

**CITY OF AUBURN HILLS
RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL
(RESOLUTION NO. 5)**

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills, Michigan 48326, at 7:00 p.m. on the 15th day of August, 2011, the following resolution was offered by Councilperson Doyle and supported by Councilperson Knight:

WHEREAS, the City has considered construction of the proposed improvement described below and has requested the establishment of a special assessment district to finance and defray the cost of the project; and

WHEREAS, the proposed improvement (the project) is the repair and completion of the construction of certain roads located in the Forester Square at Auburn Village Condominium Development; and

WHEREAS, the project is intended to specially benefit properties identified in the special assessment district attached to this Resolution, which will be designated as Special Assessment District No. 2 (the district); and

WHEREAS, the City Council, after a public hearing, approved the cost of the project in the amount of \$1,330,000 and approved the district as a special assessment district against which one hundred percent (100%) of the cost of the project will be assessed; and

WHEREAS, in accordance with the direction of the City Council, the City Assessor has prepared a special assessment roll allocating the total cost of the project to the properties within the district according to law and the directions of the City Council, and the Assessor has filed such roll with the City Clerk; and

WHEREAS, a public hearing on the special assessment roll was set and duly noticed according to law for the purpose of hearing objections with respect to the special assessment roll; and

WHEREAS, on August 15, 2011, the public hearing was conducted by the City Council in accordance with the notice.

NOW, THEREFORE, it is hereby resolved as follows:

1. The City Council has determined that it is satisfied with the special assessment roll, that the proposed assessments are in proportion to the benefits received or to be received as a result of the project and that it would be appropriate to approve and confirm the special assessment roll and proceed with the project.

2. The special assessment roll for Special Assessment District No. 2 in the amount of \$1,330,000 shall be and is hereby adopted and confirmed.

3. The City Clerk is directed to endorse and certify on the special assessment roll the date of this confirmation, which shall be final and conclusive for the purpose of the project unless the special assessment is contested in the Michigan Tax Tribunal within the time and manner provided for by ordinance and state law.

4. The special assessment against any property as made on the roll, or any part of such special assessment, may be paid in full on or before October 1, 2011 (the cash payment date).

5. All amounts of a special assessment not paid on or before the cash payment date shall be assessed against each property in the district in fifteen (15) approximately equal annual installments, the first of which will be due and payable on December 1, 2011, the second of which will be due and payable on December 1, 2012, and all subsequent installments shall be due and payable successively in intervals of twelve (12) months from the due date of the second installment.

6. Any portion of an assessment that has not been paid on or before the cash payment date shall bear interest until paid from December 1, 2011, at a rate equal to five percent (5%) per annum. Interest shall be due on the due date of the principal assessment installment payments, as noted above, commencing on the date the first assessment payment is due, as stated above. If any installment is not paid when due, the installment shall be deemed to be delinquent and a penalty shall be charged and collected as provided for in Section 58-19 of the Auburn Hills Code of Ordinances.

7. The City Clerk is directed to attach her warrant as required by law to the roll and to direct the roll, with her warrant attached, to the City Treasurer. The City Treasurer shall collect the special assessments in accordance with the terms of this resolution, the City's ordinances, the warrant and the statutes of the State of Michigan. The City Treasurer shall mail statements of the special assessments to the respective owners or parties-in-interest as indicated on the last local tax assessment records for those properties included in the special assessment district, stating the amount of the assessment and the manner in which the special assessment may be paid. The notice of special assessment mailed by the Treasurer shall contain a statement that the owner or any person having an interest in the real property may file a written appeal of the special assessment with the Michigan Tax Tribunal within thirty (30) days from the date of confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the special assessment roll.

8. All or any part of the unpaid special assessment may be paid at any time with interest accrued to the month in which the payment is made.

* 9. All special assessments contained in the special assessment roll, including accrued interest and any penalties, shall from the date of confirmation of such roll constitute a lien upon the respective lots or parcels of land specially assessed in the special assessment district until such time as the special assessment, accrued interest and penalties, if any, are paid. In the event that any of the

* properties in the special assessment district are sold, the special assessment, accrued interest and penalties, if any, must be paid in their entirety to the City at the time of the sale.

AYES: Mayor Pro Tem Hammond, Council Members Doyle, Knight, McDaniel, Newkirk

NAYES: None

ABSENT: Mayor McDonald, Council Member Kittle

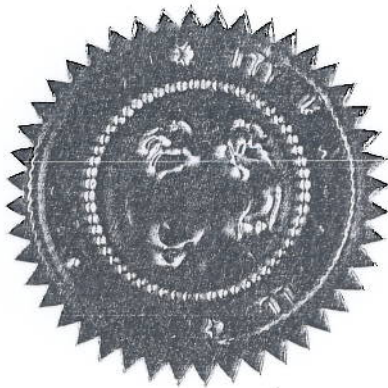
ABSTENTIONS: None

RESOLUTION 11.08.153 ADOPTED

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, Thomas A. Tanghe, acting as a representative of the City Clerk's Offices of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a regular meeting of the Auburn Hills City Council held on the 15th day of August, 2011, the original of which is on file in the City Clerk's Office.

In witness whereof, I have hereunto affixed my official signature on this 22nd day of August, 2011.



By: Thomas A. Tanghe
Thomas A. Tanghe, Acting City Clerk