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## **County of Montmorency Board of Commissioners**

### **Resolution #2023-12**

#### **APPROVING PROJECT COSTS AND SPECIAL ASSESSMENT ROLL**

At the meeting of the County of Montmorency Board of Commissioners held in the County of Montmorency Building located in Atlanta, Michigan on August 17, 2023.

**PRESENT: Hardies, Edwards, Peltier, Bolser, Girardin**

**ABSENT: None**

The following resolution was made by **Edwards** and seconded by **Bolser**, to-wit:

**WHEREAS**, pursuant to Part 307 of Act 451, Public Acts of Michigan, 1994, as amended (“Part 307”), the Montmorency County Circuit Court, (i) by order dated June 27, 2022, established the normal lake level of Lake Hiawatha/Hiawatha Lake in the County of Montmorency to be a range of 861.9 to 862.9 feet, with a target elevation of 862.4 feet and the normal lake level of Little Brush Lake in the County of Montmorency to be a range of 862.9 to 863.9 feet, with a target elevation of 863.4 feet, and the normal lake level of Moose Lake in the County of Montmorency to be a range of 856.00 to 857.00 feet, with a target elevation of 856.5 feet; and (ii) confirmed the boundaries of the Hiawatha Lakes – Lake Level Special Assessment District (the “Special Assessment District”) for the purpose of financing lake level improvements and activities necessary to establish and maintain the lake levels; and

**WHEREAS**, the Montmorency County Board of Commissioners has appointed the Montmorency County Board of County Road Commissioners as the “delegated authority” within the meaning of Part 307 (the “Delegated Authority”) to take such actions as are necessary to maintain the normal level of Lake Hiawatha/Hiawatha Lake, Little Brush Lake and Moose Lake (collectively referred to as “Hiawatha Lakes”); and

**WHEREAS**, acting as the Delegated Authority has caused to be prepared a computation of cost for the first phase of the improvements necessary to maintain the normal level of Hiawatha Lakes (the “Project”) in the amount of \$840,000 and has prepared a special assessment roll assessing such amount against parcels of land in the Special Assessment District that benefit from the Project; and

**WHEREAS**, pursuant to notice given as required by Part 307, the Delegated Authority has caused a hearing on the cost of the Project and the special assessment roll to be held on June 22, 2023, and, following the hearing, approved the cost of the Project and the special assessment roll; and

**WHEREAS**, the Delegated Authority has proposed that the Special Assessment District issue bonds in the principal amount of not to exceed \$840,000 (the “Bonds”) to pay all or part of

the cost of the Project and that the County pledge its full faith and credit to the payment of the Bonds; and

**WHEREAS**, Part 307 requires that the Board of Commissioners approve the cost of the Project and the special assessment roll by resolution and also approve the issuance of the Bonds by the Special Assessment District.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MONTMORENCY, as follows:**

1. The Special Assessment District shall be designated and hereafter referred to as the “Hiawatha Lakes-Lake Level Special Assessment District.”
2. The appointment of the Montmorency County Road Commission as the “delegated authority” within the meaning of Part 307 and the actions of the Montmorency County Road Commission as delegated authority to date are all ratified and confirmed.
3. The cost of the Project, the computation of costs of the project and the special assessment roll for the Special Assessment District, in the forms presented to this meeting, are hereby approved.
4. The special assessment roll with the assessments listed shall be final and conclusive unless appealed in a court within 15 days of the adoption of this resolution.
5. The Board of Commissioners hereby approves the issuance of the Bonds by the Special Assessment District pursuant to Part 307 to pay all or part of the cost of the Project, the Bonds to be payable from the special assessments for the Project, and authorizes the Road Commission to take all actions on behalf of the Special Assessment District as are necessary to issue and sell the Bonds as provided in Part 307. The special assessment roll shall be payable in installments in amounts sufficient to pay the principal of and interest on the Bonds.
6. Pursuant to the authorization provided in Section 30705 of Part 307, provided that the Bonds are issued in a principal amount not to exceed \$840,000 the Montmorency County Board of Commissioners, by a two-thirds (2/3) vote of its members elect, does hereby irrevocably pledge the full faith and credit of the County of Montmorency for the prompt payment of the principal of and interest on the Bonds, and does agree that in the event that property owners in the Special Assessment District shall fail or neglect to account to the County Treasurer of the County of Montmorency for the amount of any such special assessment installment and interest (in anticipation of which the Bonds are issued) when due, then the amount thereof shall be immediately advanced from County funds, and the County Treasurer is directed to immediately make such advancement to the extent necessary.
7. In the event that, pursuant to said pledge of full faith and credit, the County of Montmorency advances out of County funds, all or any part of the principal of and interest due on the Bonds, it shall be the duty of the County Treasurer, for and on behalf