the Department sends a check to the local unit of government to pay off the special assessment. The Department records a lien on the property in favor of the State of Michigan.

### What do I need to do to release the lien on the property?

The money advanced to pay off the special assessment by the Department is a loan to the owner of the property. Like any other loan from a bank, the loan carries an interest (at present, one-half of one percent per month). The loan has to be paid back to the State before the lien is released.

**The deferred special assessment has to be paid back when the property is sold or transferred. If not paid, there is an additional one percent per month added to the interest, computed from the date of transfer. If the owner of the property dies, the loan needs to be paid within one year after the death.**



*Dorne - info from Cristine*

# Outlook Mail

Search Mail and People

New | Reply | Delete | Archive | Junk | Sweep | Move to

## Folders

- Inbox 15
- Junk Email 47
- Drafts 1
- Sent Items
- Deleted Items 75
- Archive
- Artsonia
- Board of e
- Charter
- GrandparentU photo
- Recital pics

## Categories

Bills

## Fwd: West MI water Extension Assessment

**C** Cris <iscris@aol.com>    Reply |

Yesterday, 5:47 PM  
You

The copy I emailed to the city didn't have the last two sentences - only allowed 1000 characters  
Cris

Begin forwarded message:

**From:** Cris <[iscris@aol.com](mailto:iscris@aol.com)>  
**Date:** October 13, 2017 at 5:37:49 PM EDT  
**To:** Jill Davis <[jcpd51@hotmail.com](mailto:jcpd51@hotmail.com)>  
**Subject:** West MI water Extension Assessment

I am opposed to the water extension assessment. I am concerned that there are home owners who can not afford to pay for the assessment to benefit a few people at the end of the line. It's not just the cost of the assessment, but also the individual cost to hook up to the water line. There is a huge difference in values of the homes involved, and I hope the home owners of the more expensive homes will realize that the financial hardship imposed will not be equal for everyone.

Up

As the owner of three lots, I would like to see the names and addresses of those who signed the petition to be sure that 51% of the residents were in agreement that they wanted an assessment of over \$10,000 attached to their current tax bill. I want to make sure I am counted three times, not just once in this percentage. I have talked to both Mr Fowler and Mr Cain. Mr. Cain assured me that I had been counted as three who did not sign the petition for the assessment.

Cristine OBrien



10-17-17 FUI by Dorne De Lot 1, 6 Blk 5  
 CEA addition  
 In Oct 1926, two months before he died,  
 my grandpa and grandma sold a 4 rod row  
 for what is now W MI Ave and Woodland St to  
 BC for \$200, allowing access to Glenwood Bch Resort.  
 30 yrs ago a lakefront property owner wanted  
 H<sub>2</sub>O even offering to buy pipes & fittings - denied.  
 Suggestion: Add the assessment district 26 (?) properties'  
 SEV total; figure what % = \$300,000, then  
 assess each property that % based on property's SEV.

Upgrade to Premium

## Dan Wollschlager

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**From:** Tom Stockbridge <tom@meridianww.com>  
**Sent:** Tuesday, October 17, 2017 9:56 AM  
**To:** dwollschlager@sbcglobal.net  
**Subject:** City water extension.

Dear Boyne City Counsel:

First of all, thank you. Boyne City has always been terrific and beautiful, but with your careful guidance, Boyne City is absolutely running away with the race for The Best City on Lake Charlevoix. Not even close. Great work and thank you for all the hard work that goes into such a quest.

I am writing to support the special assessment district for the West Michigan and Woodland Drive water system extension, as I reside in California and won't be able to attend the meeting on October 17<sup>th</sup>.

I was born and raised in Michigan and have been vacationing in Boyne City my entire life. I recently purchased property located at 639 Woodland Drive in the name of Final Mile Investment Group, LLC.

We purchased a home where we did because of its proximity to Boyne City and to embrace the City services for same.

The only such service we lack, of course, is City water and the well water alternative is lacking. As you know, the water quality for same is suspect and few things are worse than visiting pristine Boyne City in Pure Michigan and having to use jugs of purified water because the tap water is brown, concerning and potentially unsafe.

We request that the city council approve this petition so we can enjoy the same services as your other City residences.

For all of us to be affected, such an extension would make all the difference.

Thank you again.

If you have any questions or need anything else from me, please feel free to call me at [760-207-9716](tel:760-207-9716)

Tom Stockbridge  
President  
MWW / GBA-STI  
Cell: 760-207-9716  
Corona, CA

## Michael Cain

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**From:** Michael Cain  
**Sent:** Thursday, October 19, 2017 4:57 PM  
**To:** 'Tom Miller'  
**Subject:** RE: West Michigan Water Extension Special Assessment

Thank you for your input. We will share your comments with the City Commission. Mike

-----Original Message-----

**From:** Tom Miller [mailto:tamiller13@charter.net]  
**Sent:** Thursday, October 19, 2017 2:16 PM  
**To:** Michael Cain <mcaain@boynecity.com>  
**Subject:** West Michigan Water Extension Special Assessment

Mike,

We will not be able to attend the Water Extension meeting on October 30th. We are in favor of the water extension and the city's way of equal per household assessing.

Regards,

Tom & Barbara Miller  
643 W. Michigan Avenue

Sent from my iPad  
Barb  
231-582-4444 (Home)  
231-730-8067 (Cell)

October 19, 2017

City of Boyne City  
319 N Lake Street  
Boyne City, Mich. 49712

Dear City Council

I am writing to support the special assessment district for the West Michigan and Woodland Street water system extension. Unfortunately I wasn't able to attend the meeting on October 17<sup>th</sup>..

I own property located at 647 Woodland Dr in the name of my trust, Mary Ellen Sheets Trust.

One of the benefits of being in the city should be city water. We would request that the city council approve this petition so we can enjoy the same services as your other residences and surrounding communities residences /business owners that are enjoying Boyne City water.

If you have any questions or need anything else from me, please feel free to call me at 517-290-6474

Sincerely,

A handwritten signature in cursive script that reads "Mary Ellen Sheets". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Mary Ellen Sheets Trust, Trustee  
6079 Dawn Avenue,  
East Lansing, MI 48823  
Msheets550@aol.com