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WWW.KALAMAZOOCOUNTYROADS.COM
4400 SOUTH 26TH STREET
KALAMAZOO, MI, 49048
PHONE: (269) 381-3171
FAX: (269) 381-1760



SPECIAL ASSESSMENT OF ROADS

A Preliminary Guide for the Special Assessment of Roads by Petition



The Road Commission of Kalamazoo County (RCKC) has no taxing authority. We cannot raise property taxes and we have no general fund to be used to supplement state-collected revenues. **A special assessment process may be proposed by landowners or by a township board, not the RCKC.** This brochure describes the processes to establish a Special Assessment District for road repair, maintenance, and improvements.

NOTE: A special assessment may take 90 or more days to process. This should be a consideration based on the limited construction season. This is meant as a preliminary guide only. For additional information please refer to:

Petition and Special Assessment Process for Highway Improvement Under Act 246, Public Act 1931, As Amended
Website: www.legislature.mi.gov

I. MINIMUM REQUIREMENTS

The minimum requirements for a special assessment district are the same for projects initiated by landowner petition or township board resolution. At least one of the two following requirements must be met:

1. A minimum of 75% of the land along the project are subdivided into parcels, each having a frontage of not more than 300 feet, or
2. There is an average of at least one roadside building for every 300 lineal feet of roadway. The word "building" has been rather broadly interpreted in case law. Included are houses, garages, barns, and other "...edifices created and fixed on the soil and designed for permanent use in the position in which they are so fixed." Buildings under construction may be counted.

II. PETITION BY LANDOWNERS

A. Development of a valid petition and successful project will be aided by early coordination with the Road Commission and your township office. The RCKC will supply petition forms and answer questions concerning special assessments. It will also provide a preliminary estimate of project costs. Information regarding property ownership, description, and road frontage can be obtained at your township hall. Costs assessed to benefiting landowners may be significantly affected by township board policy and the availability of township funds.

B. The petition must clearly identify the road section to be improved including the project's point of beginning and point of ending. Limits of the special assessment district are determined by the project's description.

C. All owners of land along the section of road to be improved are eligible to sign the petition. Landowners may sign the petition even if the township has exempted or otherwise excluded their property from the special assessment.

D. Signatures for each parcel must include all persons named as title holders. For example, if husband and wife are named, both must sign. In the case of property being purchased on a land contract, the buyer(s), as well as the seller(s), must sign.

E. A legal property description or parcel number and the property owner's name and mailing address must appear next to the appropriate signature.

F. Land ownership must be verified by the office of the Register of Deeds, Probate Court, or other suitable source. Typically, township records are accepted as satisfactory proof.

G. The Road Commission will consult the County Treasurer's Office to determine if there are delinquent taxes or assessments against any properties listed on the petition. Should a delinquency exist, the signature for that parcel will be invalid.

H. The petition must contain valid signatures of owners of more than 51% of all land fronting or abutting the proposed road improvement. In calculating the percentage, it makes no difference if the township board policy excludes any portion of this land from the special assessment.

I. The Road Commission's Managing Director shall report the validity of the petition to the Board of the County Road Commissioners. If valid, the Board will deem the project necessary and the plans, specifications, and a review of estimated costs will be made. An assessment roll will be prepared, and a public hearing will be held. The Road Commission will advertise the hearing and distribute public hearing notices. All persons interested may attend the hearing to review plans and specifications and to give their reasons for or against the granting of the petition and the apportionment and schedule of payments.



(Section II (I) continued) Following the hearing, the law allows 45 days for property owners along the improvement to submit a petition to discontinue the project. If a valid petition to discontinue the project is submitted, the project will be discontinued. If no valid petition to discontinue the project is submitted, a second public hearing will be held at which the Board makes a final determination of the land to be assessed and the number of annual installments over which the assessment will be spread.

III. PETITION BY TOWNSHIP BOARD RESOLUTION

A special assessment district initiated by township resolution requires two public hearings, held by the RCKC. The first public hearing is for the purpose of determining whether a special assessment district is desirable and necessary. Following the public hearing, the law allows 45 days for property owners along the improvement to submit a petition to discontinue the project. If a valid petition is submitted, the project will be discontinued. If no valid petition is received, a second public hearing will be held at which the Board makes a final determination of the lands to be assessed and the number of annual installments.

IV. PETITION FOR DISCONTINUANCE

A petition to discontinue a project initiated by township resolution must be signed by property owners of 51% or more of the land along the proposed improvement. Requirements for ownership, signatures, property descriptions, and ownership verification are the same as Section II (C) through Section II (F) for improvements initiated by landowner petition.