

**KOCHVILLE TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

RESOLUTION NO. 18-13

**A RESOLUTION APPROVING THE REFUNDING OF CERTAIN CONNECTION
FEES FOR PROPERTIES LOCATED WITHIN THE BAY/PIERCE ROAD SEWER
PROJECT (SE018) ASSESSMENT DISTRICT**

WHEREAS, in 2010 the Township received petitions to install a gravity sewer on Bay Road approximately 750' +/- North of Liberty Road to Pierce Road, along Pierce Road from Bay to Davis Road, and connecting to the Saginaw Valley State University Pumping Station (collectively the "Project"); and

WHEREAS, the total cost for the Project was estimated at \$1,100,000.00; and

WHEREAS, the Township bonded for the Project for a term of fifteen (15) years at a combined interest rate of 3.545% using Saginaw County as the conduit; and

WHEREAS, the Kochville Downtown Development Authority ("DDA") to reduce the cost of the Project and the overall assessment paid approximately thirty percent (30%) of the total project cost; and

WHEREAS, the DDA's thirty percent (30%) contribution to the Project was bearing the cost of a portion of the project cost, all engineering fees, all easement preparation fees, all staking, inspection and construction administration fees and all bonding and legal fees associated with the project; and

WHEREAS, after conforming to all of the legal requirements, the Township confirmed the roll for a special assessment district via Township Resolution No. 10-030 for the following properties:

18-13-4-26-2018-000	18-13-4-26-2002-000	18-13-4-26-2001-001
18-13-4-26-2001-002	18-13-4-26-2001-003	18-13-4-26-2001-004
18-13-4-26-2020-000	18-13-4-27-1004-000	18-13-4-27-1002-000
18-13-4-27-1006-000	18-13-4-27-1001-003	18-13-4-27-1009-000
18-13-4-26-2020-000	18-13-4-26-2001-000	18-13-4-26-2019-000
18-13-4-26-1002-000	18-13-4-26-1016-000	18-13-4-26-1012-000
18-13-4-26-1010-000	18-13-4-26-1009-000	18-13-4-26-1011-000
18-13-4-26-1001-000		

WHEREAS, after the assessment roll was in place, the following properties connected to the Project and were charged a connection fee by the Township:

18-13-4-26-2018-000	18-13-4-26-2020-000	18-13-4-26-2001-000
18-13-4-26-1012-000	18-13-4-26-1010-000	18-13-4-26-1009-000
18-13-4-26-1011-000	18-13-4-26-2001-002	

WHEREAS, when the above-mentioned properties connected to the Project, the owners were charged a connection fee pursuant to Township Ordinance 76-5; and

WHEREAS, on January 17, 2012, the Township codified its ordinances; and

WHEREAS, Chapter 54, Section 54.07(D) sets forth the requirement for the Township to provide a credit for connection fees if the property was assessed for a public sewer improvement, which states:

(D) *Special assessment credit.* Provided, however, the capital fee will be reduced in the amount of any assessment against the premises for public sewer improvements which has been paid for or is an outstanding lien in an amount not to exceed the computed capital fee. Credit shall also be allowed for installation or extension of public sewer mains installed by the developer in an amount not to exceed the computed capital fee.

WHEREAS, the eight properties set forth above that were charged a connection fee, the connection fee charged was less than the assessment against the property; and

WHEREAS, as Ordinance 76-5 was repealed as part of the codification and Chapter 54, Section 54.07(D) of the codification requires a credit up to the amount of the special assessment on a parcel of property located within the assessment district that is being assessed, the eight (8) properties above-mentioned should not have been charged a connection fee.

NOW, THEREFORE, BE IT RESOLVED that parcel 18-13-4-26-2018-000 was assessed \$24,250.27 as part of the special assessment district and it paid \$9,350.00 in connection fees to the Township and therefore is due a refund of \$9,350.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that parcel 18-13-4-26-2020-000 was assessed \$47,117.59 as part of the special assessment district and it paid \$9,350.00 in connection fees to the Township and therefore is due a refund of \$9,350.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that parcel 18-13-4-26-2001-006 was assessed \$221,686.29 as part of the special assessment district and it paid \$36,850.00 in connection fees to the Township and therefore is due a refund of \$36,850.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that parcel 18-13-4-26-1012-000 was assessed \$12,471.57 as part of the special assessment district and it paid \$5,500.00 in connection fees to the Township and therefore is due a refund of \$5,500.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that parcel 18-13-4-26-1010-000 was assessed \$12,471.57 as part of the special assessment district and it paid \$5,500.00 in connection fees to the Township and therefore is due a refund of \$5,500.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that parcel 18-13-4-26-1009-000 was assessed \$12,471.57 as part of the special assessment district and it paid \$5,500.00 in connection fees to the Township and therefore is due a refund of \$5,500.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that parcel 18-13-4-26-1011-000 was assessed \$12,471.57 as part of the special assessment district and it paid \$5,500.00 in connection fees to the Township and therefore is due a refund of \$5,500.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that parcel 18-13-4-26-2001-002 was assessed \$33,900.50 as part of the special assessment district and it paid \$5,500.00 in connection fees to the Township and therefore is due a refund of \$5,500.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Township Assessor shall verify that the properties entitled to a refund have the same owner of record since November 2010.

NOW, THEREFORE, BE IT FURTHER RESOLVED that once the Township Assessor has verified that all of the properties have the same owner of record since November 2010, the Township Treasurer is hereby authorized to issue the refunds set forth in this Resolution without any further authorization from the Township Board.

The foregoing resolution was offered by board member Clerk Machata and seconded by board member Supervisor Loiacano.

Upon roll call vote, the following voted:

“Aye” – Supervisor Loiacano, Clerk Machata, Treasurer Brewster, Trustee Ferrell & Trustee Thon

“Nay” - None

“Abstained” - None

“Absent” - None

The foregoing Resolution was duly adopted at a regular meeting of the Kochville Township Board held on the 18th day of June 2018.



James Loiacano
Supervisor of Kochville Township



Kevin Machata
Clerk of Kochville Township

CERTIFICATE

I, Kevin Machata, Clerk of Kochville Township, do hereby certify the foregoing to be a true copy of a resolution adopted by the Kochville Township Board at its meeting held on June 18, 2018.



Kevin Machata
Clerk of Kochville Township